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| <b>DIVISION OF MINED LAND RECLAMATION</b> |                                   | <b>PROCEDURE NO.</b> | 2.2.04               |
| <b>PROCEDURES MANUAL</b>                  |                                   | <b>ISSUE DATE</b>    | 04/10/15             |
| <b>SUBJECT</b>                            | Application Processing Time Limit | <b>Section</b>       | Technical/Permitting |
|   |                                   | <b>Last Revised</b>  | April 17, 2006       |

**OBJECTIVE AND INTENT:**

To ensure applications are reviewed and acted upon in a timely manner per 4 VAC 25-130-773.15(a) and 4 VAC 25-130-774.13(b)(1) of the regulations.

**PROCEDURES:**

Application for Permit or Revision -

The Division of Mined Land Reclamation (DMLR) will not set a deadline for a decision to issue or deny an application for a new permit, acreage amendment or revision for which the applicant has been diligently pursuing the application. The DMLR may administratively deny applications for new permits, acreage amendments or revision that have been submitted in excess of 24 months from the initial receipt of the application by DMLR (with no recent action on the permittee’s part, generally this will be one year). This denial does not prevent the permittee from obtaining a new data download and submitting it as a new permit application, acreage amendment or revision. Note, all requirements for a new permit, acreage amendment or significant revision must be met (i.e. publication, comment period, agency notifications, etc.)

The Reclamation Program Manager-Permitting or Permit Review Specialist will deny the permit or revision application not issued by the final determination date. This denial will be made on the first working day following the final determination date, or as soon as practicable thereafter. The DMLR will evaluate any timely extension requests and extension may be granted by the Reclamation Program Manager-Permitting. Denial of the application shall not prevent the operator from updating the application and resubmitting it as a new application. Such resubmittals will be subject to the requirements for new permit or revision application.

Permit/Revision Applications that are in review when the final determination date lapses -

The Reclamation Program Manager-Permitting or Permit Review Specialist may temporarily suspend the final determination date if the application is in review, in order to allow the review to be completed.

For a revision application that does not require the submittal of bond, fees, or other items, the Reclamation Program Manager-Permitting or Permit Review Specialist may grant approval if there are no outstanding technical or permitting comments, which must be addressed by the applicant at the conclusion of the review. For a revision requiring the submittal of bond, fees or other items, and for permit applications, the Reclamation Program Manager-Permitting or Permit Review Specialist may extend the final determination date for a reasonable time from the date bond and fees are requested, provided there are no outstanding technical or permitting comments, which the applicant must respond to at the conclusion of the review.

The Reclamation Program Manager-Permitting or Permit Review Specialist will reject an application that is not approvable (i.e., technical or permitting comments are outstanding at the conclusion of the review) as soon as practicable after the review is completed.

The Reclamation Program Manager-Permitting or Permit Review Specialist is not obligated to accept any corrections to the application after the original final determination date has passed.

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The Reclamation Program Manager-Permitting may waive this temporary suspension of the final determination date; thus, allowing the denial to proceed at any time after the original final determination date has passed.