



Reclamation Advisory Memorandum

From: Carl E. Campbell, Commissioner *C.E.C.*

Date: November 3, 2009

Subject: Permitting Assessments: Emergency
Regulation (405 KAR 8:015E)

RAM # 143

The effective date of this RAM is November 3, 2009.

KRS 224.10-100(6) requires the cabinet to provide a program for the control and regulation of surface mining in a manner that accomplishes the goals of KRS Chapter 350. A well-funded and adequately-staffed permitting program is essential to the goals of timely reviewing permit applications and preventing the injurious effects of surface mining on the people and natural resources of the Commonwealth set out in KRS 350.020. KRS 224.10-100(20) provides the cabinet with the authority to establish fees for the cost of processing applications for permits. The permitting process is the step by which the cabinet can ensure that adequate and proper controls are placed on these operations. Currently, the amount of fees collected from the permitting process does not cover the cost of staff and resources for the surface mining permitting program. The cabinet is unable to provide timely and thorough review of the permit applications or to provide timely action on permits to mining entities, jeopardizing Kentucky's role in the safe and environmentally sound production of energy resources to meet national needs.

An applicant for a mining permit shall remit a processing assessment on each of the following applications submitted to the cabinet. The assessments shall be applied as follows:

- a. \$2,125 for an original application;
- b. \$1,375 for an amendment or major revision;
- c. \$375 for a minor revision, renewal or transfer

The processing assessment shall accompany the application in the form of a cashier's check or money order payable to the Kentucky State Treasurer. The processing assessment is in addition to the statutory fees outlined in KRS 350.060. An application shall not be processed unless the appropriate assessment and fees accompanies the application.

If you have questions about the issues discussed in this RAM, please contact Ron Mills, Director, Division of Permits at 502-564-2320 or e-mail: Ron.Mills@ky.gov

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