

**VIRGINIA DEPARTMENT OF ENERGY
MINED LAND REPURPOSING**

GUIDANCE MEMORANDUM¹ No. 3-01

Issue Date: 12/12/01, Revised March 5, 2009

Subject: Permit Applications / Priority Reviews

Virginia Energy, Mined Land Repurposing (MLR) through this guidance memorandum is implementing new permit review procedures.

Each new permit, revision, and renewal application shall be completed on form **DMLR-PT-034e**. Operator and permittee information shall be completed on forms **DMLR-PT034o** and **DMLR-PT-034p**, respectively. These forms may be obtained from the DMME's web page (Forms / Downloadable Materials).

The following will expedite the permit application review process:

1. The applicant/consultant will contact the MLR Permit Section at RepurposingInfo@energy.virginia.gov . to obtain a data download. The MLR will then send the applicant/consultant the latest version of the electronic application.
2. The applicant/consultant must contact the area inspector for a review of the application and data upload prior to submitting the application to the MLR office. The area inspector will transmit all initial submittals of electronic applications to the MLR office.
3. All applications will be routed to the technical reviewers. All discrepancies (data or technical) will be noted during the application review and checked for corrections when the application is re-submitted to the MLR.
4. All proposed excess spoil and other fills must be shown on the application map. The applicant/consultant may also show these structures on other maps.

¹ This Memorandum is to be considered a guideline issued under the authority of § 45.1-230.A1 of the Code of Virginia which reads:

"In addition to the adoption of regulations under this chapter, the Director may at his discretion issue or distribute to the public interpretative, advisory or procedural bulletins or guidelines pertaining to permit applications or to matters reasonably related thereto without following any of the procedures set forth in the Administrative Process Act (§ 2.2-4000 et seq.). The materials shall be clearly designated as to their nature, shall be solely for purposes of public information and education, and shall not have the force of regulations under this chapter or under any other provision of this Code."

Priority Review

In order to assist its clients, the MLR may honor an applicant's request for expedited review due to unforeseen circumstances experienced by the applicant. The request letter should include a description of the hardship and supporting evidence for the request. The applicant shall present the request letter to the area inspector who will initial the letter if he/she is in agreement with the request. Subsequently, the applicant should submit the request letter to the Reclamation Program Manager.

In order to expedite the priority review process for an application, the applicant or consultant must comply with the following guidelines:

- New Applications, Acreage Amendments, Significant Revisions - After receiving a second technical review comment letter, the applicant/consultant must contact the Division and request a meeting to resolve comments.
- Minor Revisions - After receiving a first technical review comment letter, the applicant/consultant must contact the Division and request a meeting to resolve comments.
- For Applications to remain in priority status - the applicant/consultant must submit the application by the deadline set by the Division.

The Permit Review Specialist will place a resubmittal deadline for corrections in the comment letter. Failure of the applicant/consultant to submit the corrections by the deadline will result in termination of the priority review status. No future requests for priority review will be granted for the application.

Should you have any questions regarding the application review process or priority review, please contact the Reclamation Program Manager at (276) 523-8100, or email RepurposingInfo@energy.virginia.gov.