2 General Information

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ACRONYMS

AG	**Attorney General**
AVS	**Applicant Violator System**
CD	**Certificate of Deposit**
CHIA	**Cumulative Hydrologic Impact Assessment**
CIA	**Cumulative Impact Area**
CIF	**Consolidated Investment Fund**
CO	**Cessation Order**
DEP	**Department of Environmental Protection**
ERIS	**Environmental Resource Information System**
FTACO	**Failure to Abate Cessation Order**
GIS	**Geographic Information System**
HQ	**Headquarters**
I & E	**Inspection and Enforcement**
LOC	**Letter of Credit**
MSHA	**Mine Safety and Health Administrative**
NOV	**Notice of Violation**
NPDES	**National Pollutant Discharge Elimination System**
OC	**Ownership and Control**
OES	**Office of Emergency Services**
OMR	**Office of Mining and Reclamation**
OSM	**Office of Surface Mining**
OSMRE	**Office of Surface Mining Recommendation *(from AVS)***
PHC	**Probable Hydrologic Consequences**
PRT	**Permit Review Team**
SCS	**Soil Conservation Service**
SHPO	**State Historical Preservation Officer**
SMA	**Surface Mine Application**
SMCRA	**Surface Mining Control and Reclamation Act of 1977**
SMIS	**Surface Mining Information System *(replaced by ERIS)***
SOAP	**Small Operator Assistance Program**
TIPS	**Technical Information Processing System**

DMR Regional Office County Responsibilities

REGION 1 – Philippi 47 School Street Suite 301 Philippi, WV 26416 **OFFICE -** 304-457-3219 **FAX -** 304-457-5613	Brooke Doddridge Hancock Harrison Preston Marion	Marshall Monongalia Nicholas Ohio Pleasants Ritchie	Taylor Tyler Wetzel Wirt Wood
REGION 2 – Philippi *Same as Region 1*	Barbour Berkeley Braxton Calhoun Clay Gilmer Grant	Hardy Jackson Jefferson Lewis Morgan Mineral Hampshire	Pendleton Pocahontas Roane Randolph Tucker Upshur Webster
REGION 3 - Oak Hill 254 Industrial Park Oak Hill, WV 25901 **Office -** 304-465-1911 **Fax –** 304-465-0031	Fayette Greenbrier Kanawha Mason Nicholas	Putnam Raleigh	
REGION 4 – Welch 331 Court Street Welch, WV 24801 **Office -** 304-436-2181 **Fax –** 304-436-6337	McDowell Mercer Monroe Summers Wyoming		
REGION 5 – Logan 1101 George Kostas Dr. Logan, WV 25601 **Office -** 304-792-7250 **Fax –** 304-792-7258	Boone Cabell Lincoln Logan	Mingo Wayne	
HEADQUARTERS – Charleston 601 - 57th Street Charleston, WV 25304 **Office – 926-0490** **FAX** - 926-0456			

APPLICATION/PERMIT NUMBER ASSIGNMENT

The assignment of surface mining application (SMA) numbers will be the responsibility of the Permitting Section in each regional office.

The regions are numbered as follows:

NORTHERN OPERATIONS	SOUTHERN OPERATIONS
Region 1 - Philippi *(formerly Fairmont)*	Region 3 - Oak Hill
Region 2 - Philippi	Region 4 - Welch
	Region 5 - Logan

Each regional office is assigned a block of numbers (001-999) for each calendar year to be utilized for all types of applications for permits. Each surface mine application shall be assigned a surface mining application (SMA) number which uniquely identifies that operation.

The SMA number will be a combination of mine type, region number, I.D. Number, and year in which the SMA is assigned, i.e. SMA S100192.

MINE TYPE	REGION	I.D. NUMBER	YEAR	=	SMA #
Surface	1	001	92	=	S1001-92

TYPE OF MINE	PERMIT NO.
Surface	S100192
Underground	U300293
Other *(prep plant, haulroad, etc.)*	O500394
Quarry *(minerals other than coal)*	Q400997
Prospect	P210998
Reprocessing	R304199

Approvals for Notices of Intent To Prospect will receive a separate block of numbers (001-999).

Permit revisions shall be sequentially numbered by the applicant as they are submitted (Revision #1, Revision #2, etc.) and shall be reflected in the application. However, it is the region's responsibility to verify that the numbering sequence remains in order.

Incidental Boundary Revisions (IBR) shall be sequentially numbered by the applicant as they are submitted (IBR #1, IBR #2, etc.) and shall be reflected in the application. However, it is the region's responsibility to verify that the numbering sequence remains in order.

Permit Numbers have been issued in various formats throughout the years. ERIS requires a 7-digit number, therefore, zeros were added to numbers issued prior to 1986. The first space indicates the type of operation and will always be an alpha character. The last two spaces of a number generally represent the year the SMA or permit was issued. If there are zeros in these two spaces, a year was not assigned to the permit number (see note). The following identifies the appropriate translation to be entered into ERIS:

PERMIT NUMBERS

PREVIOUS PERMIT NUMBER FORMAT	ENTER AS
D-1-83	D000183
D-1	D000100
EM-1; AO	E000100
H-1	H000100
I-1	I000100
INC-8-83	C000883
L-1	L000100
M100194	M100194
O-1-83	O000183
P-1	P000100
P-1-83	P000183
Q-1-83	Q000183
R-1	R000100
R-1-83	R000183
S-1-83	S000183
S-34	S003400
U-1-83	U000183
UO-1	U000100
SMA-858 *(DR-21)*	F000858
256-69 *(DR-21)*	F027569
SMA 2682	M268200
SMA 808	M080800
BOR SMA 977	B097700
**WILDCAT	W100000
Y100194	Y100194
**See Wildcat Log (Contact Debbie Martin)	

NOTE: For 1981 only, convert 1-81 to Z000181. This prevents duplicates of the Permanent Program permits issued in 1981, which have an "S" prefix.

Effective 1/1/2000, permits will be issued with 00 indicating the year 2000. The permit number being issued in 2000 will also include the four digit prefix indicating the regional office.

FORM	APPLICATION	FORM	APPLICATION
MR-1	DOL "Labor" Notification	MR-14Q	Application for Inactive Status of Quarrying Permit
MR-1WC	Worker's Comp Notification	MR-15	Notice of Violation
MR-2	Surface Mining Permit	MR-15A	Cessation Order
MR-2D	Certificate for Dam	MR-15Q	Non-Coal Notice of Non-Compliance
MR-2Q	Surface Mining "Quarry" Permit	MR-16	Violation Follow-up Inspection Report
MR-3	Notice of Intent to Prospect	MR-16Q	Non-compliance Follow-up Inspection Report
MR-4	Surface Mining Application	MR-17	Application for Permit Renewal
MR-4IV	Application for Dam Approval	MR-18	Application for Quarry Renewal
MR-4PR	Application for Permit Revision	MR-19	Application for Operator Assignment
MR-5	Application for NPDES	MR-19A	Application for Transfer, Assignment or sale of a Permit
MR-5Q	Application for Non-Coal NPDES	MR-19B	Application for Name Change/Merger
MR-5*	*MR-5G; MR-5GT; MR-5QG	MR-19C	Appl. for Annual Update/O/C change
MR-6	Mine Inspection Report	MR-19N	Notification of Change of Owners and/or Controllers or Sale of Quarry Permit
MR-6A	Mine Inspection Dams/Coal Refuse	MR-19Q	Application for Transfer, Assignment, or Sale of Quarry Permit
MR-6C	MR-6 Continuation	MR-19R	Application for Assignment of Reinstated Permit
MR-6H	Aerial Mine Inspection Report	MR-20	Appl. for Central Ownership/Control File
MR-6HA	Aerial Inspection Dams/Coal Refuse	MR-21	Appl. for Coal Refuse
MR-6Q	Non-Coal Mine Inspection Report	MR-23	Progress Map Reporting
MR-7	Permittee Request for Release	MR-24	Report of Reclamation Prosecution
MR-7	Interim Grading Release	MR-24A	Civil Penalty Assessment
MR-7A	Phase I Permit Release	MR-24D	Delinquent Violation
MR-7B	Phase II Permit Release	MR-25	Application for Permit To Conduct Quarrying
MR-7C	Phase III Permit Release	MR-25-M	Application for Modification of Quarry Permit
MR-8	Final Planting Plan Report	MR-28	Database Change Request
MR-9	Prospect Release	MR-31	Supervisor's Helicopter Evaluation Report
MR-9Q	Quarry Final Release Request	MR-35	Complaint Investigation
MR-10	Request for Show Cause Order	MR-36	Application for Coal Ash Utilization
MR-10A	Violation History	MR-37	Blasting Log
MR-10B	Report of Violation History	MR-38	Public Notice of Blasting Operations
MR-10Q	Quarry Revocation Report	MR-39	Daily Water Monitoring Report (Quarry)
MR-12	Request for Special Use	MR-47	Resource Information Inquiry Request
MR-13	Certification of Drainage System	MR-SHPO	Field Review Site Questionnaire
MR-13A	Approved Cert. of Drainage System		Reclamation Surety Bond
MR-14	Application for Inactive Status		Flight Request
MR-14A	Inspector's Checklist-Inactive Status		Inspector's Release Checklist

APPLICATION FORM NAME	FORM NUMBER	FILING FEE	BOND	AD	INSURANCE	NPDES	WILDLIFE/ SHPO	PHC/ CHIA	# OF COPIES
Notice of Intent to Prospect Less Than 250 Tons	MR-3 - < 250 Tons	$2,000.00	$500/acre	No	No	No	Yes	No	4
Notice of Intent to Prospect Greater Than 250 Tons	MR-3 - >250 Tons	$2,000.00	$500/acre	Yes	No	No	Yes	No	4
Surface Mining Application	MR-4	$3,500.00	Site-Specific	Yes	Yes	Yes	Yes	Yes	4 (see *5)
Application for Certificate of Approval for Dam	MR-4 Part IV	$300 (see note)	No	*2	No	No	No	No	5
Permit Revision / IBR's	MR-4PR	$2,000.00	*1	.0 *2	*6	*3	*4	*4	See *5
NPDES Coal	MR-5	New- $1,000 Reissue- $1,000	No	Yes	No		Yes	No	5
NPDES Modification	MR-5	$500.00	No	*9	No		No	No	5
NPDES Quarry	MR-5	Calculated	No	Yes	No		Yes	No	5
Inactive Status	MR-14	$2,000.00	No	Yes	No	No	No	No	3
Renewal	MR-17	$3,000.00	No	Yes	Yes	No	*8	*8	See *5
Operator Assignment	MR-19	$1,500.00 *10	No	Yes	No	No	No	No	4
Permit Transfer	MR-19A	$1,500.00 *10	Yes	Yes	Yes	Yes	No	No	4
Name Change *(merger, etc.)*	MR-19B	No	Yes	Yes	Yes	Yes	No	No	4
Annual Update *(o/c changes, etc.)*	MR-19C	No	No	Yes	No	No	No	No	5
Reprocessing	MR-21	$1,000	*7	Yes	Yes	*5	Yes	Yes	5
Quarry	MR-25	$1,000	*7	Yes	Yes	Yes	Yes	Yes/No	5

*1 If adding acres, bond is required.
*2 If significant revision, advertisement is required.
*3 If revision affects NPDES permit, NPDES modification is required. ($500.00 filing fee)
*4 If added disturbance affects areas not covered in original permit.
*5 If NPDES is included *(joint application)* or being renewed, an additional copy is required.
*6 If revision includes blasting not covered in original permit.
*7 Performance Bond - $1,000 per acre, minimum bond of $10,000 required. Bond Pooling Fund - $50.00 per acre for each acre to be disturbed first year after issuance, $12.50 per acre thereafter.
*8 If changed from original.
*9 Advertisement required for Major Modification only.
*10 Per Permit

NOTE: $100.00 Annual Registration Fee

SUBJECT:	**Application Tracking**
DATE:	**March 1, 1997**

* **Date-stamp** all types of applications received and process as follows:
  * SMA *only:*

    Assign the next available SMA number and enter into ERIS.

    Reviewer has five working days to complete administrative review. If corrections are requested and received by applicant *(these dates are entered in ERIS)*, reviewer verifies that all corrections have been made. When reviewer determines application is *administratively complete*, SMA number is *issued*. Reviewer notifies applicant in writing that SMA has been issued. SMA Number shall be written on side and front of application binder and inside of application with a marker.

    A SMA number is valid for one year. Thirty days before expiration, a written notification is forwarded to the applicant advising them that SMA will expire unless a written request for an extension is received. Extensions will not be granted unless company has pursued the application diligently.

    Correspondence received is entered in ERIS and forwarded to the Permit Review Team.

* **Filing Fees**: Deposit in accordance with the *Direct Depositing Procedure"*. Make a copy and place copy of check in application file.

* **Labor** "DOL": Form MR-1 shall be completed for all applicable application types and forwarded to DOL. Dates to DOL and from DOL (compliance *only*) are entered into ERIS.

* **Worker's Compensation**: Form MR-1WC shall be completed for all applicable application types and forwarded to WC. Dates to WC and from WC (compliance *only*) are entered into ERIS.

* **Affected Agencies**: Letters to the affected agencies are prepared for applicable application types *(See list of Affected Agencies)*. The letters shall be accompanied by a copy of the legal ad. Copies of the letters are placed within application. If the application includes valley fills, a notification and additional copies of maps are required. *(See Section 9)*

* **Ownership and Control**: O/C information from applicable applications is copied and forwarded to Headquarters OMR to be entered into AVS.

* **Corrections**: Requests for and receipt of corrections are entered in ERIS. The applicant/consultant may request copies of the application be returned for corrections, however, the original application may NOT be returned but must remain in the regional office at all times.

* **Bond**: Bonds are required for specific types of applications.

    * *Surety Bond* is reviewed by regional staff to compare acres, name, etc. and forwarded to Headquarters OMR to be reviewed and approved by the Office of the Attorney General.

    * *Letter of Credit* is forwarded to Headquarters OMR to be reviewed and approved by the Office of the Attorney General.

    * *Certified/Cashier's Checks/Bank Money Orders* may be maintained by regional staff or forwarded to Headquarters for safekeeping until decision.

    * *Certificate of Deposit* must include a waiver from the bank and a letter referencing interest penalty. CD may be maintained by regional staff or forwarded to Headquarters for safekeeping until permit decision.

* **Courthouse Copy of Application**: Applicant shall submit one copy of application to be placed in the appropriate county courthouse by OMR staff. A letter of authorization must be given to applicant/consultant to make corrections to the courthouse copy during public comment period.

* **Comments/Protests**: Comments received during the public comment period shall receive a response from OMR regional staff *(form letter)*. OMR shall also notify the applicant in writing along with a copy of the comment received.

* **Facts and Findings**:
    * SMA and Amendment: MR-2A is completed by regional staff
    * SMA and MR-19A: "Blue book" facts and findings are prepared by regional staff and forwarded to Headquarters with recommendation for decision.
    * Other Applications: Checklists for specific applications are completed by regional staff and included with the application.

* **Decision**:
  * SMA and MR-19A: Permit Face (MR-2) is prepared by regional staff and included with facts and findings and application. Package is forwarded to Headquarters for Secretary's decision.
  * IBR's, 19's, Renewals, Revisions and Prospects: The Regional Permit Supervisor make a decision to issue, deny or terminate the application.
  * Applications may be withdrawn prior to approval if the applicant submits a written request to withdraw.

* **Status Report**:
  Each regional office is responsible for generating a report from ERIS by the 5th day of each month listing all decisions for the previous month. A copy of this listing is forwarded to the appropriate county courthouse and newspaper along with a letter from the regional office. *(This list will be published in the newspaper).*

SUBJECT:	**Review Time Accountability**
DATE:	**January 21, 1993**

The following procedures must be adhered to in order for ERIS to accurately calculate the responsible time for company and DEP.

1. Upon SMA issuance, the clock begins immediately for DEP time. The designated team leader shall be responsible for receiving the reviewer's corrections within 30 working days of SMA issuance. The first correction request with the comments of all reviewers shall be prepared and sent to the applicant and consultant if applicable. The date sent shall be entered into ERIS as the "first correction requested" field.

2. When an application is returned for second review, the date received shall be entered into the "first correction received" field. If after review, it is determined that ALL corrections were not addressed, except bond submittal, the "first correction received" field date shall be deleted (by spacing through the date) and the applicant is notified of corrections not addressed. This notification is entered as a comment. (For information purposes, an estimate of the percentage of corrections not addressed should be noted, i.e. 20% of corrections requested were not addressed).

   NOTE: This allows for ERIS to allot this time to the applicant.

3. If special corrections are discovered, i.e. Department of Labor non-compliance, etc., while the "first correction requested" is being addressed, an ADDENDUM TO THE CORRECTION REQUESTED DATED _____ shall be prepared and forwarded to applicant and consultant. This addendum is entered as a comment.

   NOTE: Corrections which were "overlooked" by the reviewer in the last review shall not be applicable to this category.

4. The "second correction requested", "third correction requested" and "fourth correction requested" fields will only be used when the applicant has significantly revised the application from the previous complete review OR for corrections which could not be requested previously, e.g. site specific bonding, etc.

   If it is determined by the team leader and verified by the permit supervisor that the application has been significantly revised, a "first" time review of those revisions will be conducted and subsequent correction requests will be entered as such.

5. Contacts between DEP and applicant (and/or consultant), in writing or verbally, regarding the application that does not apply to #4 above, shall be entered as a comment on Screen 4.

SUBJECT:	**Permitting Procedures**
DATE:	**November 1, 1994**

NOTE: ***Applicant shall be responsible for inserting all corrected pages into the permit applications.***

1. **CORRECTED PAGES** being inserted shall reflect "correction #" (number of times the application has been revised during review), and "correction date" (date inserted).

2. Applicant is responsible for removing all voided pages from all copies of the application.

3. For surface mining applications ***only***, applicant is responsible for removing all voided pages from the ORIGINAL application. These pages shall be marked "VOID" and dated in the upper right hand corner. Applicant shall place voided pages in sequential order in a separate binder which shall remain with the regional office file until a final decision is made and the appeal period has expired.

4. The applicant shall update the signature page of applications immediately prior to approval of application. It is not necessary for the applicant to update this information each time a correction is made to the application.

5. The following applications ***do not*** require complete ownership and control reviews. However, the permit reviewer shall verify that the applicant/permittee representative signing the application is listed as a current *principal officer* of the applicant and the address provided is listed in ERIS. If changes in officers have occurred, the reviewer notifies the applicant to complete and submit the appropriate form to be submitted *as a separate application*. If address is different, the reviewer shall determine if the address has changes or is permit specific and advise OMR headquarters to add or change the address:
    - Incidental Boundary Revision
    - Permit Revision
    - Permit Renewal
    - Notice of Intent to Prospect
    - Inactive Status

6. With the exception of *Permit Renewals,* NO approval shall be given to any type of application if the applicant owes ***delinquent civil penalties*** *(permit block)*.

7. **ADVERTISEMENTS** - Location maps will be required on the following types of applications:
    - Permit Transfer (including quarry transfer)
    - Surface Mining Application (including quarry)
    - NPDES application
    - Notice of Intent to Prospect - *Greater than 250 tons* **only!**
    - **Significant** Permit Revisions
    - Permit Renewals
    - Inactive Status

    For multiple county applications, advertisement is required in all counties noted in the application where surface and/or underground activity is proposed. For IBR and Amendment applications, advertisement will be in the county of the application **and** in the county of the original permit if different from application.

8. **PERMIT RENEWALS** - applications shall be reviewed and recommended for approval, denial or corrections requested within 15 working days of receipt of application. Applications resubmitted shall begin the review of corrections within 10 working days.

9. All permit applications submitted after the permit has expired will NOT be approved until a permit renewal is issued.
    --For example, permit revisions, etc. shall not be approved on expired permits *unless a significant problem exists beyond the control of both the permittee and DEP which delays the permit renewal approval. If applications are approved on expired permits (transfers, revisions, etc.) these changes shall NOT be reflected on the renewal face.*

10. **FOLDERS/BINDERS** - All applications shall be submitted in binders no larger than 10-½" x 12". Color-coded folders are NOT required.

Department of Environmental Protection
Division of Mining and Reclamation
601 – 57th Street Charleston, WV 25304
304-926-0490 **FAX # - 304-926-0456**

APPLICATION FOR
APPROVED PERSON

Revised 12/94

Name of Applicant _____

Address: _____

City: _____ **State:** _____ **Zip:** _____ **Telephone No. ( )** _____

☐ **Registered Professional Engineer "RPE" No.** _____

☐ **Licensed Land Surveyor "LLS" No.** _____

☐ **Certified Professional Geologist "CPG" No.** _____ ***Limited to Geologic Certifications ONLY***

1. Are you a Registered Professional Engineer of Licensed Land Surveyor in the State of West Virginia?

   ☐ Yes ☐ No

2. Do you have prior experience and training in the preparation of permit application materials and/or mining design?

   ☐ Yes ☐ No

3. Do you possess adequate knowledge of Chapter 22 of the Code of West Virginia and associated Rules and Regulations promulgated thereunder and possess such other skills and qualifications as may be necessary to complete an application?

   ☐ Yes ☐ No

***COMPLETE THIS APPLICATION, INCLUDE A RESUME AND A COPY OF YOUR RPE, LLS, OR CPG CERTIFICATION* and return to DEP at the address above.**

DEP USE ONLY

As a result of positive answers on this application, the Secretary of the Department of Environmental Protection *APPROVES* this applicant to prepare, sign, and certify Surface Mine Permit Applications as specified and allowed in Chapter 22 of the Code of West Virginia and the Rules and Regulations promulgated thereunder.

_____ _____

Date **DEP Authorized Representative**

SUBJECT:	**Procedure for Worker's Compensation Compliance**
DATE:	**May 16, 1995**

This procedure shall be utilized as part of the ownership and control review for every surface mining application *(MR-4)*, application for transfer, assignment or sale of a permit *(MR-19A)*, notification of permittee merger and/or name change *(MR-19B)*, and application for operator assignment *(MR-19)* submitted.

- When the ownership and control review of the application has determined that the applicant's name and list of officers and Secretarys is complete and accurate, form MR-1-WC shall be completed by DEP regional office and forwarded to Worker's Compensation *(NOTE: Only the principal officers, i.e. president, vice-president, etc., of the applicant shall be listed on this form).*
  - The permit supervisor shall be responsible for coordinating the submittal of Form MR-1-WC to Worker's Compensation *(Note: Response from Worker's Comp will be sent to DEP Headquarters - this is the preference of Worker's Comp since they do not want to deal with four offices)*
  - Every attempt shall be made to forward the application to headquarters for a decision within 15 days after Worker's Comp is notified. Headquarters will be responsible for dealing with the applicant after the MR-1WC is sent to Worker's Comp ***and the application is forwarded to Headquarters*.**
    - Upon verification from Worker's Compensation to headquarters that the applicant is in compliance, a copy will be provided to the regional office for their files for MR-4, MR-19A, MR-19C and MR-19B. The original response for MR-19 will be provided to the regional office.
    - Upon verification from Worker's Compensation that the applicant is not in compliance, a copy of the non-compliance will be forwarded to the regional office and the company will be notified via correction sheet.
    - Upon receipt of verification of compliance, headquarters will send a second MR-1-WC to Worker's Compensation.
- Worker's Compensation is allowed 15 calendar days to provide DEP with a response. *(A maximum of 20 days to allow for mail time shall be documented in ERIS.)* Failure of Worker's Compensation to respond in this time frame will result in DEP's assumption that the applicant is in compliance.

MR-1 **DATE MAILED: _____** 4/11/03

TO:	**FROM:**
WV Division of Labor **Wage and Hour Section** **Building 6, Room B-749** **Capitol Complex** **Charleston, WV 25305-0570**	**WV Department of Environmental Protection** **Division of Mining and Reclamation** ***Telephone No.:***

Type of Application:

☐ **MR-4** ☐ **MR-19*** ☐ **MR-19A*** ☐ **MR-19B***

SMA/PERMIT NO.	**MSHA ID NO.**	***DOL ONLY*:** **NO. EMPLOYEES**

Applicant: _____

***Permittee:** _____

Mailing Address: _____

Street Address: _____

City: _____ **State:** _____ **Zip:** _____ **Telephone No.** _____

County: _____ **Nearest Post Office:** _____

Latitude ____ ° ____ ‘ ____ “ **Longitude** ____ ° ____ ‘ ____ “

Company Officers:

NAME	TITLE

Division of Labor Response: *(return response to DEP at the above address)*

In accordance with the West Virginia Code, we have reviewed our files and find this applicant to be:

☐ **IN COMPLIANCE**

- ☐ **Operated +5 Years**
- ☐ **Sufficient Wage Bond**
- ☐ **No Employees**

☐ **NOT IN COMPLIANCE**

DATE	**DOL AUTHORIZED REPRESENTATIVE**

MR-1-WC **DATE MAILED:** _____ 02/06

TO:	**FROM:**
WV Insurance Commissioner **Revenue and Recovery** **1 Players Club** **Charleston, WV 25311** **ATTN: David White** **FAX: (304) 558-0671**	**WV Department of Environmental Protection** **Division of Mining and Reclamation** **601 57th Street** **Charleston, WV 25304** **ATTN: Dotty Pinson**

Type of Application:

☐ **MR-4** ☐ **MR-19 *** ☐ **MR-19A *** ☐ **MR-19B ***

SMA/PERMIT # _____ **MSHA ID #** _____ **FEIN/SS#** _____

MINE TYPE: ☐ **Surface** ☐ **Underground** ☐ **Other** **REGION #** _____

Applicant: _____

*** Permittee:** _____

Mailing Address: _____

Street Address: _____

City: _____ **State:** _____ **Zip:** _____ **Telephone No.** _____

County: _____ **Nearest Post Office:** _____

Latitude ____ ° ____ ' ____ " **Longitude** ____ ° ____ ' ____ "

Company Officers: *(principal officers only)*

NAME	TITLE

Who will conduct mining operations? ☐ **Applicant** ☐ **Operator** ☐ **Phase Release**

Worker's Compensation Response: *(return response to DEP at the above address)*

In accordance with the West Virginia Code, we have reviewed our files and find this applicant to be:

☐ **IN COMPLIANCE**

☐ **NOT IN COMPLIANCE**

DATE	***Worker's Compensation* AUTHORIZED REPRESENTATIVE**

SUBJECT:	**Title 96, Exempt Legislative Rule**
DATE:	**October 16, 2000**
Approval:	**John C. Ailes, Deputy Chief, OMR**

C.S.R. Title 96, Series 1 became effective on January 14, 2000 under which agencies of the state may not grant, issue, or renew any contract, license, permit, certificate, or other authority to conduct, profession, or business to any employing unit whose account is in default under either the unemployment compensation laws or the worker's compensations laws.

In order to comply with CSR Title 96, Series 1 the following permit review procedures will become effective immediately.

UNEMPLOYMENT COMPENSATION

Upon receipt of any permitting action request, i.e. SMA, Renewal, IBR, Modification, Amendement, Notice of Intent to Prospect greater that 250 tons, Revision, Quarry, MR-19 in any of its variations, or other similar application including actions on NPDES permits for which an approval will be granted, the receiving Regional Office shall query the Unemployment Compensation Division "Default Database". This database is accessed via the Internet at http://www.state.wv.us/scripts/bep/ucwcdflt.cfm

Queries of this database should use the applicants FEIN first and if no record is found then search by the company name. This will lessen the likelihood of misidentification of the applicant.

For all types of applications: If the database shows the applicant to be in default, a letter shall be sent by certified mail to the applicant informing them that the database shows them to be in default and that the application cannot be approved until they are no longer shown to be in default. The letter should also give the address they can contact to come into compliance (copy attached).

A copy of the letter shall also be sent to the Bureau of Employment Programs Unemployment Compensation Division.

If an application is not approved within 14 days of receiving a "Compliance" reply from the database a new query shall be performed prior to approval. If this new query shows the applicant to be in default another letter shall be sent and the application not approved until compliance is achieved.

WV DIVISION OF LABOR

Queries of the WV Division of Labor concerning wage bonds will continue to be handled as they are now because they are not covered by Title 96.

BEP WORKERS COMPENSATION DIVISION

Queries of the Workers Compensation Division will be remain as they are now on applications covered on the MR-1WC . (Workers Compensation Compliance Form). All other applications will require the database query which is accessed via the internet at the same address as the unemployment compensation default list.

While Workers Compensation is covered by Title 96, the requirements of §22-3-8(6)(A) are more stringent and will ensure compliance with Title 96.

DOCUMENTATION

Documentation of the queries and responses will be as follows:

1. Unemployment Compensation: Screen prints of the results page along with copies of any letters sent with the certified mail receipts will be maintained in the application file.

2. Workers Compensation: Just as now a copy of the query form and the reply along with any letters and the certified receipts will be kept in the application file. For all other applications the Workers Comp computer query will be documented by the Unemployment Comp screen prints.

3. Division of Labor: No changes in documentation are required.

4. Please use the revised facts and findings checklist contained in this package.

INSERT LETTERHEAD

Date

Applicant Name
Address

RE: Application Identification

Dear Applicant:

We have been informed by the Bureau of Employment Programs that you are not in compliance with either Chapter 23 (Workers Compensation) or Chapter 21A (Unemployment Compensation) of the West Virginia Code.

Both Chapter 22-3-8(6)(A) and Chapter 21A-2-6(18) of the West Virginia Code prohibit this agency from approving your application while you are not in compliance.
You should immediately contact the Bureau of Employment Programs at the address below to determine why you have been included in their default database.

Bureau of Employment Programs
Unemployment Compensation Division
Attn: Assistant Secretary Contributing
Accounting Section
112 California Avenue
Charleston, WV 25305
(304) 558-2676

Bureau of Employment Programs
Workers Compensation Division
Attn: Secretary, Receivables
Management Unit
P. O. Box 153
Charleston, WV 25321
(304) 926-5000

Please do not contact our offices regarding why you have been deemed by the Bureau of Employment Programs as not being in compliance. We do not know why they made that finding and cannot assist you in having your name removed from their default database.

Sincerely,

OMR Representative

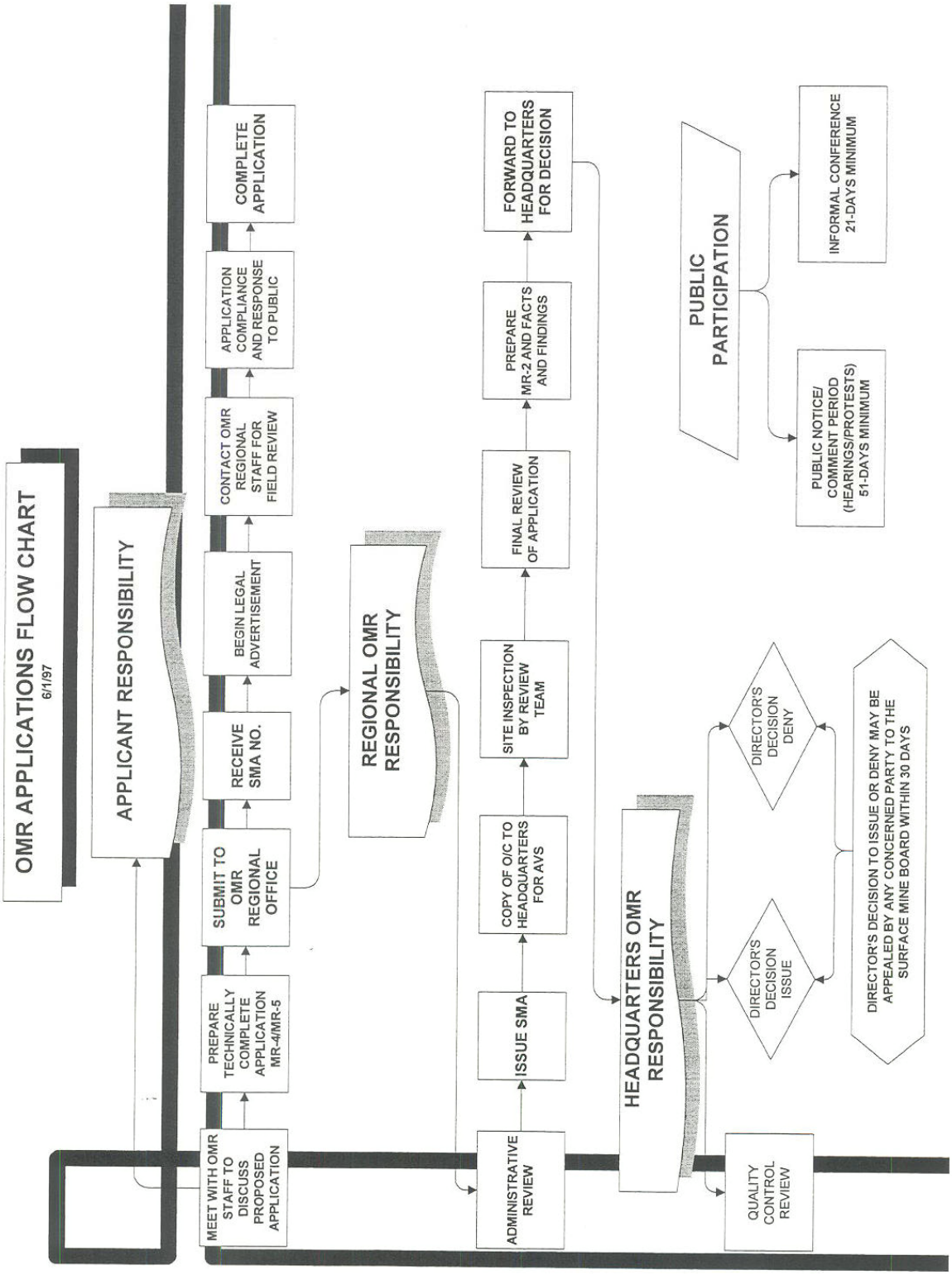
cc: BEP Workers Compensation Division
BEP Unemployment Compensation Division
Permit Files

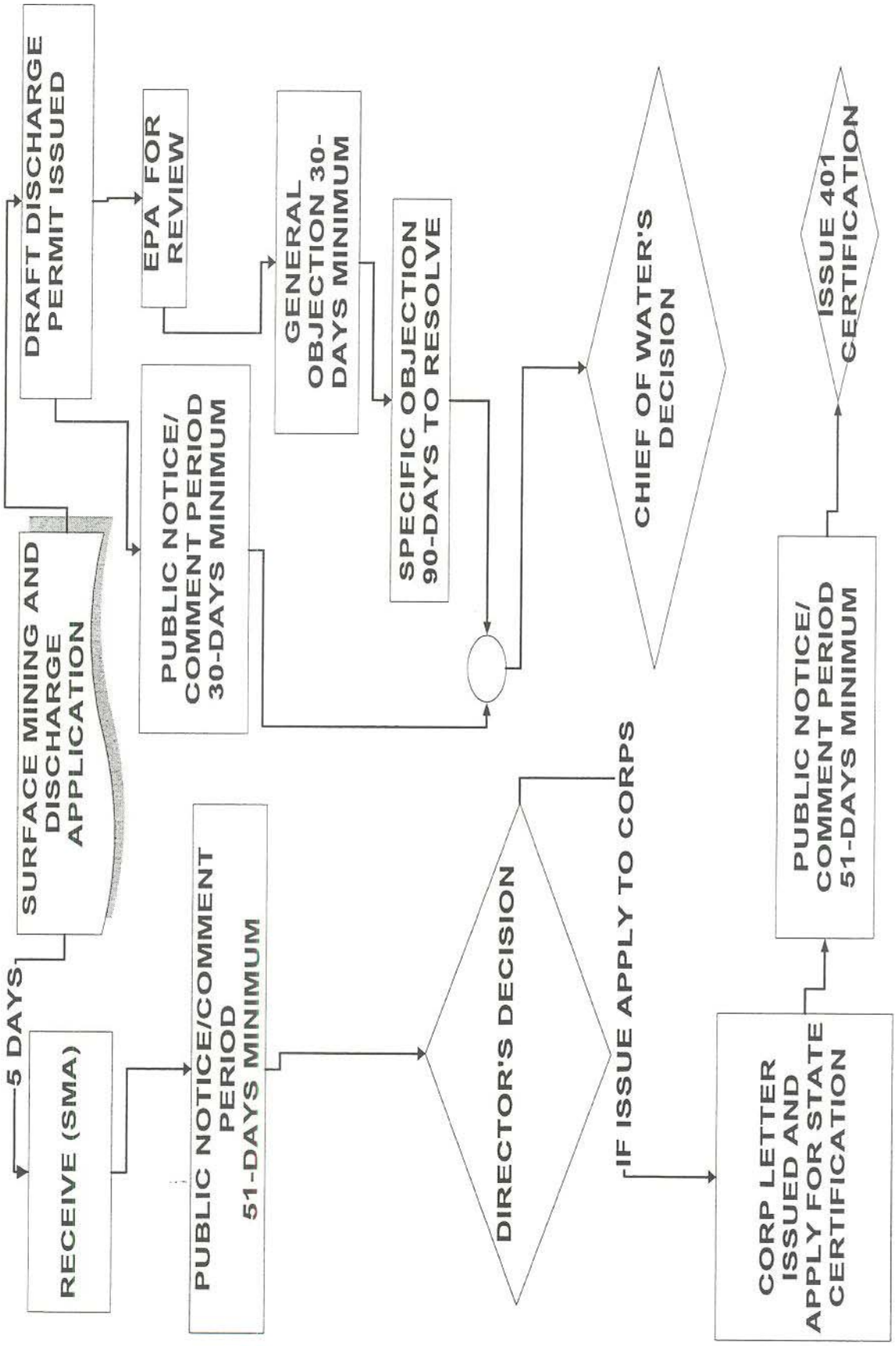
SUBJECT:	**Corrections to Applications**
DATE:	**December 18, 2001**
Approval:	**Matthew Crum, Director**

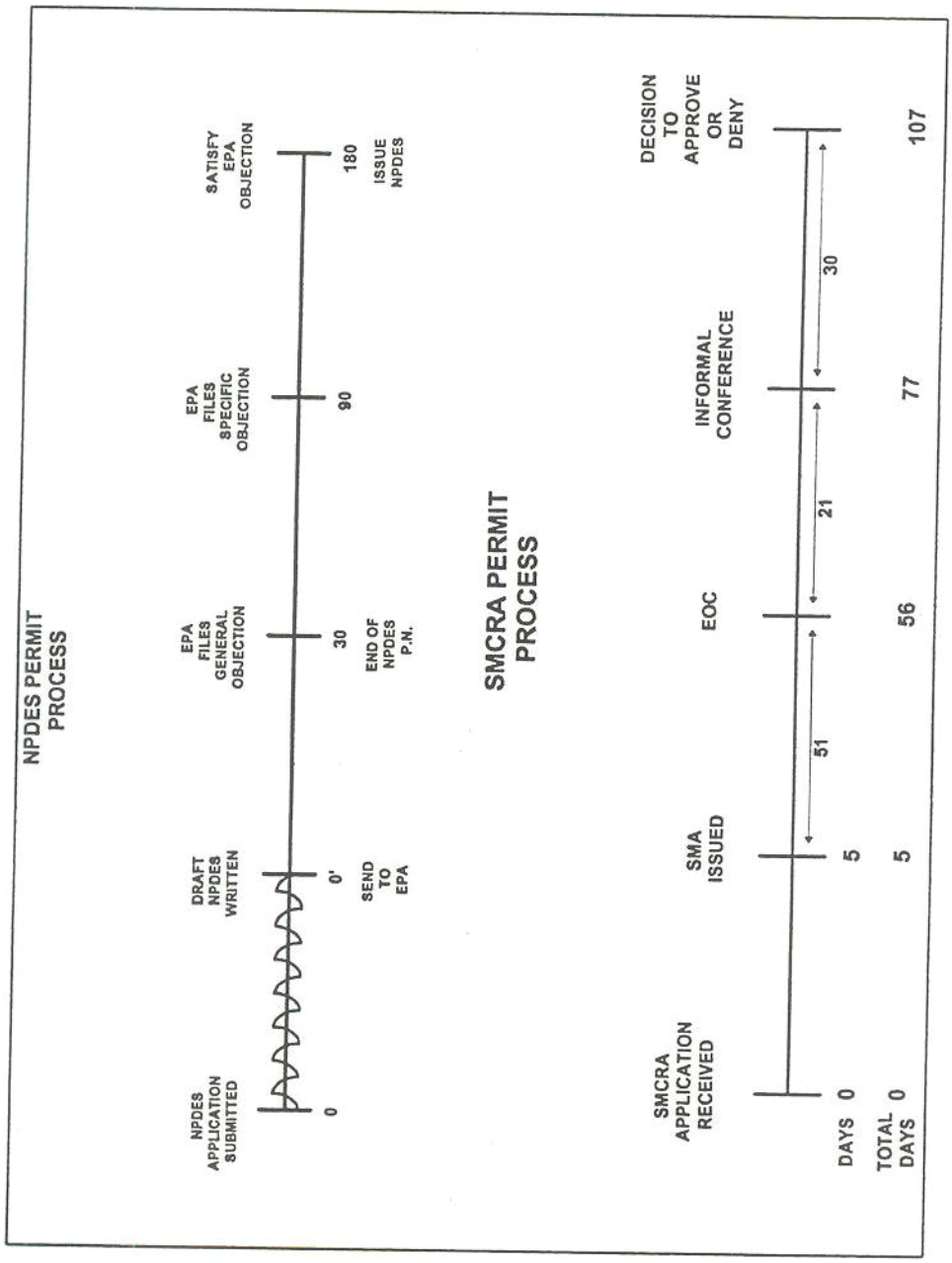
This directive outlines the procedure for issuing corrections, correction letters, or deficiency letters with regard to all pending applications. This procedure supplements other procedures regarding corrections and will be effective immediately.

All corrections will be distributed jointly (i.e., engineers, geologist/hydrologist, inspector, administrative, NPDES, blasting, O/C, etc.) **to the applicant and its consultant as one document.** NO CORRECTIONS will be distributed unofficially, verbally or otherwise, prior to issuance of the joint correction sheet.

The designated team leader of the application shall be responsible for notifying the review team, Office of Explosives and Blasting (*if blasting is proposed)* and the inspector that an application has been received, collecting all reviewer's corrections, compiling and sending the joint correction sheet and notifying appropriate reviewers when the application is returned with corrections.


OMR APPLICATIONS FLOW CHART
6/1/97
APPLICANT RESPONSIBILITY
MEET WITH OMR STAFF TO DISCUSS PROPOSED APPLICATION
PREPARE TECHNICALLY COMPLETE APPLICATION MR-4/MR-5
SUBMIT TO OMR REGIONAL OFFICE
RECEIVE SMA NO.
BEGIN LEGAL ADVERTISEMENT
CONTACT OMR REGIONAL STAFF FOR FIELD REVIEW
APPLICATION COMPLIANCE AND RESPONSE TO PUBLIC
COMPLETE APPLICATION
REGIONAL OMR RESPONSIBILITY
ADMINISTRATIVE REVIEW
ISSUE SMA
COPY OF O/C TO HEADQUARTERS FOR AVS
SITE INSPECTION BY REVIEW TEAM
FINAL REVIEW OF APPLICATION
PREPARE MR-2 AND FACTS AND FINDINGS
FORWARD TO HEADQUARTERS FOR DECISION
HEADQUARTERS OMR RESPONSIBILITY
QUALITY CONTROL REVIEW
DIRECTOR'S DECISION ISSUE
DIRECTOR'S DECISION DENY
DIRECTOR'S DECISION TO ISSUE OR DENY MAY BE APPEALED BY ANY CONCERNED PARTY TO THE SURFACE MINE BOARD WITHIN 30 DAYS
PUBLIC PARTICIPATION
PUBLIC NOTICE/ COMMENT PERIOD (HEARINGS/PROTESTS) 51-DAYS MINIMUM
INFORMAL CONFERENCE 21-DAYS MINIMUM


SURFACE MINING AND DISCHARGE APPLICATION
5 DAYS
RECEIVE (SMA)
PUBLIC NOTICE/COMMENT PERIOD 51-DAYS MINIMUM
DIRECTOR'S DECISION
IF ISSUE APPLY TO CORPS
CORP LETTER ISSUED AND APPLY FOR STATE CERTIFICATION
PUBLIC NOTICE/ COMMENT PERIOD 51-DAYS MINIMUM
ISSUE 401 CERTIFICATION
DRAFT DISCHARGE PERMIT ISSUED
PUBLIC NOTICE/ COMMENT PERIOD 30-DAYS MINIMUM
EPA FOR REVIEW
GENERAL OBJECTION 30-DAYS MINIMUM
SPECIFIC OBJECTION 90-DAYS TO RESOLVE
CHIEF OF WATER'S DECISION


NPDES PERMIT PROCESS
NPDES APPLICATION SUBMITTED
0
DRAFT NPDES WRITTEN
0'
SEND TO EPA
EPA FILES GENERAL OBJECTION
30
END OF NPDES P.N.
EPA FILES SPECIFIC OBJECTION
90
SATISFY EPA OBJECTION
180
ISSUE NPDES
SMCRA PERMIT PROCESS
SMCRA APPLICATION RECEIVED
SMA ISSUED
EOC
INFORMAL CONFERENCE
DECISION TO APPROVE OR DENY
51
21
30
DAYS 0
5
TOTAL DAYS 0
5
56
77
107

SUBJECT:	**Appeals to the Surface Mine Board**
DATE:	**November 1, 2001**
Approval:	**Matt Crum, Director, DMR** **Perry McDaniel, Chief, OLS**

This policy outlines the procedure for appeals to the Surface Mine Board (SMB).

The SMB receives the appeal, in written form, and will provide a copy to the Director of DMR. Contacts in DMR and OLS will receive notice of the appeal from the Director. OLS will assign an attorney to the case and the contact person in DMR will notify the appropriate supervisor of the appeal.

Within fourteen (14) days of SMB receipt of the notice of appeal, the supervisor shall be responsible for preparation and certification of the complete record of the proceedings out of which the appeal arises, including all documents and correspondence in the applicable files relating to the matter in question. The certified record should contain only pertinent information. For example, if an appeal concerned blasting of an approved application, it would not be necessary to provide a copy of the entire permit application for the certified record, only the sections of the application dealing with blasting.

Once the information is gathered, the supervisor will contact the attorney assigned to the case to discuss the information contained for the certified record. Once both parties agree on the information for the certified record, the information will be copied *(verify that all copies are legible)*. The certified record must be in chronological order *(per permit if multiple permits)*. A cover sheet will be attached indicating the following information:

(Company Name) vs. WVDEP
Surface Mine Board Case No. _____
CERTIFIED RECORD
Table of Contents *(for each document in the certified record, give a description of the document, date and number of pages)*
West Virginia Department of Environmental Protection
Division of Mining and Reclamation
BY: (Supervisors name typed in)
Signature _____

Submit the prepared certified record to the DMR contact in the headquarters office.

Division of Mining and Reclamation
#10 McJunkin Road
Nitro, WV 25143
Telephone 304 759-0510
Fax 304-759-0528

West Virginia Department of Environmental Protection

Bob Wise
Governor

Michael O. Callaghan
Secretary

MEMORANDUM

TO: Permit Supervisors

FROM: Matthew Crum, Director

DATE: January 7, 2002

RE: Permit Review Time Estimates

This directive is effective immediately for any type of application submitted on or after January 8, 2002. Within two working days of SMA issuance for new applications or within two working days of receipt of any other type of application, the applicant will be provided with an estimated time for review and decision and the names of the review team members assigned to the application. The permit supervisor will be responsible for assigning review and decision time estimates and for assignment of reviewers.

After a new application for an SMA is received, an administrative review will be conducted and corrections returned to the applicant, if necessary. If the application is not returned within 30 days of receipt of corrections or if the application is returned within 30 days and it is still not administratively complete, the application will be denied. The application may be resubmitted, accompanied by a new filing fee.

The following are guidelines for time estimates for review and decision of SMA, Amendments and NPDES applications:

- Small room and pillar underground mines - 180 days
- Large room and pillar underground mines - 220 days
- Small surface mines (less than 400 acres) - 200 days
- Large surface mines (greater than 400 acres) - 220 days
- Longwall underground mines - 220 days
- Refuse impoundments - 270 days
- Preparation plants - 200 days
- Refuse disposal areas - 260 days
- Other smaller facilities such as roads, stockpiles etc. - 160 days

"To use all available resources to protect and restore West Virginia's environment in concert with the needs of present and future generations."

DEP West Virginia Department of Environmental Protection

MEMO
January 7, 2002
Page 2

The following are time estimates for review and decision of other types of applications:

- All transfers -120 days
- IBR's - 120 days
- Revisions and NPDES modifications -120 days
- Renewals and NPDES reissuances -120 days

Any deviation from these guidelines when assigning estimated decision times will be documented in a memo to the deputy director in charge of that office.

In order to make the process more efficient and to adhere to the foregoing review and decision estimates, all applicants will have 30 days from the date of receipt of corrections to return technical corrections. If applications are not returned within 30 days, with all requested corrections, the estimated time for review and decision will not be valid and the application may be assigned new reviewers. The review and decision time estimates will be revised as if the application were a new submittal.

The circumstances of any missed review and decision time estimates shall be set forth in a memo from the supervisor to the deputy director in charge of that office. Prior to issuance of a third set of corrections, a meeting will be held with the applicant, reviewers and the permit supervisor to determine if the applicant is diligently pursuing the application.

It is the responsibility of each Permit Supervisor to meet with their review team members to make them aware of this directive. The attached form letters and correction sheets are provided to assist in implementing this policy.

Division of Mining and Reclamation
10 McJunkin Road
Nitro, West Virginia 25143-2506
Telephone (304) 759-0510
Fax (304) 759-0528

West Virginia Department of Environmental Protection

Bob Wise
Governor

Michael O. Callaghan
Secretary

MEMORANDUM

TO: Permit Supervisors

FROM: Ken Politan KP

SUBJECT: Permit Review Time Estimates

DATE: October 9, 2002

In order to be consistent throughout the State the following criteria will be followed when establishing SMA administrative completeness and decision dates. This criteria will be effective for applications received on and after October 10, 2002.

- Administrative SMA corrections shall be returned within 30 **working days** and not **calendar days**.
- The time will begin when the **applicant** has received the set of corrections and not the **consultant**.
- So we can properly document receipt, it is highly recommended that the **applicant's** set of corrections is sent by certified mail and the **consultant's** corrections are sent by regular mail.
- The decision time estimate (goal date) letter sent out within two working days of a SMA shall be **calendar days** and not **working days**.

If you should have any questions please advise.

"To use all available resources to protect and restore West Virginia's environment in concert with the needs of present and future generations."

DEP West Virginia Department of Environmental Protection

SUBJECT:	**SMA Terminations**
DATE:	**July 1, 2003**
Approval:	**Kenneth Politan**

Effective August 1, 2003, SMA Numbers will only be extended in no more than 60-day increments. The West Virginia Surface Mining Reclamation Legislative Rule, Title 38, Series 2, Section 3.2.a states that the SMA Number is valid for one year. The applicant must request an extension in writing listing the reasons such extension should be granted. The rule further states that the SMA Number can only be extended if the application has been diligently pursued throughout the life of the SMA Number. The applicant can demonstrate diligent pursuit by returning corrections within the time constraints (30 days) set forth in the agency's correction letter.

Re-advertisement (full ad) will be required when a SMA Number is extended. This would only be required for the initial extension. All future SMA Number extensions will not require re-advertisement provided, the future extensions are within a one year period of the first extension.

Effective since January 7, 2002, and applying to applications submitted on or after January 8, 2002, our Permit Review Time Estimates policy has been in place, providing applicants with goal dates for decisions upon issuance of the SMA Number. This policy also reaffirmed that corrections should be returned to the agency within 30 days of receipt. Failure to do so would result in the goal date being revised and potentially reassigning the application to a different review team. Furthermore, the policy required, prior to the issuance of a third set of corrections, a meeting will be held with the applicant, permit review team, and the permit supervisor to determine if the applicant is diligently pursuing the application. The October 9, 2002, Memorandum specified that calendar days, shall be used to set the goal date. All of the above leads to an accountable and predictable permitting process. To continue an efficient permitting process, the SMA Number will only be extended for the following reasons.

<u>Applications submitted prior to January 8, 2002</u>

I. If at the time of the SMA extension request, the applicant has outstanding corrections pending less than 30 days, the SMA Number will only be extended for an additional 60 days. If the corrections are not returned within the 30 days, send a reminder notice of the outstanding correction informing the applicant if complete corrections are not submitted within the 60 days extension period, the SMA Number will be terminated. If additional time is needed by the agency to complete the review the SMA Number may be extended an additional 60 days.

II. If at the time of the SMA extension request, the applicant has outstanding corrections pending for more than 30 days, the SMA Number will only be extended for an additional 60 days. A reminder notice of the outstanding correction will be sent informing the applicant if complete corrections are not submitted within the 60 days extension period, the SMA Number will not be extended further and the SMA Number will be terminated. If additional time is needed by the agency to complete the review the SMA Number may be extended an additional 60 days.

III. If at the time of the SMA extension request, the corrections are being reviewed, the SMA Number may be extended for an additional 60 days and the review shall be conducted expeditiously. Any further extension of the SMA Number may be issued in 60 days increments provided the company submitted complete and timely (within 30 days) corrections.

Applications submitted after January 8, 2002

SMA Numbers will only be extended in 60 days increments and only, when the applicant has made complete and timely submittal of corrections within the time constraints required in the correction letter. If the applicant has not made timely and complete corrections, the SMA Number will not be extended and the SMA Number terminated.

Be aware that companies may potentially submit incomplete corrections in order to meet the time deadlines. Extension of a SMA Numbers will not be granted where the agency had to request the same correction two or more times.

Attached to this policy is a sample letter to be used when terminating the SMA Number. If you should have any questions, please contact Larry Alt or me.

Division of Mining and Reclamation
116 Industrial Drive
Oak Hill, WV 25901
Phone: 304-465-1911
Fax: 304-465-0031

West Virginia Department of Environmental Protection

Bob Wise
Governor

Stephanie R. Timmermeyer
Cabinet Secretary

RE: SMA

Gentlemen:

The subject Surface Mine Application was submitted to this office on _____and the SMA Number was issued on _____. Technical deficiencies in the application have previously been transmitted to you. These required corrections have not been addressed in a timely manner.

The West Virginia Surface Mining Reclamation Rule, Title 38, Series 2, Section 3.2.a states that the SMA Number is valid for one year. The Rule further states that the SMA Number can only be extended if the application has been diligently pursued throughout the life of the SMA Number. A review of the history of this application shows that you have not diligently pursued this application.

Pursuant to the above noted rule, the SMA Number _____is hereby **TERMINATED**. The original signatures copy of the application will be kept on permanent record in this office. The remaining copies may be retrieved within 30 days. If not retrieved, the copies will be destroyed. You may resubmit the application, accompanied by a new filing fee, if you wish to pursue the proposed operation.

As per WV Code 22-3-21.b, you may appeal this decision, within 30 days, to the Surface Mine Board.

Sincerely,

Permit Supervisor

SUBJECT:	**GIS Database of Permit Maps**
DATE:	**June 30, 2003**
APPROVAL:	**Matt Crum, Director**

The WVDEP maintains a digital database of all mine maps for the state of WV. In order to insure that this database remains up to date the following information will be needed. As of the above date all new Surface Mine Applications, Permit Amendments and all Phase I Release applications need to include the following extra digital and paper copies of maps.

1. A hard copy of all Proposal, Drainage and Subsidence Control maps for each SMA, Amendment or release permit.

2. A digital copy of the AutoCad, DWG file of all Proposal, Drainage and Subsidence Control maps.

All digital and hard copy maps should be sent to the Program Development Geologist for the WVDEP. The state Geologist will make sure that each map is incorporated into the WVDEP GIB database.

SUBJECT:	Procedure for Coordination of Permit Review Between DMR and OEB
DATE:	August 30, 2005

When any application includes a blasting plan or should include a blasting plan, the permit supervisor will notify the team leader and the Office of Explosives and Blasting (OEB) that an OEB specialist needs to be included on the permit review team. This includes all IBR's unless there is no blasting on the permit or no further blasting. DMR will conduct administrative reviews of Section T of SMA's unless specific assistance from OEB is requested.

The team leader will notify the OEB office assistant by email and copy the blasting supervisor. The OEB specialist will complete a review of the application within the established time guidelines. The OEB specialist will send all correction requests and approvals to the team leader, the regional permitting office assistant and OEB office assistant by email. The team leader will hold all correction requests until all team members have completed review of that particular application. The regional permitting office assistant will mail all corrections together.

Once corrections are made, the team leader will notify all team members and OEB office assistant that corrections were made. DMR will distribute a copy of Section T of the application to OEB upon final approval.

OEB will send a copy of the permit tracking spreadsheet showing what applications OEB has reviewed and approved to the DMR permit supervisors on a monthly basis.

OEB is specifically exempt from regulating quarries, however, if assistance is requested in the review of the blasting section of QMA's, a specialist will review the application and make recommendations to the team leader on how the plan might be improved. The specialist will not provide a formal correction sheet or approval.