

<b>DIVISION OF MINED LAND RECLAMATION</b>		<b>PROCEDURE NO.</b>	2.3.05
<b>PROCEDURES MANUAL</b>		<b>ISSUE DATE</b>	June 20, 2002
<b>SUBJECT</b>	Midterm Permit Evaluation	<b>Section</b>	Enforcement/Technical Section
		<b>Last Revised</b>	8-18-00

**OBJECTIVE AND INTENT:**

To ensure the enforcement and technical personnel schedule and perform midterm permit evaluations as required by the regulations.

**GENERAL:**

Midterm permit evaluations shall be made in accordance with 4 VAC 25-130-774.11 of the regulations.

**PROCEDURES:**

The Intraday tickler system shall start informing the Field Inspector 45 DAYS prior to the midterm date with a note reminding the inspector that a data-download must be requested. The inspector will review the electronic permit (EP) application to make sure that all the Yes and No questions are answered. The inspector will fill out an electronic routing slip and print a copy of it to attach to the mid-term inspection report. This is the only copy of a routing slip needed.

The Field Inspector shall ensure that the midterm evaluation is completed by the due date.

**Field and Application Evaluation:**

The Inspector shall conduct a comprehensive field midterm review and inspection to determine the effectiveness of the permit's current detailed plans in meeting the performance standards. A reassessment of the probable hydrologic consequences (PHC) may be required.

If the field review reveals that:

- the plans are effective, the Inspector shall document such in the inspection report (**DMLR-ENF-044S**) and on the electronic version of the Application Checklist and Routing Slip (**DMLR-PT-008**) and forward to the Review Inspector.
- the plans are not effective, the Inspector shall document such in the inspection report (**DMLR-ENF-044S**) and on the electronic version of the Application Checklist and Routing Slip (**DMLR-PT-008**) and forward to the Review Inspector.
- a revision to the permit may be required, the Inspector may forward to the Review Inspector, a request for assistance from the technical staff in the comment section of the electronic version of the Application Checklist and Routing Slip (**DMLR-PT-008**), to determine if a revision or modification to the approved permit plans is necessary.

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The Inspector shall contact DMLR Permitting to request a data-download and review the application data for accuracy, as well as answer all the unanswered yes and no questions. In addition, the Inspector shall:

- fill out the Application Checklist and Routing Slip (**DMLR-PT-008**) in the EP Check-List program and print a copy to attach to the mid-term inspection report.
- place the reviewed mid-term application in the appropriate directory on the Work Flow server and notify DMLR Permitting via e-mail.
- enter “**Midterm review**” in the “TYPE OF REPORT” section of **DMLR-ENF-044S**.

**Technical Evaluation:**

Upon receipt of the Application Checklist and Routing Slip (**DMLR-PT-008**) from the Field Inspector, the Review Inspector shall (if assistance is requested) forward the checklist to the Reclamation Program Manager (RPM). The RPM shall appoint a team to conduct a technical review of the items identified by the Field Inspector.

The technical team shall prepare a written evaluation, including any specific recommendations to address permit deficiencies to bring the permit into full compliance. The RPM shall review the report’s recommendation(s) and forward the report to the Review Inspector.

**Review Inspector:**

Upon receipt of comments from the Field Inspector and Technical Team, the Review Inspector shall compile the comments.

If the review comments deem that the permit plans are:

- effective, the Review Inspector shall document such by letter to the permittee. A copy of the letter shall be sent to the RPM, Field Inspector, and the Supervisor. A copy shall be placed in the permit jacket.
- deficient, the Review Inspector shall send a letter (by certified mail) to the permittee identifying deficiencies. The letter will advise the permittee to prepare a revision application (**DMLR-PT-034e**) that addresses the deficiencies, and set a due date for submittal of the revision application. The Review Inspector shall send a copy of the letter to the RPM, the Field Inspector, and the Supervisor. A copy shall also be placed in the permit jacket.

In the event the permittee fails to submit the revision application, the Field Inspector shall issue a Notice of Violation to the permittee for failing to comply with the abatement date

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set forth in the midterm review letter (see Procedure #3.3.01).