


Reclamation Advisory Memorandum


Kentucky
Department for Surface Mining
Reclamation and Enforcement

From: Elmore C. Grim, Commissioner *E.C.G.*
Subject: Initial Completeness Requirements for Transition
Comprehensive Applications

Date: December 1, 1982

RAM # 55

This RAM is applicable to all existing interim permittees who have filed transition applications on or before July 19, 1982 and expect to file comprehensive applications on or before January 18, 1983. The minimum contents of each comprehensive application to meet initial completeness requirements are described. Those sections of the comprehensive application for which it is acceptable to submit technical information sometime after January 18, 1983, are also described. The Department's review procedures for initial completeness and later technical review are discussed, including the procedures for making corrections to the applications.

The conditions under which an application may be denied because of failure to meet initial completeness requirements are also discussed.

REVIEW PROCEDURE FOR TRANSITION COMPREHENSIVE APPLICATIONS

Any holder of an interim permit who filed a transition application on or before July 19, 1982, must file a comprehensive permit application on or before January 18, 1983, in order to be able to continue mining on his interim permit. As a result of the volume of comprehensive permit applications (2000 to 3000) which are expected to be filed on or before January 18, and the lengthy amount of time that will be required by the Department to review these applications, a two-stage application submission process has been defined:

- (1) All transition comprehensive applications filed on or before January 18, 1983 must meet initial completeness requirements as described in this RAM.
- (2) Certain technical sections may be submitted at a later time according to the schedule which is described below. These sections must be submitted prior to the Department initiating technical review of the application. This procedure is being followed to allow additional time for preparing extensive technical requirements which are necessary for the permit application to be ready for technical review.

RAM #53 defines the Department's technical review schedule for different priority codes that have been assigned to the transition applications. Applications which are to be submitted have been divided into four groups designated as priorities one, two, three, and four. For all applications that fall into the first priority group, the Division of Permits will conduct both initial completeness and technical review. For priority groups two, three, and four, the regional offices will conduct the initial completeness review and the Division of Permits the technical review.

SCHEDULE FOR TECHNICAL REVIEW

Any technical information which is not submitted on or before January 18, 1983, must be submitted by the following dates:

Priority One: March 1, 1983
Priority Two: May 1, 1983
Priority Three: August 1, 1983
Priority Four: November 1, 1983

Only those technical sections specifically designated in Figure 1 and discussed below as being eligible for delayed submission may be submitted late. If the above schedule is not adhered to, the application may be denied.

INITIAL COMPLETENESS REQUIREMENTS FOR TRANSITION COMPREHENSIVE APPLICATIONS

The following requirements apply for initial completeness of transition comprehensive applications:

1. All application questions must be answered completely in the comprehensive application except those identified in the attached Figure 1;
2. Where an "N/A" is used to reference a question as "not applicable", a brief statement as to the reason that "N/A" is appropriate must be presented;
3. For those questions where only partial data information is being submitted (as described in Figure 1), the applicant must indicate a schedule for submission of the complete information in his answer to the specific question; such schedule must provide for all information to be submitted prior to dates in the schedule for technical review for his application priority.
4. All applicants are strongly urged to use the instruction manual for the Surface Mining Application or the Underground Mining Application, as appropriate. The instruction manual will help to clarify many of the questions within the application form.
5. All transition comprehensive applications should be submitted to the appropriate regional office in bound covers as described in the instruction manual. The transition application number, submitting company, and priority code assigned by the Department should appear on the cover of the application.

Figure 1 describes those items where a partial answer will be accepted within the application's three major categories: (I) Historical and Application Information, (II) Environmental Resources Information, and (III) Mining and Reclamation Plan. Essentially all of the Historical and Application Information must be completed for the initial submission of your transition comprehensive application. In the Environmental Resources Information category, some relief is given for the premining data information, but most other sections must be completely answered. In the Mining Reclamation Plan category, additional time has been provided for preparing plans and design calculations on those questions which require this information to be submitted.

If major problems are found in the initial completeness review, the applicant and his engineer will be asked to visit the appropriate departmental office upon short notice to go over the status of the application relative to initial completeness. On that visit, it will be explained to the applicant and his engineer that he has ten working days in which to make the significant corrections required to meet initial completeness requirements. If the applicant is unable to accomplish these corrections within the ten working days, his application will be denied.

The request for a conference is an indication that the Department has a major problem with the application. Both operators and engineers must be aware that the Department is unable to accept comprehensive applications which have major deficiencies. Denial of the comprehensive application will automatically lead to expiration of the interim permit on the denial date. This procedure provides extensive and reasonable opportunity for the applicants to be notified of their deficiencies.

SOAP APPLICATIONS

For those transition comprehensive applications where Small Operator Assistance Program (SOAP) assistance for data collection is pending or underway, it is possible that the priority review schedule will change due to the status of SOAP data collection. The Department anticipates that ten to fifteen percent of transition comprehensive applications will have a SOAP contract in process.

The following information must be included in the application:

1. A copy of either the eligibility determination letter or the Phase I and/or Phase II SOAP award letter must be included as the first page of the Environmental Resources Section.
2. An anticipated schedule for completing the geologic and hydrologic data collection and preparing a probable hydrologic consequences (PHC) statement.

Since work under the SOAP agreements may not be completed by the January 18, 1983, submittal date for the transition comprehensive application, different initial completeness requirements will apply to sections of the application dependent on the preliminary data. Sections 11, 12, 13, 25, and 26 are in this category. These sections should be completed to the extent possible with the SOAP contract referenced where future data will be developed.

REVIEW PROCESS FOR PRIORITY ONE APPLICATIONS

The following procedures will apply for review of priority one projects:

1. Priority one projects will be separated according to their priority code upon their submission to the Department on or before January 18, 1983. The initial completeness reviews will be conducted for these priority one applications by the Division of Permits in Frankfort. All resubmissions for priority one projects should be made to Frankfort.
2. Due to the tight time frames that exist for resolving any initial completeness deficiencies as well as the later submission of additional technical data, priority one projects will receive a single letter that will identify initial completeness status (including deficiencies) and additional categories of technical information which must be submitted. This letter will also specify a submission date of March 1, 1983, or ten (10) working days after receipt of the letter, whichever is later. Priority two, three, and four applications will be handled as described in the next section.
3. Three of the four applications which are submitted will be returned to the applicant with his letter citing any initial completeness deficiencies and additional required categories of technical information. Corrected applications are to be resubmitted to the Division of Permits by the date indicated on the letter with an extra set of corrections which will be inserted in the copy of the application which the Department has retained.
4. Upon acceptance of the application as ready for technical review, the applicant will be sent a letter indicating that the applicant should begin his advertising. The Division of Permits will forward one copy of the application to the regional office for the purpose of public review and comment. This procedure will best take advantage of the time available for preparing priority applications for technical review.

REVIEW PROCESS FOR PRIORITY TWO, THREE AND FOUR APPLICATIONS

For later priority codes, a slightly different procedure will be followed. In these cases, initial completeness reviews will be handled entirely in the regional office. The following procedure will apply:

1. Applications will be reviewed for initial completeness by the regional office. In the event of deficiencies in the application, applicants will be notified by telephone and be sent a letter citing what the deficiencies are. Applicants will have 10 working days after receipt of the letter in order to make corrections and resubmit the application to the regional office.
2. If the corrections are such that an application can be corrected by submission of a letter, the applications will not be returned to the applicant. If this is not the case, three of the four applications will be returned to the applicant's engineer who will be responsible for making corrections in the applications. In addition to resubmitting the corrected applications, the applicant will need to submit one extra set of corrections for insertion into the fourth copy of the application which the Department has retained.
3. Upon a determination of initial completeness, the applicant will be sent a letter notifying him that his application has been deemed initially complete and advising him of additional categories of technical information that must yet be submitted. This letter will also specify a date for submission of this information. With this letter, the applicant will receive three of the four applications so that he can add missing technical information. Upon resubmission, the applicant must also submit a fourth set of the additional information for insertion into the fourth copy of the application which the Department has retained.
4. Upon receipt of the additional technical information at the regional office, the regional office will provide a letter indicating that the application is ready for technical review and that the applicant should begin his advertising. The regional office will at this time forward three of the four copies to Frankfort with the fourth copy remaining in the regional office for the purpose of public review and comment.

FIGURE 1

Comprehensive Application Items Where A
Partial Answer is
Acceptable for January 18, 1983 Submission

I. Historical and Application Information

7. Fees and Insurance. A certificate of liability insurance for the permit area (Item 7.3) and designation of insurance company (Item 7.2) may be submitted later (but prior to permit issuance).

8. Bonding. For the surface mining application (SMP-01), Item 8.2 and the bond amount information in 8.3 should be left blank. If incremental bonding is proposed, indicate the number of increments and the area for increment #1 in question 8.3. Item 8.5 should not be completed.

II. Environmental Resources Information

11. Geologic Information. For items 11.3 and 11.5, a partial data submission is acceptable. The applicant must clearly describe the status of his geologic sampling program and his anticipated schedule for completion, if the program is incomplete.

12. Surface Water Information. For items 12.2(c), 12.3, and 12.4 (underground operation), a partial data submission is acceptable. The status of the surface water monitoring program must be described, along with a schedule for completion and submission of data.

13. Ground Water Information. A partial data submission for item 13.4 is acceptable. The status of the groundwater monitoring program must be described with a schedule for completion and submission of data.

17. Vegetation Information. The Department will accept a description and/or map delineation of vegetative types derived from existing published sources (SCS, 522 program, for example) for the initial submission. The Department will be issuing a specific TRM in the near future.

III. Mining and Reclamation Plan

23. Backfilling and Grading Plan. The Department will accept a preliminary description of the plan, along with a schedule for submission of the complete plan. The applicant may submit information from the interim permit if it is still applicable to the operations.

NOTE: ALL ITEMS NOT SPECIFICALLY REFERENCED ABOVE MUST BE ANSWERED COMPLETELY FOR JANUARY 18, 1983 SUBMISSION.

ANY TECHNICAL INFORMATION ALLOWED TO BE SUBMITTED AFTER JANUARY 18, 1983, MUST BE SUBMITTED ACCORDING TO THE SCHEDULE FOR TECHNICAL REVIEW (page 2).

FIGURE 1 (Cont.)

24. Surface Disposal of Excess Spoil and Waste Plan. Items 24.1 through 24.4 must be completely answered. The Department will accept a general preliminary description for item 24.5 if it is accompanied by a schedule for submission of the geotechnical data, drawings, etc., prior to technical review.

25. Toxic Material Handling Plan. A preliminary plan must be submitted based on the status of geologic and hydrologic data. A schedule for final plan submission must be presented.

26. Protection of Hydrologic System. Answers to many items in this question depend on the status of geologic and hydrologic data collection. For items 26.1, 26.2, 26.9, 26.10, 26.11, and 26.12, a preliminary plan must be submitted. A schedule for final plan submission must be presented. If designs, calculations, and plans prepared for the interim program are considered still applicable, these should be submitted and clearly identified as being based on the interim permit application.

27. Existing Structures. Item 27.2 may be completed after January 18, 1983, but a schedule must be defined for submitting a final compliance plan and required calculations indicating that permanent performance standards are met.

28. Sedimentation Ponds, Impoundments, Waste Banks, Dams and Embankments. Preliminary plans for structures which are not existing or which require major modification must be submitted with the initial application. Final plans are to be submitted prior to technical review.

33. Subsidence Control Plan. (underground application only) A preliminary plan must be submitted with a schedule for submitting a final plan. If subsidence is not believed to be a problem, the applicant should so state, along with supporting reasons.

34. Disposal of Coal Processing Waste in Underground Mines. A preliminary plan must be submitted, with a final plan due prior to technical review. MSHA approval must be obtained prior to permit issuance approving underground disposal.

NOTE: ALL ITEMS NOT SPECIFICALLY REFERENCED ABOVE MUST BE ANSWERED COMPLETELY FOR JANUARY 18, 1983 SUBMISSION.

ANY TECHNICAL INFORMATION ALLOWED TO BE SUBMITTED AFTER JANUARY 18, 1983, MUST BE SUBMITTED ACCORDING TO THE SCHEDULE FOR TECHNICAL REVIEW
(page 2).