



Kentucky
Department for Surface Mining
Reclamation and Enforcement

Reclamation Advisory Memorandum

From: Elmore C. Grim, Commissioner *E.C.G.*
Subject: Applicant Changes to Transition Applications

Date: December 1, 1982

RAM # 57

As a result of the poor coal market or the volume of work which engineering companies currently have in preparing transition comprehensive applications, a number of companies have indicated an interest in changing the area originally covered in their transition applications. This RAM defines procedures to be followed for any such changes which are being considered.

Because of the short time remaining before the January 18, 1983, due date for transition comprehensive permit applications, any notice of change in the areal definition of transition applications must be submitted no later than December 15, 1982 to the regional offices. Changes where notice is required may involve the addition of proposed permit area, the consolidation of previous transition applications, or the splitting up of the transition application area.

The following procedures will apply for any changes in the transition application area:

- (1) Consolidation of transition applications. Previously submitted transition applications may be consolidated into a single transition application by providing notice to the regional office. While submission of a preliminary application is preferred, a letter requesting consolidation must be made. Any changes which are going to be made to the monitoring program should be documented in the letter. A new transition number will be assigned by the regional office as a result of the letter. This letter will automatically eliminate the original numbers which were assigned and result in the new number being the only one recognized by the Department. Consolidation has the advantage of reducing the number of applications which must be filed but limits the flexibility of the applicant. No areas covered by an interim permit may be added beyond what was originally submitted within the transition applications that were provided to the Department on or before July 19, 1982.
- (2) Splits of a transition application. In some cases, we have been requested to split up a transition application which was previously submitted with two or more interim permit areas included in the application. Under no circumstances can an existing interim permit area be subdivided. Any requests for splits must include separation of entire existing interim permit areas or removal of a proposed surface area which is not presently permitted. In this case, preliminary applications must be filed for each of the proposed new transition areas. Separate monitoring programs must be defined for each area.

In order to implement any changes to the transition application as a result of consolidation or splitting, the proper regional office must be notified on or before December 15, 1982.

It is also possible that the Department will initiate an action to change a transition number which was incorrectly assigned originally. In these cases, the Department will provide specific written notice to the applicant; these notices may occur at any time but most are likely to be resolved prior to January 1, 1984.