

MEMORANDUM # 6-88

Waiver to Mine Within 300 Feet (issued 5/6/88, updated 10/1/01)

§4 VAC 25-130-761.11(e) of the regulations allows a company to mine within 300 feet of an occupied dwelling if the owner(s) of the structure has provided a written waiver consenting to surface coal mining operations closer than 300 feet. The waiver must be executed and approved by the Division prior to the company's land disturbing activities within 300 feet of the dwelling.

The permittee may utilize form DMLR-PT-223 in obtaining the written waiver. The waiver should also provide for the transfer of the permit to subsequent applicants without requiring new waivers.