

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

****PROCEDURE DIRECTIVE****

Permitting, Hydrology & Bonding # 2007-3

This directive replaces all references to submittal of permit revisions (ARP) for Small Area Drainage Exemptions contained in Permitting, Hydrology and Bonding PPD 2001-1. Remove from Notebook.

Subject: Submittal, Processing and Approval of Application To Revise A Coal Mining Permit (ARP) for Small Area Drainage Exemption (SADE) – Field Office Guidelines

Effective: October 1, 2007

Purpose: To revise the procedures for the submittal, processing and approval of an Application To Revise A Coal Mining Permit (ARP) for Small Area Drainage Exemption (SADE)

INTRODUCTORY GUIDELINES:

Effective October 1, 2007, all ARPs requesting SADEs will now be submitted to the field inspector in the district office responsible for inspecting the mining permit. This change is being implemented to improve the efficiency and timeliness of DMRM review and processing of SADE request ARPs. The field inspectors, along with other field staff, shall assume the responsibility of an ARP requesting a SADE, from initial submittal to the processing conclusion. To this end, it is important to recognize a number of introductory guidelines from Procedure Directives Permitting, Hydrology & Bonding 2007-01 and 2007-02.

Procedure Directive Permitting, Hydrology & Bonding 2007-01:

- 1) To be processed within the framework of this revised guideline, (direct submittal to the district office), an ARP for a SADE may not revise any other part of the permit application.
- 2) Enforcement action may result from failure to obtain an approved application, or if an area suitable for exemption but not covered by the provisions of the blanket SADE (see Procedure Directive Permitting, Hydrology & Bonding 2007-02) is created prior to approval of an application.
- 3) If an area is large enough to require pond designs, the area can no longer be considered as suitable for exemption under the provisions governing SADEs.

Procedure Directive Permitting, Hydrology & Bonding 2007-02:

- 1) DMRM recognizes that new permit language described in Procedure Directive Permitting, Hydrology & Bonding 2007-02 should result in fewer SADE request ARPs

in the future. However, any requests for SADE of (1) acre or more shall be submitted to the district office following the ARP submittal process described in Procedure Directive Permitting, Hydrology & Bonding 2007-01.

- 2) All SADE requests for existing permits, or permits without new or revised language shall be submitted to the district office following the ARP submittal process described in Procedure Directive Permitting, Hydrology & Bonding 2007-01.
- 3) All SADE areas shall be shown on each required annual/final map, be clearly labeled, and include a surface acreage figure for each.
- 4) Contiguous SADE areas, where the sum acreage of the two is greater than (1) acre, unless one of the areas is fully vegetated in permanent ground cover, are not acceptable.
- 5) Any SADE area that proposes the use of designed structures for drainage control purposes, such as sumps and/or diversions shall be submitted to the district office following the ARP submittal process described in Procedure Directive Permitting, Hydrology & Bonding 2007-01.
- 6) Approved drainage control methods shall be in place within (3) days of the creation of the area outside of the main drainage control system.

Finally, DMRM recognizes that the majority of SADE areas are less than (1) acre size. Areas equal to or greater than (1) acre in size will be critically evaluated for the installation of designed structures, such as sumps and/or diversions, in addition to, or as the primary means of sediment control, especially those areas with the potential for concentrated flow.

SADE ARP SUBMITTAL & PROCESSING

Item 1: ARP SUBMITTAL: Four (4) copies of the completed ARP shall be submitted to the district office responsible for inspecting the mining permit (**Note:** One copy shall have original signatures).

The designated district personnel shall enter the ARP information into the tracking database(s), and assign an identification number. The number shall have a prefix of "R-", followed by the permit number, with a sequentially numbered prefix. (For example, R-2007-1. This number identifies that the ARP is the first proposed revision to permit number D-2007).

The applicant shall indicate at the top of the ARP form whether it's a new submittal or revision to an ARP in process by checking the appropriate blank and providing the ARP number if available. This should help to avoid duplication of assigned ARP numbers.

The designated district personnel completes the available information on an, "ARP Review Tracking Sheet", (Form A3), and attaches this sheet to the ARP. This tracking sheet identifies technical reviewers, records dates of review and revision, and provides a quick reference for the status of the ARP at any point in the processing.

With the tracking sheet attached, the designated district personnel will distribute the ARP to the inspector responsible for inspecting the mining permit.

Item 2: ARP REVIEW TRACKING AND COORDINATION: The inspector will conduct a completeness review of the ARP, insuring that all information required by rule and law is included in the request. ARPs must include all of the required information in order to be processed promptly.

Completeness will be determined by the submittal of four (4) copies of the completed ARP, (one copy shall have original signatures; each item of the application document must addressed), along with inclusion of the specific information outlined in the attached document, "Procedure Directive Permitting, Hydrology & Bonding 2007-01". (**Note:** Along with the required surveyor's seal, the inclusion of a designed structure, such as a sump and/or diversion, necessitates the addition of an engineer's seal).

If it is determined that required information is missing, the inspector will request the additional information from the applicant by a, "Revision Letter For An Incomplete ARP", (Form A1). Further processing may not continue until such time that the applicant provides all necessary information and the ARP is deemed complete.

If the applicant fails to respond to an incomplete revision request in a timely manner as described within (Form A1), and a follow up call on the due date was unable to resolve the delay, the ARP will be returned without further processing. At that time, enforcement action may be taken as warranted.

The inspector organizes and stamps the (4) copies of the ARP, (Columbus, Inspector, Operator, & OSMRE), additionally stamps the ARPs "Returned", finalizes the, "ARP Review Tracking Sheet", by indicating the returned date, and attaches the "Returned Letter for Non-Response", (Form A2), to the operator's copy. (If the ARP has been determined to be incomplete because four (4) copies of the ARP were not submitted, the inspector may need to make the appropriate copies for distribution.) The entire ARP package is then directed to the designated district personnel for data entry.

The designated district personnel enters all pertinent dates from either, the "ARP Review Tracking Sheet", (Form A3), or the ARP itself, and returns the package to the inspector.

The copies of the returned ARP are distributed from the district office by the inspector to Columbus, the inspector, the operator, and OSMRE. The Columbus copy should include the applicant's original signature ARP form, and copies of all administrative paperwork compiled throughout the review process.

Once deemed complete, ARP processing will continue. The completeness review process will be tracked by the inspector on the, "ARP Review Tracking Sheet", (Form A3).

Item 3: ARP REVIEW/REVISIONS: Following determination of completion, the inspector during his/her ARP review, shall determine whether additional technical review assistance is required. If additional technical review is determined to be necessary, the inspector completes the “ARP Review Due Date Sheet”, (Form A4), and attaches the sheet to the appropriate ARP documents, and distributes the package to each technical reviewer.

Upon completion of their review, the technical reviewer indicates acceptable, or unacceptable, provides revision comments as necessary, and returns the, “ARP Review Due Date Sheet”, (Form A4), to the inspector. If a response is not received by the due date, the inspector will make a follow up call to discuss the delay, and determine if additional review time is necessary.

Any revision comments provided by a technical reviewer should be “revision letter ready”; the inspector should be able to attach a legible copy of technical revision comments to a cover letter. The inspector and technical reviewer(s) should also communicate and determine which, if any, ARP documents sent for review need to be returned to the inspector. (**Note:** Document/s return, if necessary, should be addressed in the comments section of forms A4 and A14.)

The inspector combines any revisions they may have with any technical review revisions and prepares a “Revision Letter”, (Form A5). The revision letter is to be sent to the applicant, with a copy distributed to any contributing technical reviewer(s).

Upon receipt of requested revisions, the inspector will distribute the revisions to the appropriate technical reviewers, if their further review is needed, utilizing the, “ARP Revision Review Due Date Sheet”, (Form A14). When minor revisions are entailed, the inspector will likely complete the review him/herself. Where more substantive revisions have been requested, the technical reviewer who requested the revisions must review the supplemental information, tracked using the, “ARP Revision Review Due Date Sheet”, (Form A14). If a review response is not received by the due date, the inspector will make a follow up call to discuss the delay, and determine if additional review time is necessary. The review/revision letter/review cycle continues as described, using, (Forms A2, A5, & A14), until all regulatory requirements have been met, and both inspector and any technical reviewers are satisfied.

If the applicant fails to respond to any revision request in a timely manner as described within (Form A5), and a follow up call on the due date was unable to resolve the delay, the ARP will be returned without further processing. At that time, enforcement action may be taken as warranted.

The inspector organizes and stamps the (4) copies of the ARP, (Columbus, Inspector, Operator, & OSMRE), additionally stamps the ARPs “Returned”, finalizes the, “ARP Review Tracking Sheet”, by indicating the returned date, and attaches the “Returned Letter for Non-Response”, (Form A2), to the operator’s copy. The entire ARP package is then directed to the designated district personnel for data entry.

The designated district personnel enters all pertinent dates from either, the “ARP Review Tracking Sheet”, (Form A3), or the ARP itself, and returns the package to the inspector.

The copies of the returned ARP are distributed from the district office by the inspector to Columbus, the inspector, the operator, and OSMRE. The Columbus copy should include the applicant's original signature ARP form, and copies of all administrative paperwork compiled throughout the review process.

The entire review/revision process will be tracked by the inspector on the, "ARP Review Tracking Sheet", (Form A3).

Item 4: ARP APPROVAL/RETURN: When no further revisions are needed, the ARP package is ready for approval.

The inspector organizes and stamps the (4) copies of the ARP, (Columbus, Inspector, Operator, & OSMRE), and finalizes the, "ARP Review Tracking Sheet", (Form A3), by indicating the recommended for approval date. The entire ARP package is then directed to the supervisor.

The supervisor checks to ensure that all regulatory and review requirements have been met. If, through this management review, additional information is determined to be necessary, further processing of the ARP cannot continue until the additional information has been included. With the ARP package complete, the supervisor stamps and signs the (4) copies of the ARP for the Chief, and directs the package to the designated district personnel for data entry.

The designated district personnel enters all pertinent dates from either, the "ARP Review Tracking Sheet", (Form A3), or the ARP itself, generates the issuance cover sheet, and returns the package to the supervisor.

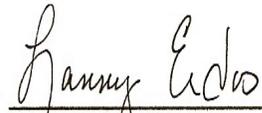
The supervisor signs the issuance cover sheet for the Chief, and forwards the entire package to the inspector.

The copies of the approved ARP are distributed from the district office by the inspector to Columbus, the inspector, the operator, and OSMRE. The Columbus copy should include the applicant's original signature ARP form, and copies of all administrative paperwork compiled throughout the review process.

Finally, the DMRM has made the determination that there will be no disapproval, of unacceptable packages through the customary process of, "An Order by the Chief", for ARPs submitted directly to the district office for processing. ARP packages submitted directly to the district office for processing, will ultimately, either be approved/issued, or returned without further processing, as described herein. (**Note:** Applicant withdrawal of a pending application remains an option at any time in the review process. A withdrawn ARP shall be processed the same as a returned ARP.) Remember enforcement action may be taken as warranted on returned packages.

Although no specific timeframes have been assigned to this process, DMRM pledges to make every effort to process to conclusion all SADE ARP submittals in (30) days or less.

NOTE: Templates of forms A1, A2, A3, A4, A5, A14, are available for use on the "M" Drive, in the "Common Folder", under "SADE ARP Forms".



Lanny Erdos, Manager
Permitting, Hydrology and Bonding