

Reclamation Advisory Memorandum RAM # 89

Kentucky Cabinet for Natural Resources and Environmental Protection Department for Surface Mining Reclamation and Enforcement

From: R. F. Knarr, Commissioner

Date: October 1, 1987

Subject: Permit Renewals-An Important Reminder

Each permanent program permit is issued for a fixed term, usually five years. If the permit is allowed to expire the permittee will lose the right to conduct coal removal and related operations until the permit is renewed, although reclamation operations may be conducted on an expired permit. Law and regulations require that applications for renewal be submitted at least 120 days prior to expiration of the permit. See 405 KAR 8:010, Section 21 for detailed requirements on renewals. **Please note** that renewal applications must meet the same requirements for newspaper advertisements and public comment as for new applications. **Also note** that renewals can be delayed or blocked by any one of several conditions such as the applicant's failure to abate violations, to meet permit conditions, to provide information required by the cabinet, to post necessary bond, and others.

Permittees and operators, please check the expiration dates on your permits. Permits issued in early 1983 are rapidly approaching their expiration dates. It is the responsibility of the permittee to initiate the renewal process by timely submitting an application for renewal. ***The DSMRE will not provide reminders to individual permittees.***

Provided the applicant meets all the applicable requirements, we will timely process all renewal applications which are submitted at least 120 days prior to the expiration date. We will not issue a notice of noncompliance simply because a permittee fails to file for renewal 120 days prior to expiration. However, if a permittee submits a renewal application later than 120 days prior to the expiration date, the permittee will be taking a risk that the permit will expire before the renewal is issued and the permittee will have to cease coal removal and related operations.

In most cases, a permittee need not apply for a renewal if all coal removal has been or will be completed on the permit area prior to the expiration date. However, if there is any reasonable chance that coal removal cannot be completed prior to the expiration date, we encourage the permittee to timely file for a renewal rather than gamble on completing coal removal prior to expiration. Also, permittees should take an early look at special cases, such as haul road permits and permits with shared facilities, and discuss them early with DSMRE to avoid any misunderstandings. ***If the renewal application is submitted late there will be no grace period after the permit expires.***

Renewal application forms and detailed instructions will be available at the Regional Offices after October 1, 1987. If you have any questions or problems, please call the Regional Offices or call David Clark in the Division of Permits at (502) 564-2320.