

EUGENE F. MOONEY
SECRETARY



JULIAN M. CARROLL
GOVERNOR

COMMONWEALTH OF KENTUCKY

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
BUREAU OF SURFACE MINING RECLAMATION AND ENFORCEMENT
GENE BRANDENBURG
COMMISSIONER
FRANKFORT, KENTUCKY 40601

RECLAMATION ADVISORY MEMORANDUM NO. 13

TO: BSMRE Division Directors and
Regional Engineers

FROM: Gene Brandenburg *Gene Brandenburg*
Commissioner

SUBJECT: Surface Mining Permit Renewals

DATE: July 23, 1979

This memorandum is issued to define Bureau policy concerning the right of renewal of an operator to a surface mining permit.

KRS 350.060(11) provides specifically that a valid permit issued pursuant to KRS Chapter 350 carries with it the right of successive renewal upon proper application. Thus, it would be an obvious breach of that statutory right for the Bureau to withdraw it for an insignificant defect in the filing process, such as a late renewal filing, where there are more appropriate sanctions available to apply to that minor violation.

In the event that an operator applies for renewal for a permit which meets all other requirements of KRS Chapter 350.060 (11) (12) and (13), with the exception that the application is filed less than 30 days prior to the expiration of the permit for which the renewal is applied, then that application shall be processed and a renewal shall be issued provided that all other requirements have been met. In addition to those requirements set forth herein the Bureau shall issue a non-compliance for failure for an operator to comply with the statutory provision requiring that such an application be filed 30 days before the date of expiration.

Provided that if the renewal application is submitted less than 30 days but before the permit expires, and provided that the renewal application does not include additional acreage, and provided that the same method of operation previously approved will be followed, the renewal applicant is authorized to continue the operation until such time as the renewal application is granted or denied.

If an application for renewal is received after the date of the expiration of the original permit, no permit renewal shall be issued and any operator who wishes to continue to mine on an area for which a permit has expired must reapply and comply with all requirements as if a new permit application were being filed.

cc: Secretary Mooney
Deputy Secretary C. Frank Harscher, III
J. Rick Jones