

**Ohio Department of Natural Resources
Division of Mineral Resources Management**

****PROCEDURE DIRECTIVE****

Permitting 2011 - 01
(Replaces Permitting 94-3)

SUBJECT: Midterm Permit Review

EFFECTIVE: April 1, 2011

PURPOSE: Establish procedures for processing midterm permit reviews

Section 1501:13-4-06 (G) (1) of the Ohio Administrative Code ("OAC") requires the chief to review permits no later than the middle of a permit term or every five years, whichever is more frequent. After this review, the chief may require reasonable revisions to the permit to ensure compliance with the coal mining law and rules. OAC 1501:13-4-06 (G) (2) requires permits which include certain categories of mining (provisions for mountaintop removal, experimental practices, variances from approximate original contour, or variances for delay in contemporaneous reclamation for combined strip and underground mining operations) to be reviewed as required by OAC 1501:13-4-12.

This process of reviewing the permit and requiring reasonable revisions is known as the Midterm Permit Review ("MPR") and is initiated by the permitting section.

Initiation of Review

The permitting MPR coordinator will initiate a review three months prior to the two and one-half year mark of a permit's five year term. This should allow other division reviewers (e.g., inspectors, technical staff, etc.), as well as the permittee, adequate time to review and submit comments to the MPR coordinator prior to the midterm point of the permit. The MPR coordinator will log and monitor the review due dates and contact delinquent reviewers to ensure the process is completed timely.

Scope of Review

The chief may require revisions or modifications of a permit to ensure compliance with the law and rules. Other aspects of a permit will also be reviewed to determine if the permit reflects the current conditions at the mine site. Based on on-site conditions (e.g. geologic formations, intercepted mines, generation of AMD), the chief may require, by Chief's Order to the permittee, reasonable revisions or modifications of the permit.

The inspection and enforcement staff will be included in the MPR process with specific emphasis on right-of-entry expirations, special categories of mining, mine site conditions, new construction, and water supplies that were not identified in the vicinity of the permit. If changes are needed, inspectors need not wait for MPR to require changes to the permit, and thus may require revisions immediately. Appropriate technical program staff (e.g. engineer, hydrologist, soils specialist) will also be involved where necessary. The permitting section will determine if any law and rule changes have occurred since the permit was issued and whether permit revisions are required.

Procedures for Review

The MPR coordinator will notify the permittee and the inspector of the MPR three months prior to the two and one-half year mark of a permit's five year term. The notification will include the MPR permittee and inspector review forms. The permittee and inspector will have thirty (30) days to respond to the notification.

Based on the permittee and inspector reviews, the MPR Coordinator will notify and provide a due date to technical staff, as applicable. The technical staff will have thirty (30) days to respond.

After receipt and review of the completed MPR permittee and inspector review forms, technical comments if applicable, and the permitting section's review of law and rule changes, the permitting section will determine whether any permit revisions are necessary. The permitting section will notify the permittee and inspector if no revisions are required.

If revisions are required, the permitting section will send a letter to the permittee requiring revisions to be submitted in an Application to Revise a Coal Mining Permit ("ARP") and/or a Coal Permit Update Letter ("PUL"). The revision letter will be mailed certified and require revisions to be submitted within forty-five (45) days of receipt of the letter. If the ARP/PUL form is not received within forty-five (45) days, or the permittee has not requested in writing to the Coal Permitting manager and received an extension of time, a Chief's Order will be issued to the permittee.

Renewed Permits and MPRs

Renewed permits shall have MPRs completed within two and one half years of the renewal date. The MPR for the renewed permit will be of the same scope and follow the same procedures as a MPR for the original permit.



John F. Husted, Chief
Division of Mineral Resources Management

**OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINERAL RESOURCES MANAGEMENT**

Midterm Permit Review (MPR) – Permittee Review

Permittee Name: _____

Permit Number: _____

Permittee Contact Person: _____

Contact's Phone #: _____

Contact's E-Mail: _____

Response Due Date: _____

1. For blasting operations, are there new landowners and/or new structures within one-half mile of the permit boundaries?

Yes No If yes, list the landowner(s) along with their address and address of the new structure(s).

2. Have new water supplies been developed within 1000 feet of the permit or unmined portion of the shadow area boundaries?

Yes No If yes, list the owner(s) and describe the location of the property(ies).

3. Has surface and/or mineral ownership changed within the permit or shadow area(s)?

Yes No If yes, list the owners and describe the location of the property(ies).

4. Have any water supplies been adversely impacted (quality/quantity) since mining commenced?

Yes No If yes, identify the property and water supplies and explain.

5. Have there been any changes to the operator(s) currently identified for this permit?

Yes No If yes, describe.

6. Are geologic conditions different from those stated in the permit? (Examples: If the test holes describe mostly sandstone and the highwalls show mostly shale; or test holes describe a limestone that is not seen in the highwalls; or there is evidence that the strata contain more iron than described in the drilling reports (staining or color of strata), unexpected interception of an underground mine). Use PHC and drilling reports as references.

Yes No If yes, describe the conditions.

7. Have all annual/final reports, annual impoundment certifications, and/or quarterly fill certifications been submitted as required?

Yes No If no, describe.

8. For underground mining operations, have all landowners been notified at least six months prior to underground mining operations that will be conducted under their property as required by OAC 1501:13-12-03 (O)?

Yes No N/A If no, explain.

9. Has the Right-of-Entry expired for any properties on which coal removal has not been completed?

Yes No If yes, list the property owner(s) and expiration date(s).

10. Are there any ARP/PUL and/or IBR/AAA applications for this permit for which you have not responded to a DMRM revision letter(s)?

Yes No If yes, provide the ARP/PUL and/or IBR/AAA application number(s) and explain.

11. If the mining application was deemed complete on or after 7-19-2010, is the bat (Mist-Net) survey contained in the permit greater than five (5) years old?

Yes No N/A

If yes, does suitable/potential Indiana Bat habitat still exist on the permit area? Yes
 No

12. Are there any special categories of mining different from those identified in the permit?

Yes No N/A If yes, list them.

13. Is the Certificate of Insurance valid?

Yes No If no, indicate expiration date.

14. Is the NPDES permit valid?

Yes No If no, explain.

15. Is the OEPA 401 certification valid?

Yes No N/A If no, explain.

16. Is the OEPA isolated wetlands permit valid?

Yes No N/A If no, explain.

17. Is the ACOE 404 permit (individual or nationwide) valid?

Yes No N/A If no, explain.

(Authorized Signature)

(Date)

(Authorized Person - Print Name)

(Title)

**OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINERAL RESOURCES MANAGEMENT**

Midterm Permit Review (MPR) – Inspector Review

Permittee Name: _____

Permit Number: _____

Permittee Contact Person: _____

Contact's Phone #: _____

Contact's E-Mail: _____

Inspector Name: _____

Response Due Date: _____

If an ARP/PUL and/or an IBR/AAA are pending to address any questions below, please indicate ARP/PUL/IBR/AAA number in your response.

1. Are geologic conditions different from those stated in the permit? (Examples: If the test holes describe mostly sandstone and the highwalls show mostly shale; or test holes describe a limestone that is not seen in the highwalls; or there is evidence that the strata contain more iron than described in the drilling reports (staining or color of strata); unexpected interception of an underground mine). Use PHC, drilling reports, and CHIA as references.

Yes No If yes, describe the conditions.

2. Are hydrologic conditions different from those stated in the permit? (Examples: indication of AMD or other potential pollution conditions, unexpected interception of an underground mine).

Yes No If yes, describe the condition(s). Use PHC and CHIA as references.

3. Are there any impacts to water supplies or other surface or groundwater resources that were not predicted in the PHC and/or CHIA?

Yes No If yes, describe the condition(s).

4. Are there any on-site conditions (examples: pond design, stream reconstruction, spoil blending, toxic material/coal waste handling) relating to engineering that are different from those in the permit?

Yes No If yes, describe.

5. In regards to a conditionally issued permit, is the operation in compliance?

Yes No If no, describe.

6. If the permit is bonded under the pool option, do the disturbed acres exceed the bonded acres?

Yes No If yes, describe what action has been taken to address the situation.

7. Does the Performance Security Estimate (PSE) currently reflect the approved mining and reclamation plan?

Yes No If no, describe the portion of the plan that has changed.

8. Are there any enforcement actions that have not been terminated or are not in the process of being corrected within the time allowed?

Yes No If yes, describe the conditions.

9. Have all annual/final reports, annual impoundment certifications, and/or quarterly fill certifications been submitted as required?

Yes No If no, describe.

10. Has the Right-of-Entry expired for any properties on which coal removal has not been completed?

Yes No If yes, what action has been taken to remedy this matter?

11. Have there been any changes to the operator(s) currently identified for this permit?

Yes No If yes, describe.

12. Are there any special categories of mining different from what is currently listed in the permit?

Yes No N/A If yes, list the categories.

13. Has the Certificate of Insurance expired?

Yes No If yes, what action has been taken to correct this matter?

(Inspector Signature)

(Date)