



Kentucky
Department for Surface Mining
Reclamation and Enforcement

Reclamation Advisory Memorandum

From: Dave Rosenbaum, Commissioner

Date: May 17, 1995

Subject: Submittal of Proof of Public Notice
and Public Comments

RAM # 116

For the past several months, the Division of Permits has been reevaluating its internal permit application processing procedures in an effort to streamline and reduce processing times. The purpose of this RAM is to provide notice of a recent change implemented to help accomplish this goal.

Effective April 1, 1995, responsibility for receipt and tracking of the proof of public notice (newspaper advertisements/affidavits) required under 405 KAR 8:010 Section 8 and any public comments received pursuant to that notice has been transferred to the Operations Support Section under the supervision of Mr. David Clark.

The Operations Support Section will log the receipt of newspaper ads and perform a cursory review to ensure ads were run within proper time frames (last ad after AAA) and reflect the correct applicant name and application number. The ads will then be forwarded to the assigned technical review section which will be responsible for a complete review of the information contained in the ads. Additionally, the Operations Support Section will handle receipt and correspondence relating to public comments received as a result of the public notice, and will coordinate the scheduling of permit conferences with the appropriate DSMRE regional office and the review of legal right to mine issues with the Office of Legal Services.

As a result of this change, applicants and consulting engineers should mail or deliver newspaper advertisements/affidavits and any correspondence relating to public comments or permit conferences to:

Mr. David Clark, Supervisor
Operations Support Section
Division of Permits
2 Hudson Hollow
Frankfort, KY 40601-4321

Applicants are also reminded that 405 KAR 8:010 Section 8(3) requires that proof of publication be submitted to the cabinet within **fifteen (15) days** of the final date of

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publication of the advertisement. Timely submittal of the proof of publication is critical, as it is the only mechanism available to the Division of Permits in determining when the public comment period closes, whether any comments submitted are received within the allotted comment period, and when to schedule any requested permit conference. Failure to timely submit proof of publication frequently results in significant delays in a final decision being rendered on an application. Common causes of these delays include such things as: having to re-advertise due to the final ad being run prior to an application being determined administratively complete (AAA) or because the ad contains incorrect information; delays in scheduling a permit conference due to an inability to determine the close of the comment period; and in some instances, acceptance of comments which might otherwise be rejected because they were received after the close of the comment period.

Any questions regarding the above may be directed to David Clark at (502) 564-2320 ext. 617.