

<b>DIVISION OF MINED LAND RECLAMATION</b>		<b>PROCEDURE NO.</b>	2.2.12
<b>PROCEDURES MANUAL</b>		<b>ISSUE DATE</b>	April 17, 2006
<b>SUBJECT</b>	Terms of Approval (TOA)	<b>Section</b>	Reclamation Services /Permitting
		<b>Last Revised</b>	8-18-00

**OBJECTIVE AND INTENT:**

To ensure the permittee’s compliance with Terms of Approval (**TOA**).

**GENERAL:**

Terms of Approval (TOA) are conditions of permit or application approval set by the Division to ensure the permittee complies with all applicable requirements of the regulatory program. The conditions may, among other things, require the permittee to submit additional data to the Division or perform certain fieldwork by set deadlines or within certain time frames.

The Division may grant a **TOA** at the time a new permit, revision, or renewal application is approved. The TOA will set certain conditions that the permittee must adhere to or comply with in order to conduct operations under the approved permit, revision, or renewal.

**PROCEDURES:**

The **Permit Review Specialist** shall provide the permittee with the written **TOA** when the relevant application is conditionally approved and:

- when more than one Technical/Permitting reviewer issues the same TOA, shall combine the TOA into one item and include each reviewer’s name in the TOA title (e.g. Ecology/Agronomy – Jane Doe and Water Quality – John Doe).
- ensure that a TOA is not issued for Right of Entry (ROE). The ROE must be obtained prior to approval of the permit or revision application. In the event that the ROE for the proposed permit area has not been submitted by the third application submittal, inform the permittee and/or consultant that the application may not be resubmitted until the ROE has been obtained or the property in question has been removed from the proposed permit area.
- shall forward a copy of the **TOA** to the Field Inspector and Permit Review Specialist (Processing) by e-mail as soon as the permit, revision, or renewal application is approved.
- upon notice from the Field Inspector that a TOA has been complied with, forward a TOA approval note to the Permit Review Specialist (Processing).

The Permit Review Specialist (Processing) will:

- maintain and update the computer tracking system for each **TOA** by entering the applicable compliance information into the DMLR computer system. This includes any condition of approval relative to AVS, MSHA, or DM requirement(s). As a **TOA** may contain multiple items, the DMLR computer system will list the compliance date for each individual item/condition of the TOA, so as to track each until all items/conditions are complied with. As

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an item/condition is complied with, it will be removed from the tracking list. When all items are complied with, the final approval note along with the letter will be placed in the permit file.

- upon the permittee’s filing of a completion letter or completion materials, identify any outstanding **TOA** still associated with the permit that would no longer apply to an inactive permit and remove it from the outstanding list. (**Note:** Any applicable AVS **TOA** still outstanding at the time of performance bond release will no longer apply.)
- upon receiving a memo or computer note from the Field Inspector that a **TOA** involving a **field condition** has been complied with, remove such from the tracking list.

Subsequent to issuance of a **TOA**, the **Field Inspector** shall:

- review and initial information contained in a letter or revision application that will achieve compliance of the **TOA**. Specific information must be submitted to the DMLR that will establish the compliance of the **TOA**. If the information is submitted in the form of a revision, the inspector will flag in the Inspector’s comment section of **DMLR-PT-008** that this concerns a specific **TOA**.
- monitor and document in a “complete” inspection report the compliance or applicability of any outstanding **TOA**. This excludes any AVS **TOA**, unless issued by DMLR.
- submit a memo or send a computer note to the Permit Review Specialist when a **TOA** that concerns a **field condition** has been complied with, so the Permit Review Specialist may remove such from the tracking list. This notification must include date of compliance.
- issue a NOV (see Procedure #3.3.01) to the permittee if it fails to meet a **TOA** condition or deadline (and the Division has not granted the permittee additional time to comply).

The AVS Investigator shall:

- inform the Permit Review Specialist of any **TOA** which should be placed upon the permit, relative to the AVS program.
- upon notification of the permittee’s compliance with the AVS related **TOA** ensure that the relevant compliance information is entered into AVS.
- notify the Permit Review Specialist of AVS **TOA** compliance, so it may be removed from the outstanding **TOA** list.