

**VIRGINIA DEPARTMENT OF ENERGY
MINED LAND REPURPOSING**

GUIDANCE MEMORANDUM¹ No. 37-12

Issue Date: 04/16/2012

Subject: Joint Mining (CSMO) and Monitoring (NPDES) Permits- Public Participation

This Guidance Memorandum describes improvements to the Mined Land Repurposing's (MLR) joint mining & discharge permitting public notice processes. The improved public participation processes will become effective for all joint mining and discharge permit applications that require public notice and are approved on or after April 16, 2012.

Both the application for a MLR issued joint mining & discharge permit and the draft permit require public notice and public participation per 4 VAC-25-130-773.13 and 9 VAC 25-31-290 respectively. Public notice requirements contained in MLR issued Guidance #11-94 and #7-92 are not changed by this memorandum and public participation processes will remain relatively consistent to those used successfully by the agency during the past three decades.

The public participation improvements to be implemented by MLR are outlined below. When an application for a joint mining & discharge permit is technically approved and a draft permit is completed, a pdf copy of the draft permit will be posted by MLR on the agency's webpage accessible at <http://www.energy.virginia.gov/dmlrinquiry/>. The documents will be viewable by the public, including the applicant, via a database search found at the website. The public, including the applicant, will have 30 days to submit comments. The comments should be specific to the documents posted. Written comments may be submitted to the agency by standard mail or email.

An email notification about the draft permit will be distributed automatically at the time of posting. As soon as documents are posted, a message that the draft permits are available for viewing is emailed to a dynamically generated mailing list. The list will include the applicant and all other parties which had previously requested notifications via a notification request signup page on the website. Notifications can be requested for all permits or for permits fitting specific criteria.

The webpage postings of draft permits and the email notifications are intended to improve MLR joint mining & discharge permitting public participation processes. Should you

¹ This Memorandum is to be considered guidance 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."

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have any questions regarding this guidance document or the topics of this memorandum, please contact your Area Inspector, or the Reclamation Program Manager at (276) 523-8100.