

FILED BY THE OFFICE OF
SECRETARY OF STATE
THIS DATE 1-19-81



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81 JAN 19 9:16

STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

OFFICE
SECY. OF STATE

A. JAMES MANCHIN
SECRETARY OF STATE

STATE REGISTER FILING

I, David C. Callaghan, Chairman,
Title or Position

Reclamation Commission, hereby submit to record in
Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of


- (X) proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
 - (X) proposed rules and regulations superseding ^{in part} rules and regulations already on file;
 - (X) notice of hearing;
 - () findings and determinations;
 - () rules and regulations; or
 - (X) other - specify (cover letter, list of newspapers publishing notice, and forms).
- This filing pertains to


Chapter 20
Article 6
Series VIII
Section 1-16
Page No. 1-298, 1-302


- (X) proposed rules and regulations are required to go to Legislative Rule Making Committee;
- () proposed rules and regulations are excluded from Legislative Rule Making Committee;

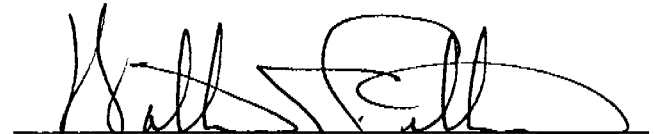
February 19, 1981
Date Submitted

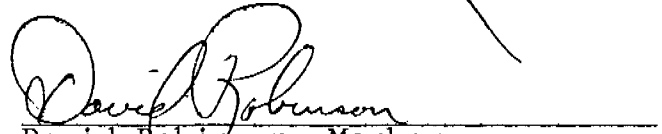
David C. Callaghan
Signature of Person Authorizing
this Filing

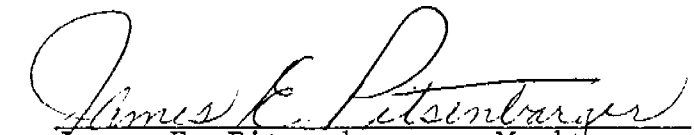

David C. Callaghan, Director
Department of Natural Resources


David C. Callaghan, Chairman
Reclamation Commission


Walter N. Miller, Director
Department of Mines


Walter N. Miller, Member
Reclamation Commission


David Robinson, Member
Reclamation Commission


James E. Pitsenbarger, Member
Reclamation Commission



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25305

JOHN D. ROCKEFELLER IV
Governor

January 19, 1981

DAVID C. CALLAGHAN
Director

WILLIS H. HERTIG, JR.
Deputy Director

The Honorable A. James Manchin
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Secretary Manchin:

The following is a list of newspapers in which the attached notices were scheduled for publication on January 19, 1981, or as soon thereafter as possible.

Dominion Post--Morgantown
Inter-Mountain--Elkins
The Clarksburg Exponent--Clarksburg
The Raleigh Register--Beckley
Charleston Newspapers--Charleston
Herald Dispatch--Huntington
The Intelligencer--Wheeling

Sincerely,



David C. Callaghan, Chairman
Reclamation Commission

DCC/fd

Attachment

SECRETARY OF STATE

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N O T I C E

OFFICE
SECT. OF STATE

Rules and regulations affecting the surface mining of coal, the surface effects of underground mining of coal, coal prospecting operations, coal processing and preparation operations, coal processing waste operations, coal loading and transportation facilities and other facilities incidental to coal mining operations and special permits for reprocessing and incidental mining and various forms which may have the effect of rules or regulations have been proposed by the Reclamation Commission of the Department of Natural Resources. These regulations, filed in the Office of the Secretary of State on January 19, 1981, implement the provisions of Section 503 (the permanent program) of the federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) in West Virginia and West Virginia Code Chapter 20, Article 6, as amended.

Notice is hereby given that on Thursday, February 19, 1981, beginning at 10:00 o'clock a.m., a public hearing will be held in the Capitol Complex, Conference Rooms A and B, in Charleston, West Virginia, at which time all interested persons may submit oral and/or written comments addressing these rules and regulations.

From January 19, 1981, until the close of the public hearing on February 19, 1981, the Commission will accept any data, objections, suggested amendments, etc., submitted by interested persons. No such comment will be considered if received after 5:00 o'clock p.m., February 19, 1981, at the address noted below or after the close of the hearing at the above-noted Conference Rooms A and B.

Those wishing to obtain copies of these rules and regulations may call or write Sandy Humphreys, Room 322, Department of Natural Resources, State Capitol Complex, Charleston, West Virginia 25305, telephone (304) 348-3267.

16A. APPEALS TO THE RECLAMATION BOARD OF REVIEW

16A.01 The board may visit the site of the activity or proposed activity which is the subject of the hearing and take such additional evidence as it deems necessary provided that all parties and intervenors be given notice of the visit and are given an opportunity to accompany the Board.

16A.02 On all appeals to the Board, the Board shall issue a final decision thirty (30) days after the hearing or within thirty (30) days after the testimony presented at the hearing has been transcribed and checked for accuracy.

16A.03 RESERVED

16A.04 RESERVED



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STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

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SECY. OF STATE

A. JAMES MANCHIN
SECRETARY OF STATE

STATE REGISTER FILING

I, David C. Callaghan, Chairman,
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Reclamation Commission, hereby submit to record in
Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- proposed rules and regulations superseding rules and regulations already on file;
- notice of hearing;
- findings and determinations;
- rules and regulations; or
- other - specify (Declaration of emergency *& Forms*).

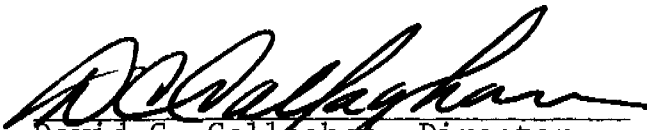
This filing pertains to

Chapter 20
Article 6
Series VIII
Section 1-16, Ch. 1-21
Page No. 1-298, 1-302


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February 19, 1981
Date Submitted


Signature of Person Authorizing
this Filing

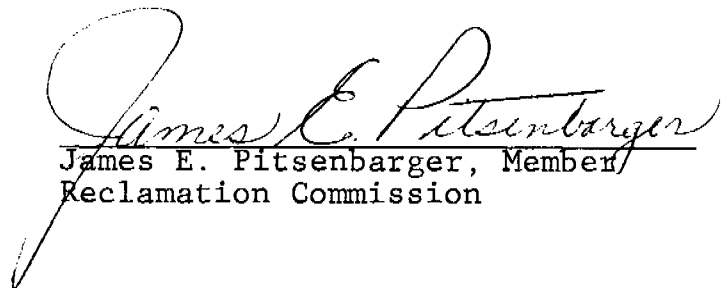

David C. Callaghan, Director
Department of Natural Resources


David C. Callaghan, Chairman
Reclamation Commission


Walter N. Miller, Director
Department of Mines


Walter N. Miller, Member
Reclamation Commission


David Robinson, Member
Reclamation Commission


James E. Pitsenbarger, Member/
Reclamation Commission

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DECLARATION OF EMERGENCY

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SECRETARY OF STATE

Pursuant to Chapter 29A, Article 3, Section 14 of the Code of West Virginia, 1977, as amended, the Reclamation Commission hereby makes the following "Statement of Facts and Circumstances Constituting the Emergency." The United States Congress, in passing the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) mandated that all coal producing states either adopt and implement, with the approval of the Secretary of the United States Department of the Interior, a state program regulating the environmental effects of all coal mining operations in conformity with the mandates of P.L. 95-87 and regulations promulgated by the Secretary of the Interior or, in the alternative, if a state is unable to adopt such a program, Congress mandated the Secretary of the Interior to preempt state regulation of coal mining operations through the establishment of a federal program in such state. The 1980 session of the West Virginia Legislature recognized the necessity from both an economic and environmental standpoint that regulation of West Virginia's coal mine industry was best left to the West Virginia Department of Natural Resources. On March 8, 1980, the Legislature passed Committee Substitute for H.B. 1529 (the state counterpart of P.L. 95-87) and made H.B. 1529 effective after approval of the Secretary of the Interior upon proclamation of the Governor.

The Secretary of the Interior, on January 15, 1981, approved the program submitted by the West Virginia Department of Natural Resources in an attempt to comply with the mandates of P.L. 95-87. On this

day, January 19, 1981, Governor John D. Rockefeller IV declared H.B. 1529 effective. The regulations which accompany this emergency declaration could not have been enacted into law prior to January 19, 1981, thereby creating a set of circumstances under which without an emergency proclamation, rules and regulations implementing H.B. 1529 could not have been promulgated.

The West Virginia Department of Natural Resources could not legally issue any new permits under H.B. 1529 unless rules and regulations promulgated pursuant thereto had also been enacted as law. This is so because federal law requires that states have the necessary legal authority to issue permits in compliance with federal law and federal regulations which can, in fact, only be done in West Virginia if both H.B. 1529 and these rules and regulations are effective. The inability of the State of West Virginia to issue new permits after January 19, 1981, seriously jeopardizes the economic stability of this State and that of the Nation as a whole. The inability of this State to issue new permits after January 19, 1981, would result in the loss of valuable export markets, domestic markets, coal-related employment, needed tax revenues, and other additional benefits to the State of West Virginia. On the other hand, the inability of the State of West Virginia to issue permits and regulate the environmental effects of its coal industry after January 19, 1981, would have serious consequences for the public health, safety and general welfare of the citizens and environment of the State of West Virginia as found by the State Legislature in West Virginia Code 20-6-1.

In the event that the State of West Virginia would not have adequate legal authority to regulate its mining industry in compliance with P.L. 95-87, federal law mandates that the federal government preempt and assume present Department of Natural Resources' functions. The federal Office of Surface Mining is not equipped to regulate West Virginia's coal industry or to protect West Virginia's environment in the manner heretofore accomplished by the West Virginia Department of Natural Resources. The United States Department of the Interior is on record stating that at the earliest, a federal regulatory program could not be established in West Virginia before the expiration of 8 months after preemption of the state regulatory authority. In real terms, this means no new permits could be issued for 8 months and that the number of inspectors authorized to inspect existing coal mining operations in West Virginia would without a doubt be wholly inadequate for the task of protecting this State's citizenry and this State's environmental resources.

Moreover, the promulgation of these rules and regulations on an emergency basis enables the Department of Natural Resources to assume primary jurisdiction over coal mining operations within its borders. Once the State assumes primacy, the role of the federal government becomes supervisory in nature only. The immediate benefits to be realized from State assumption of primacy is the prevention of unnecessary duplication, overlap, confusion and expense generated by a system of dual regulation in the State of West Virginia. In particular, the last 2 years have demonstrated the adverse effects of such a dual regulatory program. With the emergency promulgation of

these regulations on January 19, 1981, the presently existing dual regulatory framework will be dismantled immediately.

Without an emergency declaration which immediately promulgates these rules and regulations, the State of West Virginia would not qualify for approximately 30 million dollars in funds which are earmarked to reclaim areas of land in this State that were affected by past coal mining operations and left in an abandoned or unreclaimed state on or before August 3, 1977. Up until one month ago, the federal government was dispensing funds and overseeing emergency projects similar to those which the State will be able to fund upon promulgation of these regulations. However, funding for federally supervised projects has run out, creating a situation wherein the State is the only regulatory authority capable of reclaiming areas or lands which adversely affect public safety, health and general welfare. The Department of Natural Resources has already targeted 40 priority projects which will be eligible for funding shortly after promulgation of these rules and regulations. Were the State unable to promulgate these regulations today, given the present rate of inflation, the 30 million dollars available to it would accomplish less in the future than it could now. The loss or inability of the State to become eligible for these funds serves no one's purpose.

Finally, the inability of the State of West Virginia to assume primacy under P.L. 95-87 would serve to defeat the declared intentions of both the Congress of the United States and the Legislature of the State of West Virginia. Both of these distinguished bodies recognized

that regulation of the coal mining industry was best left to the individual states. As Section 101(f) of P.L. 95-87 and West Virginia Code 20-6-2(a) clearly demonstrate, state governments should be and are best able to tailor regulatory programs to satisfy the needs of industry within their borders. Thus, this emergency promulgation is in total accord with the express intent of both federal and state governments.

Permit No. _____
S.M.A. No. _____
Limited to _____ Acres

Effective Date _____
Expiration Date _____

Name of Applicant or Company _____

County _____ Magisterial District _____

Nearest Post Office _____ Name of Tract _____
Pursuant to Article 6, Chapter 20 of the Code of West Virginia, a Permit is hereby granted to the above named principal to engage in surface mining in the State of West Virginia. All surface coal mining and reclamation operations shall be conducted as described in the complete application and on those lands specifically designated on the map(s) submitted. All operations shall be conducted as necessary to prevent significant imminent environmental harm to the health or safety of the public. The permittee shall warn as soon as possible after learning of noncompliance with any term or condition of the permit any person whose health and safety is in imminent danger. Permittee shall commence immediate implementation of measures necessary to comply and shall also accelerate or provide additional monitoring necessary to determine the nature and extent of such noncompliance. The issuance of this permit is in accordance with the following special conditions: _____

A copy of this permit shall be kept at the site of the operation at all times.
This permit is valid for five years from its date of issuance.

Director, Department of Natural Resources



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES

Notice of Intent to Prospect
Chapter 20 Article 6 Section 8
Rules and Regulations Section 5

Date _____ 19____

1. Name of Applicant or Company _____
Corporation () Partnership () Individual ()

Address _____
Street City State Zip
Telephone _____

2. Name and Title of person representing company _____

Address _____ Business Phone No. _____

3. Date of commencement and completion of any disturbance _____ 19____
_____ 19____

4. Location of operation _____, _____, _____
County Mag. Dist. Nearest Post Off.

5. Do you or any person, partnership or corporation associated with you now hold or have ever held a prospect certificate number approved by the State of West Virginia? ()Yes ()No. If yes, list all prospecting approvals, date of approval and reclaimed status:

<u>Prospect I.D. No.</u>	<u>Date of Approval</u>	<u>Reclamation Status</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. a. Owner(s) of the surface land to be prospected:

_____ Address _____
_____ Address _____
_____ Address _____

b. Owner(s) of the mineral to be prospected:

_____ Address _____
_____ Address _____
_____ Address _____

7. Source of legal right to enter and conduct operations on land in Item 6

_____.

8. Has applicant, any Subsidiary or Affiliate or any Person, Partnership, Association, Trust or Corporation controlled by or under common control with Applicant or any person required to be identified by Item 9 below, ever had a prospect or surface mine bond forfeited in West Virginia?
()Yes ()No If yes, Explain:

9. Name, title and post office address of every officer, partner, director (or person performing a similar function) of applicant, together with all persons, if any, owning of record or beneficially (alone or with associates), if known, ten percent or more of any class of stock of the applicant:

Name	Title	Address
------	-------	---------

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

10. I, _____, having signed this _____ day of _____, 19_____, conducting prospecting operations under the provisions of Chapter 20, Article 6, Section 8 insure that such prospecting operation(s) is conducted in accordance with the performance standards in Chapter 20, Article 6, Section 13 for all land disturbed in explorations, including excavations, roads, drill holes, and the removal of necessary facilities and equipment.

11. Performance Bond:
Proposed Disturbed Acres _____ X \$500.00 per acre or fraction = \$ _____

Type of Bond: Surety _____ Company Bond No. _____

Cashiers Ck. No. _____ Certified Ck. No. _____

Other _____

12. Reclamation plan which indicates the following:
- A. Method of operation to include type of prospecting
 - B. Method of controlling runoff & sedimentation in accordance with 5B.05
 - C. Method of regrading
 - D. Plan for revegetation
 - E. Method for sealing, casing, or otherwise managing prospecting holes, boreholes, wells or other exposed under ground openings created during prospecting
 - F. Method of constructing or utilizing roads in accordance with 5B.02 of the rules and regulations.

13. Applicant signature and notarization

I, _____, having been duly sworn,
Type or Print

dispose and attest that all of the representations contained in the foregoing application are true to the best of my knowledge; that I am the principal executive officer of the applicant and that this application has been executed by the persons required by law.

State of _____

County of _____

Signature

Taken, subscribed and sworn to before me the undersigned authority in my said county and state this _____ day of _____ 19____.

My commission expires _____ 19____.

Notary Public

Attachments:

A. Required with the original and each copy of the application is the following:

- 1. Map in accordance with Rule & Regulation 5A.01a.
- 2. Submit in 9 X 12 clasp binders.



DR-4sp
Revised 1-81
page 1 Of 7

STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES

Application for removal of Coal Incidental to Development of Land
Chapter 20, Article 6, Section 31

(1) Names and Addresses of:

A. Permit Applicant _____

Telephone No.	Street or Post Office		
	County	Mag. Dist.	State

B. Owner of record of the property to be mined:				
Name	Street	City	State	Zip

1. Surface

2. Mineral

3. Holders of record of any leasehold interest in the property:

D. Any purchases of record of the property under a real estate contract:

Name Street City State Zip

E. Operator, if different from applicant (Complete DR-19)

F. If any of these (Item B-E) are business entities other than single proprietor, include the names and addresses of the principals, officers, and resident agent;

Principals

Officers

Resident Agent

(2) Names and Addresses of the owners of record of all surface and subsurface areas contiguous to any part of the proposed permit area: Have the residents been notified by registered or certified mail of such application, on or before the first day of publication (being _____) of the newspaper ad? ()Yes ()No.

(5) Has applicant, or any officer, partner, director, principal shareholder of the applicant, any subsidiary, affiliate or persons controlled by or under common control with the applicant, has ever been an officer, partner, director or principal shareholder in a company which has ever held a federal or state mining permit which in the five-year period prior to the date of submission of the application has been permanently suspended or revoked or has had a mining bond or similar security deposited in lieu of bond forfeited? ()Yes ()No.

If yes, explain: _____

(6) Describe:

(a) Type and method of operation: Area Mining (), Auger (), Contour (),
Deep Mining (), Mine Refuse Areas (), Mountain Top Removal (),
Processing Areas (), Roads ().

(b) Engineering techniques proposed _____

(c) List of equipment to be utilized _____

(7) Anticipated starting and termination dates of each phase of operations and the number of affected acres.

<u>Operation</u>	<u>*Start</u>	<u>*Termination</u>	<u>Acres</u>
(a) Drainage and Sedimentation Control Installation	_____	_____	_____
(b) Haulageway and/or Access Road Construction	_____	_____	_____
(c) Blasting Operations	_____	_____	_____
(d) Overburden Removal	_____	_____	_____
(e) Mineral Removal	_____	_____	_____
(f) Backfilling & Regrading	_____	_____	_____
(g) Revegetation	_____	_____	_____

* (Note: Starting and Termination Dates to be Determined by Permit Issuance Date.)

(8) Give a description of the legal documents upon which the applicant bases his legal right to enter and conduct surface mining operations on the proposed permit area:

Is this right subject to pending court litigation? ()Yes ()No

(a) Is the proposed permit area within an area designated unsuitable for surface mining activities or under study for such designation? ()Yes ()No

If yes, provide statement on limitations imposed by the designation: _____

(b) Does the applicant claim exemption from such designation? ()Yes ()No

If yes, provide information supporting the assertion (Attachment).

(c) Will mining be conducted within 300 feet of an occupied dwelling? ()Yes ()No

If yes, does the applicant have valid existing rights to surface mine (prior to August 3, 1977) or a waiver from dwelling owner. (Attachment).

- (9) Number of acres of coal to be disturbed _____.
- (10) Copy(s) of notification of surface owner(s) returned receipt(s). (Attachment)
- (11) Statement of necessity of coal removal. (Attachment)
- (12) Include necessary permit or approval from local planning or zoning agencies. (Attachment)
- (13) Commitment from utility companies for service. (Attachment)
- (14) Site development plan including:
A. Time schedule for development,
B. Clear plat of area versus coal mining.
C. Noted areas to be regraded and revegetated,
D. Evidence of financial commitment.
- (15) Will blasting be conducted for coal overburden removal? ()Yes ()No
If yes, submit blasting plan in accordance with rules and regulations section 4C.01.
- (16) Submit revegetation plan in accordance with rules and regulations section 4F.
- (17) Submit cross-sections which accurately depict the final surface configuration as proposed in the reclamation plan.
- (18) Attach certificate of insurance. (Attachment)
- (19) Submit a bond @ \$2,000.00/Acre for a maximum of five (5) acre disturbance.
Proposed _____ Acres X \$2,000.00 Min/Acre = \$ _____ .00.
Type of Bond:

Surety _____ Company _____ No. _____
Collateral _____
Certificates _____
- (20) Submit filing fee of \$500.00.
Cashiers Check _____ No.
Certified Check _____ No.

(22) Applicant Signature and Notarization

I, _____, having been duly sworn depose and
Type or Print
attest that all the representations contained in the foregoing application
are true to the best of my knowledge; That I am the principal executive
officer of applicant and that this application has been executed by the
persons required by law.

State of _____

County of _____

Signature

Taken, subscribed and sworn to before me the underlined authority
in my said county and state this _____ day of _____ 19_____.
My Commission expires _____

Notary Public

DR-4
Revised 1-81
page 1 of 14



SMA# _____

STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES

Application for Surface Mining and Reclamation Operations
Chapter 20, Article 6, Section 10

(1) Names and Addresses of:

A. Permit Applicant _____

Telephone No.	Street or Post Office		
	County	Mag. Dist.	State

B. Owner of record of the property to be mined:				
Name	Street	City	State	Zip

1. Surface

2. Mineral

3. Holders of record of any leasehold interest in the property:

D. Any purchases of record of the property under a real estate contract:

Name Street City State Zip

E. Operator, if different from applicant (Complete DR-19)

F. If any of these (Item B-E) are business entities other than single proprietor, include the names and addresses of the principals, officers, and resident agent;

Principals

Officers

Resident Agent

(2) Names and Addresses of the owners of record of all surface and subsurface areas contiguous to any part of the proposed permit area: Have the residents been notified by registered or certified mail of such application, on or before the first day of publication (being _____) of the newspaper ad? ()Yes ()No.

- (5) Has applicant, or any officer, partner, director, principal shareholder of the applicant, any subsidiary, affiliate or persons controlled by or under common control with the applicant, has ever been an officer, partner, director or principal shareholder in a company which has ever held a federal or state mining permit which in the five-year period prior to the date of submission of the application has been permanently suspended or revoked or has had a mining bond or similar security deposited in lieu of bond forfeited? ()Yes ()No.
If yes, explain: _____

- (6) Applicant's newspaper advertisement (Attachment) included? ()Yes ()No

Include a listing of all other licenses and permits applied for or obtained to conduct surface mining. (Attachment)

Name of proposed mine _____

Mine Safety and Health Administration ID # (if any) _____

- (7) Describe:

(a) Type and method of operation: Area Mining (), Auger (), Contour (),
Deep Mining (), Mine Refuse Areas (), Mountain Top Removal (),
Processing Areas (), Roads ().

(b) Engineering techniques proposed _____

(c) List of equipment to be utilized _____

(8) Anticipated starting and termination dates of each phase of operations and the number of affected acres.

<u>Operation</u>	<u>*Start</u>	<u>*Termination</u>	<u>Acres</u>
(a) Drainage and Sedimentation Control Installation	-----	-----	-----
(b) Haulageway and/or Access Road Construction	-----	-----	-----
(c) Blasting Operations	-----	-----	-----
(d) Overburden Removal	-----	-----	-----
(e) Mineral Removal	-----	-----	-----
(f) Backfilling & Regrading	-----	-----	-----
(g) Revegetation	-----	-----	-----

* (Note: Starting and Termination Dates to be Determined by Permit Issuance Date.)

(9) Give a description of the legal documents upon which the applicant bases his legal right to enter and conduct surface mining operations on the proposed permit area:

Is this right subject to pending court litigation? ()Yes ()No

(a) Is the proposed permit area within an area designated unsuitable for surface mining activities or under study for such designation? ()Yes ()No

If yes, provide statement on limitations imposed by the designation: _____

(b) Does the applicant claim exemption from such designation? ()Yes ()No

If yes, provide information supporting the assertion (Attachment).

(c) Will mining be conducted within 300 feet of an occupied dwelling? ()Yes ()No

If yes, does the applicant have valid existing rights to surface mine (prior to August 2, 1977) or a waiver from dwelling owner. (Attachment).

- (10) Surface and pit drainage will discharge into _____ tributary of _____ watershed. The proposed permit is located near _____ Post Office in _____ Magisterial District of _____ County.
- (11) Include a determination of probable hydrological consequences. (Attachment)
- (12) Include accurate maps (Attachment)
- (13) Include cross-section maps or plans of proposed affected area, before, during and after mining. (Attachment)
- (14) A statement of the result of test borings or core samples from the permit area, including:
- (A) Logs of the drill holes;
 - (B) Thickness of the coal seam(s) to be mined and analysis of the chemical and physical properties;
 - (C) Sulphur content of coal seam(s);
 - (D) Chemical analysis of potentially acid or toxic forming sections of the overburden;
 - (E) Chemical analysis of the stratum lying immediately underneath the coal to be mined;
 - (F) Location of sub-surface water, if encountered.
 - (G) Waiver accepted ()Yes ()No. By written determination that above item(s) are not required.
- (15) Does the proposed disturbed area in the permit application affect prime farmlands? ()Yes ()No. If yes, complete a soil survey in accordance with standards established by the Secretary of Agriculture. (Attachment)
- (16) Reclamation Plan
- (1r) Lands Identification:
- (a) Location of Operation _____ Mag. District _____ County,
 - (b) Estimated Life of operation _____,
 - (c) Estimated number of acres to be disturbed _____,

(2r) Land Use: (Detailed Description)

Prior to Mining _____

(a) History of previous mining ()Yes ()No. If yes, land use preceding mining _____

(b) Give capability of land prior to any mining; _____

(c) Give productivity of land prior to mining; _____

(1) Prime Farm Land? ()Yes ()No. If yes, give classification and average yield: _____

(3r) The proposed post mining land use is _____

(a) Give alternate land use policies and plans following reclamation, if any, and obtain appropriate approvals;

() Landowner Approval () Local Government

() State Agency Approval () Other

(4r) A detailed description of how the proposed post-mining land use is to be achieved: _____

(d) Mulch - Specify type _____, Rate/Acre _____ LBS. _____ Gal/Ac. _____

(e) Give procedure for topsoil removal, protection and replacement.

(6r) Reclamation Timetable:

(a) Seed bed preparation _____

(b) Seeding - Spring Season _____ TO _____
Month Month

Planting - Spring Season _____ TO _____
Month Month

(c) Seeding - Fall Season _____ TO _____
Month Month

Planting - Fall Season _____ TO _____
Month Month

(7r) Give a statement of consideration of conducting surface mining operations in a manner consistent with surface owner plans and applicable state and local land use programs;

(8r) List steps taken to comply with all applicable air and water quality laws and regulations and any applicable health and safety standards;

(9r) Give consideration which has been given to developing the reclamation plan in a manner consistent with local physical environmental and climatological conditions:

(10r) List by tract all lands, interests in lands or options or pending bids on interests in lands by applicant, which lands are contiguous to the proposed permit area:(include on map) _____

(11r) Give a detailed description of the measures to be taken during the surface-mining and reclamation process to assure the protection of:

(a) The quality of surface and ground water systems, both on- and off-site, from adverse effects of the surface-mining operation;
(Attachments)

(b) The rights of present users to such water: _____

(c) The quantity of surface and ground water systems, both on- and off-site, from adverse effects of the surface-mining operation or to provide alternate sources of water where such protection of quantity cannot be assured; _____

(12r) Include an acid-base account of the coal overburden with the location of subsurface water, and an analysis of same; (Attachment)

(13r) State the consideration which has been given to maximize the utilization and conservation of the solid fuel resources being recovered so that re-affecting the land in the future can be minimized: _____

(17) Mineral to be mined:

() Coal - Geological title _____

Has acid-producing overburden been associated with seam(s) as defined in the rules and regulations? ()Yes ()No

(18) Climatological Factors:

(A) The average seasonal precipitation _____ inches;

(B) The average direction is _____ and velocity is _____ of the prevailing winds.

(c) The seasonal temperature ranges are _____
Spring-Summer

_____ Fall-Winter _____

(19) Surface Water Information, Advertisement, Insurance and Blasting:

(a) Establish and label permanent monitoring sites for surface water and ground water and show on map using the below format:

Monitoring Site # _____	
Flow	
Seasonal _____	G.P.M.
Peak _____	G.P.M.
Base _____	G.P.M.
Temp. _____	°F or _____ °C
pH _____	Iron _____
S.S. _____	D.S. _____
T.H.Ac. _____	T.aL. _____
Spec. Cond. _____	

(b) Does applicant request and qualify for small operator assistance program?
()Yes ()No

(c) A copy of the application has been filed with the Department of Natural Resources, Reclamation Division office @ _____

Street

_____ City _____ Being the nearest to the operation and before the first publication of the applicant's advertisement.

(d) Certificate of Insurance (Attachment)

(20) Performance Bond (\$10,000 Minimum)
Complete Item "A" or "B"

"A" Entire Permit Area:

Total Disturbed Area _____ Acres X \$1,000.00/AC \$ _____ 000.000

(1) Type of Bond.

Surety _____ Company _____ No. _____

Collateral _____

Escrow Account _____

Self Bonding _____

"B" Incremental Mining (All increments are to be shown on the proposal maps
outlining each and specifying acreage)

(1) This proposal is for a total disturbance of _____ acres of
which this phase of _____ acres X \$1,000.00 = \$ _____ 000.00

(2) Type of Bond:

Surety _____ Company _____ No. _____

Collateral _____

Escrow Account _____

Self Bonding _____

NOTE: Resubmit this page of the application for each increment of mining
area (see 20-6-12(a))

(21) Registration Fee: - - - - - \$ _____ 500.00

Cashiers Check # _____ Certified Check # _____

(22) Applicant Signature and Notarization

I, _____, having been duly sworn depose and
attest that all the representations contained in the foregoing application
are true to the best of my knowledge; That I am the principal executive
officer of applicant and that this application has been executed by the
persons required by law.

State of _____
County of _____
Signature _____

Taken, subscribed and sworn to before me the underlined authority
in my said county and state this _____ day of _____ 19____.
My Commission expires _____

Notary Public

NOTE: The complete application must be submitted as (6) six separate
entities in 9" X 12" clasp type binders for each application
denoting on the front cover:

- Original - Charleston
- Copy - District Office
- Copy - Inspector
- Copy - Company
- Copy - O.S.M.
- Copy - E.P.A.



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES

Application for Surface Effects of Underground Mining
Chapter 20, Article 6, Section 14

(1) Names and Addresses of:

A. Permit Applicant _____

Street or Post Office

County Mag. Dist. State

B. Owner of record of the property to be mined:
Name Street City State Zip

1. Surface

2. Mineral

3. Holders of record of any leasehold interest in the property:

C. Any purchases of record of the property under a real estate contract:

<u>Name</u>	<u>Street</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

D. Operator, if different from applicant (Complete DR-19)

E. If any of these (Item B-E) are business entities other than single proprietor, include the names and addresses of the principals, officers, and resident agent;

Principals

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Officers

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Resident Agent

(2) Names and Addresses of the owners of record of all surface and subsurface areas contiguous to any part of the proposed permit area: Have the residents been notified by registered or certified mail of such application, on or before the first day of publication (being _____) of the newspaper ad? ()Yes ()No.

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

(5) Has applicant, or any officer, partner, director, principal shareholder of the applicant, any subsidiary, affiliate or persons controlled by or under common control with the applicant, has ever been an officer, partner, director or principal shareholder in a company which has ever held a federal or state mining permit which in the five-year period prior to the date of submission of the application has been permanently suspended or revoked or has had a mining bond or similar security deposited in lieu of bond forfeited? ()Yes ()No.
If yes, explain: _____

(6) Applicant's newspaper advertisement (Attachment) included? ()Yes ()No

(7) Describe:

(a) Type and method of surface operation _____

(b) Engineering techniques proposed on the surface _____

(c) List of equipment to be utilized on the surface _____

(8) Anticipated starting and termination dates of each phase of operations and the number of affected acres.

	<u>Operation</u>	<u>Start</u>	<u>Termination</u>	<u>Acres</u>
(a)	Drainage and Sedimentation Control Installation	_____	_____	_____
(b)	Haulageway and/or Access Road Construction	_____	_____	_____
(c)	Blasting Operations	_____	_____	_____
(d)	Overburden Removal	_____	_____	_____
(e)	Mineral Removal	_____	_____	_____
(f)	Backfilling & Regrading	_____	_____	_____
(g)	Revegetation	_____	_____	_____

- (9) Give a description of the legal documents upon which the applicant bases his legal right to enter and conduct underground mining operations on the proposed permit area:

Is this right subject to pending court litigation? ()Yes ()No

- (10) Surface and mine drainage will discharge into _____ tributary of _____ watershed. The proposed permit is located near _____ Post Office in _____ Magisterial District of _____ County.

- (11) Include a determination of probable hydrological consequences. (Attachment)

- (12) Include accurate maps (Attachment)

- (13) Include cross-section maps or plans of proposed affected area, before, during and after mining. (Attachment)

- (14) A statement of the result of test borings or core samples from the permit area, including:
- (A) Logs of the drill holes;
 - (B) Thickness of the coal seam(s) to be mined and analysis of the chemical and physical properties;
 - (C) Sulphur content of coal seam(s);
 - (D) Chemical analysis of potentially acid or toxic forming sections of the overburden;
 - (E) Chemical analysis of the stratum lying immediately underneath the coal to be mined;
 - (F) Waiver accepted ()Yes ()No. By written determination that above item(s) are not required.

- (15) Does the proposed disturbed area in the permit application affect prime farmlands? ()Yes ()No. If yes, complete a soil survey in accordance with standards established by the Secretary of Agriculture. (Attachment)

- (16) Submit reclamation plan in accordance with Chapter 20, Article 6, Section 11.

(17) Mineral to be mined:

() Coal - Geological title _____

Has acid-producing overburden been associated with seam(s) as defined in the rules and regulations? ()Yes ()No

(18) Climatological Factors:

(A) The average seasonal precipitation _____ inches;

(B) The average direction is _____ and velocity is _____ of the prevailing winds.

(c) The seasonal temperature ranges are _____
Spring-Summer

_____.
Fall-Winter

(19) Surface Water Information, Advertisement, Insurance and Blasting:

(a) Establish and label permanent monitoring sites for surface water and ground water and show on map using the below format:

Monitoring Site # _____	
Flow	
Seasonal _____	G.P.M.
Peak _____	G.P.M.
Base _____	G.P.M.
Temp. _____	°F or _____ °C
pH _____	Iron _____
S.S. _____	D.S. _____
T.H.Ac. _____	T.aL. _____
Spec. Cond. _____	

(b) Does applicant request and qualify for small operator assistance program?
()Yes ()No

(20) Performance Bond (\$10,000 Minimum)

Complete Item "A" or "B"

"A" Entire Permit Area:

Total Disturbed Area _____ Acres X \$100.00/AC \$ _____ 000.000

(1) Type of Bond:

Surety _____ Company _____ No.

Collateral _____

Escrow Account _____

Self Bonding _____

"B" Incremental Mining (All increments are to be shown on the proposal maps outlining each and specifying acreage)

(1) This proposal is for a total disturbance of _____ acres of
which this phase of _____ acres X \$100.00 = \$ _____ 000.00

(2) Type of Bond:

Surety _____ Company _____ No.

Collateral _____

Escrow Account _____

Self Bonding _____

NOTE: Resubmit this page of the application for each increment of mining area (see 20-6-12(a))

(21) Registration Fee: - - - - - \$ _____ 500.00

Cashiers Check # _____ Certified Check # _____

(22) Applicant Signature and Notarization

I, _____, having been duly sworn depose and
~~Type or Print~~
attest that all the representations contained in the foregoing application
are true to the best of my knowledge; That I am the principal executive
officer of applicant and that this application has been executed by the
persons required by law.

State of _____ Signature _____
County of _____

Taken, subscribed and sworn to before me the underlined authority
in my said county and state this _____ day of _____ 19_____.
My Commission expires _____

Notary Public

NOTE: The complete application must be submitted as (7) seven separate
entities in 9" X 12" clasp type binders for each application
denoting on the front cover:

- Original - Charleston
- Copy - District Office
- Copy - Inspector
- Copy - Company
- Copy - O.S.M.
- Copy - E.P.A.
- Copy - Dept. of Mines



SMA# _____

STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES

Application for Transfer, Assignment or Sale of Permit Rights
Chapter 20, Article 6, Section 19

(1) Names and Addresses of:

A. Transfer Applicant _____

Telephone No. _____ Street or Post Office _____
County Mag. Dist. State

B. Owner of record of the property to be mined:
Name Street City State Zip

1. Surface

2. Mineral

3. Holders of record of any leasehold interest in the property:

D. Any purchases of record of the property under a real estate contract:

<u>Name</u>	<u>Street</u>	<u>City</u>	<u>State</u>	<u>Zip</u>

E. Name of original permittee

F. If any of these (Item B-E) are business entities other than single proprietor, include the names and addresses of the principals, officers, and resident agent;

Principals

Officers

Resident Agent

(2) Names and Addresses of the owners of record of all surface and subsurface areas contiguous to any part of the proposed permit area: Have the residents been notified by registered or certified mail of such application, on or before the first day of publication (being _____) of the newspaper ad? ()Yes ()No.

- (5) Has applicant, or any officer, partner, director, principal shareholder of the applicant, any subsidiary, affiliate or persons controlled by or under common control with the applicant, has ever been an officer, partner, director or principal shareholder in a company which has ever held a federal or state mining permit which in the five-year period prior to the date of submission of the application has been permanently suspended or revoked or has had a mining bond or similar security deposited in lieu of bond forfeited? ()Yes ()No.

If yes, explain: _____

- (6) Applicant's newspaper advertisement (Attachment) included? ()Yes ()No

Include a listing of all other licenses and permits applied for or obtained to conduct surface mining. (Attachment)

Name of proposed mine _____ (DR- _____)

Mine Safety and Health Administration ID # (if any) _____

- (7) Give a description of the legal documents upon which the applicant bases his legal right to enter and conduct surface mining operations on the proposed permit area:

Is this right subject to pending court litigation? ()Yes ()No

- (a) Is the proposed permit area within an area designated unsuitable for surface mining activities or under study for such designation? ()Yes ()No

If yes, provide statement on limitations imposed by the designation: _____

- (b) Does the applicant claim exemption from such designation? ()Yes ()No

If yes, provide information supporting the assertion (Attachment).

- (c) Will mining be conducted within 300 feet of an occupied dwelling? ()Yes ()No

If yes, does the applicant have valid existing rights to surface mine (prior to August 2, 1977) or a waiver from dwelling owner. (Attachment).

(8) Does applicant have certificate of insurance attached? ()Yes ()No

(9) List by tract all lands, interests in lands or options or pending bids or interests in lands by applicant, which lands are contiguous to the proposed permit area: (include on map)

(10) has the private mineral estate been severed from the private surface estate?
()Yes ()No

If yes;

A. Has applicant received written consent of the surface owner to extract coal? ()Yes ()No (Attachment)

B. Has applicant received a conveyance that expressly grants or reserves the right to extract the coal by surface mining? ()Yes ()No (Attachment)

(11) Applicant Signature and Notarization

I, _____, having been duly sworn depose and attest that all the representations contained in the foregoing application are true to the best of my knowledge; That I am the principal executive officer of applicant and that this application has been executed by the persons required by law.

State of _____

County of _____

Signature

Taken, subscribed and sworn to before me the underlined authority

in my said county and state this _____ day of _____ 19_____.

My Commission expires _____

Notary Public



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES

APPLICATION FOR SPECIAL PERMIT FOR REMOVAL OF ABANDONED REFUSE AREA

(a) Names and Addresses of:
Permit Applicant

Street or Post Office

County Mag. Dist. State

Phone

(b) Owner of record of the property to be mined:
Name Street City State Zip

1. Surface

2. Mineral

3. Holders of record of any leasehold interest in the property:

- (c) Operator, if different from applicant (Complete DR-19)
- (d) If any of these (Item B-E) are business entities other than single proprietor, include the names and addresses of the principals, officers, and resident agent;

Principals

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Officers

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Resident Agent

_____	_____	_____	_____	_____
-------	-------	-------	-------	-------

- (e) Names and Addresses of the owners of record of all surface and subsurface areas contiguous to any part of the proposed permit area: Have the residents been notified by registered or certified mail of such application, on or before the first day of publication (being _____) of the newspaper ad? ()Yes ()No.

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

- (f) Do you or any persons, partnership or corporation associated with you now hold a surface mining permit issued by the State of West Virginia? ()Yes ()No. If yes, list all surface mining permit numbers now under bond and all pending surface mine application numbers:

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

(g) Has applicant, or any officer, partner, director, principal shareholder of the applicant, any subsidiary, affiliate or persons controlled by or under common control with the applicant, has ever been an officer, partner, director or principal shareholder in a company which has ever held a federal or state mining permit which in the five-year period prior to the date of submission of the application has been permanently suspended or revoked or has had a mining bond or similar security deposited in lieu of bond forfeited? ()Yes ()No.
 If yes, explain: _____

(h) Applicant's newspaper advertisement (Attachment) included? ()Yes ()No

(i) Anticipated starting and termination dates of each phase of operations and the number of affected acres.

<u>Operation</u>	<u>Start</u>	<u>Termination</u>	<u>Acres</u>
(a) Drainage and Sedimentation Control Installation	_____	_____	_____
(b) Haulageway and/or Access Road Construction	_____	_____	_____
(c) Mineral Removal	_____	_____	_____
(d) Backfilling & Regrading	_____	_____	_____
(e) Revegetation	_____	_____	_____

(j) Surface and pit drainage will discharge into _____ tributary of _____ watershed. The proposed permit is located near _____ Post Office in _____ Magisterial District of _____ County.

(k) Include accurate maps (Attachment)

(l) Include cross-section maps or plans of proposed affected area, before, during and after mining. (Attachment)

(m) Does the proposed disturbed area in the permit application affect prime farmlands? ()Yes ()No. If yes, complete a soil survey in accordance with standards established by the Secretary of Agriculture. (Attachment)

(n) Submit reclamation plan in accordance with Chapter 20, Article 6, Section 11.

- (o) Contingency plan if unforeseen burning area is encountered. (Attachment)
- (p) Detailed abandonment plan in accordance with 10A.01(b)(3) 10B.04 and 10B.05. (Attachment)
- (q) Certificate of approval for abandonment shall be submitted upon completion.
- (r) Bond requirement = \$1,000 per Acre.

Total Disturbed Area _____ Acres X \$1,000.00/AC \$ _____ 000.000

Type of Bond:

Surety _____ Company _____ No. _____

Collateral _____

Escrow Account _____

Self Bonding _____

(s) Applicant Signature and Notarization

I, _____, having been duly sworn depose and
Type or Print
 attest that all the representations contained in the foregoing application
 are true to the best of my knowledge; That I am the principal executive
 officer of applicant and that this application has been executed by the
 persons required by law.

State of _____
 County of _____

 Signature

Taken, subscribed and sworn to before me the underlined authority
 in my said county and state this _____ day of _____ 19____.

My Commission expires _____

Notary Public

B. Landowner construction affecting less than one acre of land.

1. A plot drawn to scale of the land to be disturbed during construction.
(Attachment)
2. Copies of all deeds or leases showing the right to extract the coal and all deeds giving proof of ownership of land to be affected.
(Attachment)
3. All building and sewage permits, if required by state or local laws.
(Attachment)
4. Sworn and notarized statement from the landowner that he/she intends to complete construction. (Attachment)

(3) STATE OF: _____

COUNTY OF: _____

I, _____, having been duly sworn, dispose and attest that all of the representations contained in the foregoing application are true to the best of my knowledge; that I am the (principal executive officer of the applicant) or (landowners) and that this application has been executed by the persons required by law.

SIGNED: _____

Taken, subscribed and sworn to before me the undersigned authority in my said county and state this _____ day of _____ 19____.

Notary Public: _____

My commission expires _____ 19____.

NOTE: The complete application must be submitted as (3) three separate entities in 9" X 12" clasp type binders for each application denoting on the front cover:

- Original - Charleston
- Copy - District Office
- Copy - Inspector



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES

APPLICATION FOR PERMANENT FACILITIES EXEMPTION

(1) Names and Addresses of:

A. Permit Applicant _____

Telephone No.	Street or Post Office		
	County	Mag. Dist.	State

B. Owner of record of the property on which the permanent facility is situated				
Name	Street	City	State	Zip

(2) Describe the exact location of the facility and the applicants closest permit area. (Attachment)

A. Describe the present use and the proposed use of the facility both during and after mining. (Attachment)

B. Submit a verified statement that the permanent facility is not and will not be directly involved in the extracting, loading, storage or processing of coal. (Attachment)

(3) STATE OF: _____

COUNTY OF: _____

I, _____, having been duly sworn, dispose and attest that all of the representations contained in the foregoing application are true to the best of my knowledge; that I am the principal executive officer of the applicant and that this application has been executed by the persons required by law.

SIGNED: _____

Taken, subscribed and sworn to before me the undersigned authority in my said county and state this _____ day of _____ 19____.

Notary Public: _____

My commission expires _____ 19____.

IDENTIFICATION OF OTHER LICENSES AND PERMITS

I. <u>AGENCY</u>	II. <u>TYPE OF PERMIT</u>	III. <u>APPLICATION OR PERMIT NO.</u>	IV. <u>ACTION DATE</u>	V. <u>ACTION</u>
1. WV DNR Reclamation Mine Refuse & Dam	_____	_____	_____	_____
Water Resources Wildlife Resources	_____	_____	_____	_____
2. WV Dept of Mines	_____	_____	_____	_____
3. State Health Dept. Sanitation	_____	_____	_____	_____
Solid Waste	_____	_____	_____	_____
4. WV Dept of Highways	_____	_____	_____	_____
5. WV Air Pollution Control Commission	_____	_____	_____	_____
6. MSHA	_____	_____	_____	_____
7. EPA	_____	_____	_____	_____
8. U.S. Dept of Transportation	_____	_____	_____	_____
9. U.S. Corps of Engineers	_____	_____	_____	_____
10. NIOSH	_____	_____	_____	_____
11. OTHER (identify)	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____

Instructions:

Enter each permit or license needed to conduct the proposed mining activities. Enter the type of permit or license required by the various agencies in column II. In Column III, enter the application number assigned, if any, by the Agency requiring the permit. If the Agency has issued the permit or license, enter the permit or license number, if any. Enter the date the agency made their final decision, if applicable, in column IV and whether the license or permit was issued or denied in column V.

BLASTING LOG

Directive # L1e

COMPANY NAME: _____ LOCATION: _____

PERMIT NO.: _____ TEMPERATURE: _____

WEATHER: _____ DATE: _____ TIME: _____

1. Distance to Nearest Structure: _____

2. Direction to Nearest Structure: _____

3. Total Explosives Allowed Per Delay Period W = _____

4. Diameter of Holes: _____ Depth: _____ Total No. of Holes _____

5. Burden: _____ Spacing: _____ Type & Height of Stemming: _____

6. Type of Material Blasted: _____

7. Mats or Other Protection Used: _____

8. Type of Explosives Used: _____ Kind of Delay Caps: _____

9. Total lbs. of Explosives Used: _____

10. Total No. Delay Periods: _____ Max. No. Holes Per Period: _____

11. Maximum lbs. of Explosives per Delay Period: _____

12. Method of Firing: _____ No. of Series/ Circuit: _____

13. Location of Seismograph: _____

a. Distance from Shot & Direction: _____

b. Person & Firm Taking Reading: _____

c. Seismograph Reading: _____

d. Peak Sound Pressure Level: _____

e. Vibration Measurement

	<u>Monitor</u>	<u>Maximum Particle Velocity</u>
Traverse	_____	_____
Vertical	_____	_____
Longitudinal	_____	_____

14. Type of Explosives to be Used on Job for Life of Permit: _____

15. Total Amount of Explosives Anticipated to be Used for Life of Permit: _____

COAL REFUSE AREA INSPECTION REPORT

Identification No. _____ Site Name _____
 Permit No. _____ Date of Last Inspection _____ Inspection Date _____
 Owner (or Operator) _____

I. DRAINAGE

A. DIVERSION DITCHES AND SPILLWAYS	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>See</u> <u>Comments</u>
1. Do the channels conform to the approved design drawings? (width, shape, depth, protection, slope)-----	()..()	()..()	()..()	()
2. Are there any failures in the channel sides?-----	()..()	()..()	()..()	()
3. Is there blockage or potential blockage by landslides?-----	()..()	()..()	()..()	()
4. Is additional channel protection needed due to excessive erosion?-(()..()	()..()	()..()	()
5. Do the channels safely outlet in a natural drainway away from the refuse area?-----	()..()	()..()	()..()	()
6. Are the channels and pipes being maintained to function properly?-(()..()	()..()	()..()	()
B. SEDIMENT CONTROL AND WATER QUALITY				
1. Has the drainage plan been installed according to approved plan?--	()..()	()..()	()..()	()
2. Have haulroads been installed according to approved plan?-----	()..()	()..()	()..()	()
3. Are the sediment control measures being maintained to function properly?-----	()..()	()..()	()..()	()
4. Are additional sediment control measures needed?-----	()..()	()..()	()..()	()
5. Is water quality satisfactory? <u> </u> pH <u> </u> iron-----	()..()	()..()	()..()	()
6. Is there a discharge from underground openings?-----	()..()	()..()	()..()	()
7. Has the discharge been treated?-----	()..()	()..()	()..()	()
C. UNDERDRAIN SYSTEM				
1. Has the underdrain system been installed according to the approved plan?-----	()..()	()..()	()..()	()
2. Have the underdrains been covered with a suitable material to prevent contamination?-----	()..()	()..()	()..()	()
3. Are additional underdrain sections needed due to site conditions?-----	()..()	()..()	()..()	()
4. Do the underdrains appear to be functioning properly?-----	()..()	()..()	()..()	()
5. Is the underdrain outlet visible and uncontaminated?-----	()..()	()..()	()..()	()

II. CONSTRUCTION

A. FOUNDATION PREPARATION				
1. Has clearing and grubbing been accomplished?-----	()..()	()..()	()..()	()
2. Has topsoil been removed where required?-----	()..()	()..()	()..()	()
B. PLACEMENT AND RECLAMATION				
1. Is refuse being compacted in accordance with regulations or approved plans?-----	()..()	()..()	()..()	()
2. Do the slopes and benches conform to the approved plans?-----	()..()	()..()	()..()	()
3. Are combustible materials (wood, cloth, oil, etc.) being removed from the refuse?-----	()..()	()..()	()..()	()

REPORT OF NON-COMPLIANCE

TO: _____

WHEREAS, an inspection made on or about the _____ day of _____, 19____, on your operation located at or near _____ in _____ District of _____ County, covered by Permit No. _____ reveals that you are in violation of the provisions of Chapter 20, Article 6, Section _____ of the Code of West Virginia and/or Section(s) _____ of the Rules and Regulations heretofore promulgated pursuant thereto in that you: _____

Therefore, pursuant to the authority contained in Chapter 20, Article 6, of the Code of West Virginia, it is hereby ORDERED that:

(Check one that applies)

1. Your operations on the above-described premises or that portion of the operation hereafter described shall immediately cease. _____

2. You shall accomplish the following remedial measures on or before the _____ day of _____, 19____: _____

Failure to accomplish the above-described remedial measures within the time specified herein may result in a cessation order or revocation of your permit and the forfeiture of the appropriate bond as the case may be.

Signed this _____ day of _____, 19____.

Served Upon _____

as _____

Director, Department of Natural Resources

for the above-named operator by delivering a copy

thereof to him in person on the _____ day of

_____, 19____.

His duly authorized agent

SERVICE ACCEPTED AND ACKNOWLEDGED:

WAIVER - The undersigned does hereby waive pursuant to W. Va. Code 20-6-16(a) the informal conference on a cessation order issued pursuant to Section 16.

For Operator

cc: Prosecuting Attorney

For Operator

REPORT OF NON-COMPLIANCE

TO: _____

WHEREAS, an inspection made on or about the _____ day of _____, 19____, on your operation located at or near _____ in _____ District of _____ County, covered by Permit No. _____ reveals that you are in violation of the provisions of Chapter 20, Article 6, Section _____ of the Code of West Virginia and/or Section(s) _____ of the Rules and Regulations heretofore promulgated pursuant thereto in that you: _____

Therefore, pursuant to the authority contained in Chapter 20, Article 6, of the Code of West Virginia, it is hereby ORDERED that:

(Check one that applies)

1. Your operations on the above-described premises or that portion of the operation hereafter described shall immediately cease. _____

2. You shall accomplish the following remedial measures on or before the _____ day of _____, 19____: _____

Failure to accomplish the above-described remedial measures within the time specified herein may result in a cessation order or revocation of your permit and the forfeiture of the appropriate bond as the case may be.

Signed this _____ day of _____, 19____.

Served Upon _____

as _____

Director, Department of Natural Resources

for the above-named operator by delivering a copy thereof to him in person on the _____ day of _____, 19____.

His duly authorized agent

SERVICE ACCEPTED AND ACKNOWLEDGED:

For Operator

WAIVER - The undersigned does hereby waive pursuant to W. Va. Code 20-6-16(a) the informal conference on a cessation order issued pursuant to Section 16.

cc: Prosecuting Attorney

For Operator

INSPECTION OF NON-COMPLIANCE

To: _____

WHEREAS, an inspection was made on the _____ day of _____, 19_____, on your operation located at or near _____ in _____ District of _____ County, covered by Permit No. _____, revealing that you were violating the provisions of Chapter 20, Article 6, Section _____ of the Code of West Virginia and/or Section(s) _____ of the Rules and Regulations heretofore promulgated by the West Virginia Reclamation Commission in that you were:

Do the Remedial measures taken abate the above mentioned non-compliance or violation?
() Yes () No

Signed this _____ day of _____, 19_____.

Served Upon _____
as _____
for the above-named operator by delivering
a copy thereof to him in person on the
_____ day of _____, 19_____.

Director, Department of Natural Resources

By _____

His duly authorized agent

SERVICE ACCEPTED AND ACKNOWLEDGED:

For Operator