

DIVISION OF MINED LAND RECLAMATION		PROCEDURE NO.	2.3.02
PROCEDURES MANUAL		ISSUE DATE	March 12, 1997
SUBJECT	Permittee - Official Changes	Section	Technical/Permitting
		Last Revised	2-8-93

OBJECTIVE AND INTENT:

To ensure enforcement and permitting personnel properly respond to and amend Division permit records to address change of company official(s).

PROCEDURES:

Business Entity Type:

Corporation - An officer or owner may be deleted from or added to the Division’s records when the permittee submits an affidavit, notarized letter, Board of Directors’ resolution, or other acceptable document confirming the corporate reorganization (4 VAC 25-130-778.13).

The addition of an official, director, principal stockholder, etc. will require an “Ownership and Control” update (see Procedure #2.2.05). The permittee must submit the applicable ownership and control and violation history information of **DMLR-PT-034o** or **DMLR-PT-034p**.

A change in the permittee’s legal structure (i.e., from a corporation to a partnership, single proprietorship, or joint venture) would invalidate the permit(s), thereby requiring a transfer or repermit of the existing permit(s).

Partnership - A partnership may add or drop a partner as long as there is no change in the permittee’s legal structure. If the legal structure changes or the partnership is dissolved, a transfer or repermit of the existing permit(s) will be required.

The addition of a partner(s) will require an “Ownership and Control” update (see Procedure #2.2.05).

Single Proprietorship - Any change in a single proprietorship constitutes a change of ownership, thereby requiring a transfer or repermit of the existing permit(s).

Changes in Authorized Agent(s): A person or company may be appointed to act on behalf of another to be its true and lawful agent to act in its name by the submission of an acceptable document (e.g. power of attorney) granting such authority.

Violation Inquiries: In-house violation checks and AVS checks will be conducted prior to adding any company official(s) to Division records. (See Policies #2.2.05 and #2.2.06)