

Reclamation Advisory Memorandum RAM # 93

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

From: R. F. Knarr, Commissioner

Date: January 18, 1988

Subject: Non-disturbed Sites Three (3) Years after Permit Issuance: Termination and Extensions

According to 405 KAR 8:010, Section 17(2), permanent program permits on which no disturbance has occurred within three (3) years after issuance shall terminate unless the permittee is granted an extension by the Cabinet. Requests for extensions must be in writing and must show that the extension is necessary for one of two reasons:

- (1) litigation precludes the commencement or threatens substantial loss to the permittee;
or
- (2) there are conditions beyond the control and without the fault or negligence of the permittee.

As the three-year deadline approaches on a non-disturbed permit, the inspector assigned to that permit will send a reminder letter and a bond release form along with the permittee's copy of the inspection report. (A permanent program permit which overlaps any disturbed portion of a released interim permit is considered a non-disturbed permit.) The permittee must either submit the bond release request form or a letter requesting an extension. Bond release requests or extension requests must be submitted to the appropriate regional office.

Please note! Disturbance on the site after termination shall be considered mining without a permit and those responsible will be cited for violation of KRS 350.060.