

<b>DIVISION OF MINED LAND RECLAMATION</b>		<b>PROCEDURE NO.</b>	2.3.04
<b>PROCEDURES MANUAL</b>		<b>ISSUE DATE</b>	07/06/2013
<b>SUBJECT</b>	Temporary Cessation	<b>Section</b>	Enforcement
		<b>Last Revised</b>	08/18/00

**OBJECTIVE AND INTENT:**

To ensure the Field Inspector or Supervisor inspects and monitors a permit in temporary cessation status, to minimize adverse impacts to the environment or threat to the public health and safety.

**GENERAL:**

4 VAC 25-130-816.131 and 4 VAC 25-130-817.131 of the regulations require the permittee to notify the Division whenever it intends to temporarily cease or abandon mining for a period of 30 days or more.

The Inspector shall issue appropriate enforcement action (Procedure #3.3.01) when the permittee fails to properly notify the Division of its cessation of mining operations.

Temporary cessation status may be granted for a portion of the permit.

If the permittee intends to reactivate mining operations on a portion of the area in temporary cessation, which may alter the approved operations plan, the Inspector shall instruct the permittee to submit an electronic permit revision application (**DMLR-PT-034e**) to the DMLR, which explains when and what mining activities will resume.

The Division’s approval of temporary cessation status does not relieve the permittee of the obligation to comply with the provisions of the approved permit. Temporary cessation shall not be approved beyond the permit expiration date.

**PROCEDURES:**

The Inspector must realize that prior to halting mining operations; the permittee is responsible for contacting the Inspector to determine what must be done to place the operation in temporary cessation status. The Inspector shall instruct the permittee to submit a completed “Notice of Temporary Cessation” form (**DMLR-ENF-220 E-form**).

After the permittee prepares the material required by the “Notice of Temporary Cessation”, the Inspector shall review it for completeness and adequacy. The Inspector shall list any comments or concerns about the request in the comment section of the **DMLR-ENF- 220 E-form**, along with a recommendation to approve or disapprove the request. In conjunction with the review, the Inspector shall conduct a complete inspection of the permit site to ensure the permittee has complied with the applicable performance standards and conditions of the approved detailed plans.

After review of the DMLR-ENT-220 E-form and complete inspection the Inspector shall:

- Approve the E-form if all comments and recommendations have been appropriately addressed
- Reject the E-form and provide any comments or recommendations in the comment section.

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The Field Inspector shall track the temporary cessation by the enforcement computer record system. The Inspector shall periodically remind the permittee of the temporary cessation expiration date via the quarterly complete inspection report (see Procedure #3.3.01).

**Inspection - Frequency** - If the entire permit site is in temporary cessation, the Inspector shall conduct at least one complete inspection per calendar quarter. However, should only a portion of the permit site be in temporary cessation, the Inspector shall inspect the permit site as an active operation (see Procedure #3.3.01).

**Permits Bonded under the Coal Surface Mining Reclamation Fund:**

In addition to the above, the Inspector should note that a permittee participating in the reclamation fund may temporarily cease mining operations for a period of up to 6 months by submitting the “Notice of Temporary Cessation” E-form to the DMLR (4 VAC 25-130-801.12(g)).

If the permittee does not intend to resume mining operations within 6 months, the Inspector shall inform the permittee that a revision to the permit (with supporting documentation for the extension) must be submitted to the Division. The revision must be approved by the Division prior to expiration of the 6-month temporary cessation period.

The permittee’s revision package must demonstrate that:

- rough backfilling and regrading and seeding was completed on all disturbed areas to the extent that the remaining performance bond coverage is sufficient to complete reclamation in the event of bond forfeiture, or
- the permittee will submit the additional bond amount that is equal to the estimated cost of reclamation for the area in temporary cessation. The cost estimate of reclamation shall be determined on the same basis and manner as operations submitting performance bonds under 4 VAC 25-130-800.14.

The revision shall be submitted on electronic **DMLR-PT-034e**. The application must include appropriate maps and cross-sections. It should provide (but not be limited to) the calculations used to determine the cost estimate for overburden handling and transportation in reclaiming the disturbed areas; removal of sediment control structures; reclamation of roads; completion of fills; water quality monitoring; and development of the post mining land use.

After the Inspector reviews the cost estimate revision, the “Application Checklist & Routing Slip” should include a notation of “**Priority Review**” and list the 6 month expiration date.

The Review Inspector will coordinate the permitting and technical staff’s revision review. In the event additional bond is required for the site, the Review Inspector shall notify the permittee by letter

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(with copy to the Field Inspector) and include a due date of 14 days from notification for submittal of the additional bond.

If the fees owed are not submitted by the due date, an e-mail will be automatically generated one day after the due date notifying the inspector that the fees are now overdue.

If the additional bond is not submitted by the due date, the Field Inspector shall issue enforcement action (see Procedure #3.3.01) to the permittee requiring the reclamation of the disturbed permit area.

Should the permittee resume mining operations, the permittee should notify the Field Inspector by letter explaining the site is re-activated and request any addition bond posted for the Temporary Cessation be released. The Field Inspector should initial the letter confirming the site is re-activated and forward the letter to the Division’s Big Stone Gap office. If the letter is submitted by e-mail, the Field Inspector may confirm the re-activation in the e-mail forwarding the confirmation to the Reclamation Program Manager. If the permittee completes final reclamation of the permit site, the Inspector shall document the activity in an inspection report, with copy to the Reclamation Program Manager.

The Reclamation Program Manager shall release the excess bond amount coverage for the temporary cessation area in accordance with 4 VAC 25-130-801.12(g). (Note: Bond release procedures do not apply to the excess bonds returned under this procedure.)