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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 9

TO: All Area Engineers
Coal Operators and Company Engineers
Consulting Engineers
Bureau of Surface Mine Reclamation and Enforcement Directors

FROM: Gene Brandenburg, Commissioner *Gene Brandenburg*
Bureau of Surface Mining Reclamation and Enforcement

SUBJECT: Applications for Renewal of Permits

DATE: February 23, 1979

WHO MUST APPLY

During the 1978 Legislature, the State law was amended to extend the life of permits which were valid on May 3, 1978 for an additional year. Any permit issued prior to May 3, 1978, which had an expiration date between May 3, 1978, through May 2, 1979, will expire on May 3, 1979 through May 2, 1980, depending on the original expiration date. Operators, who desire to continue mining *must* renew any permit which expires during the period from May 3, 1979 through May 2, 1980.

In addition to the expiration date, permits that need to be renewed are further identified by a six digit permit number in the form of xxxx-xx, unless they were revised after May 2, 1978. If they have been revised, the permits are identified with a seven digit number beginning with a two or three in the form of 2xx-xxxx, or 3xx-xxxx.

HOW AND WHEN TO APPLY

To renew a permit, the applicant must notify the area office of their intention to file an application, and request a reconnaissance inspection. The inspection should be requested at least ten (10) days prior to the anticipated inspection date. During this initial field inspection, information will be collected to re-evaluate the bond amount for the area. An assessment of the pre-mining land use and the feasibility of the post-mining land use(s), will also be performed at this time.

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The applications will then be submitted to the Division of Permits no later than thirty (30) working days (refer to 405 KAR 1:050, Section 8(3)) prior to the expiration date of the permit to be renewed. Preplanning is of the utmost importance to comply with the thirty day requirement.

For your information, a chart, such as the one illustrated below, can be used as a planning tool to insure that your application will be submitted on time. The latest date to start preparation of the application should be adjusted to be compatible with your resources since only two (2) weeks was allowed for application preparation in the chart below.

<u>EXPIRATION DATE</u>	<u>LATEST DATE TO START PREPARATION</u>	<u>DIV. PERMITS LATEST DATE OF RECEIPT</u>
5/3/79	3/8/79	3/22/79
5/4/79	3/9/79	3/23/79
5/5/79	3/12/79	3/26/79
5/6/79	3/13/79	3/27/79

APPLICATION REQUIREMENTS

As a practical matter, the Department did not require holders of valid permits, issued prior to May 3, 1978, to immediately refile in accordance with the new law and regulations. Existing operators were required to meet the new performance standards, but did not have to present plans or designs demonstrating how the new standards would be met. These plans and designs will now have to be presented in a complete filing.

Permit Application form DP-1, 10/78, is to be used to renew an existing valid permit. It is available in the area offices. The information required to complete the application will be the same as for a new permit. The instruction manual for filing applications, to conduct surface disturbance mining, contains an itemized listing of the information required to complete the permit application form. The plans included in the application must explain how the applicant has complied with the new law and regulations since May 3, 1978. Further, the application will contain plans which will demonstrate compliance with the current laws and regulations pertaining to surface mining.

Design drawings and calculations for sediment control structures, hollow fills, culverts, and roads shall be presented in a professional manner. All of the design drawings will be drawn to scale and identified to correspond with the location shown on the enlarged USGS map. The drawings required will replace the design data and drawings previously submitted and will represent the plan to be used to comply with the new laws.

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Variances and waivers have been required to comply with various performance standards of the new act. If a variance or waiver has been granted, include a copy of the waiver in the application package. Further, if additional variances or waivers will be required to complete the operation, they must also be included in the application package.

Although, the applicant, who proposes to renew a permit, will not be required to publish a "Notice of Intention to Mine" in the newspaper of largest bona fide circulation in the area, the County Judge Executive must be notified of your intention to file a renewal application. As a guide, a sample letter has been attached for your use. A copy of the letter must accompany the application.

Prior to the renewal of a valid, existing permit, three significant benchmarks of mining progress must be identified. The first is the identification of area mined prior to May 3, 1978. The second is identification of area mined between May 3, and the expiration date of the permit. Finally, it is necessary to show the area which remains to be mined. These areas must not only be identified in the field, but must be clearly shown on the map submitted with the application.

The fee required to make an application for renewal is \$250.00. If no additional acreage is involved, there will not be an acreage fee required. The bond(s) posted on the permit being renewed, is automatically transferable to the new permit if the bond amount has not been changed. The acknowledgement of any additional bond will be on the face of the new permit.

The format for submission is the same as would be required for an application for a new permit. The application form will be typed and all questions must be answered. The acreage to be included in the application will be the sum of all permits to be renewed by any given application. The application form and all necessary attachments, will be arranged so as to fit an 8½" x 11" folder(s) which are available at the area office. An original (red) and one copy (green) will be forwarded to the Frankfort Office for processing.

Dear Sir:

In accordance with the provisions of KRS 350:060, notice is hereby given

(Company)

(Address)

intends to file an application for the surface disturbance mining of approximately _____ acres located _____ of _____ in _____
(direction) (Community)

County. The application incorporates the area(s) previously permitted on permit number(s) _____ and will expire on _____. The purpose of the application is to renew the area covered by the aforementioned valid permits to complete the mining operation(s). The operation is approximately _____ miles _____ of State Route _____'s junction with _____
(direction) (road)

_____ and located _____ of _____
(direction) (nearest stream r

Latitude _____ Longitude _____
landmark)

_____. The surface of the area to be mined is owned by: _____

A brief description of the kind of mining activity proposed is:

The application will be filed at the Bureau of Surface Mining Reclamation and Enforcement _____ Area Office, _____
_____, Kentucky _____
(zip code)

cc: Application for renewal