

**SUBJECT: Final/Progress Maps - Color Codes**

1. **Purpose:** This policy is to clarify the color codes required for final and progress maps.
2. **Definitions:** Progress maps - for the purpose of this policy, progress maps are to include inactive status maps, maps under Section 15(f) of the Code, modification maps, IBR maps, and renewal maps.
3. **Legal Authority:** 22-3-15(f); 38-2-3.4(c)
4. **Policy/Procedures:** The following color codes are to be used in the preparation of progress and final maps:
  - Yellow - shall indicate area to be disturbed
  - Red - shall indicate mineral to be removed
  - Blue - shall indicate water and drainage patterns
  - Green - shall indicate areas regraded
  - Purple - shall indicate adjacent mining permits
  - Red Outline - shall indicate areas disturbed outside of permit boundary (inside yellow if still disturbed, green if regraded)
  - Orange - shall indicate limits of augering
  - Brown - shall indicate DMM-12 (Special Use) areas

**Note:** Cross-hatching of color coded areas may be necessary on progress maps to indicate areas which have been disturbed and not yet reclaimed.

**SUBJECT: Special Use Form for Leaving Water Retention  
Structures**

1. **Purpose:** To establish procedures for leaving water retention structures in place at the landowners request.
2. **Definitions:**
3. **Legal Authority:** 22-3-23 (c) (3); 38-2-5.5
4. **Policy/Procedures:** A form MR-12 shall be completed for water retention structures to be left in place for the landowner's use. A MR-12 for these structures shall meet all of the requirements outlined in 38-2-5.5.

**SUBJECT: Public Hearings on Bond Releases**

1. **Purpose:** To aid inspector specialists/supervisors in conducting public hearings for protested bond releases.
2. **Definitions:** Informal conference and public hearing mean the same thing.
3. **Legal Authority:** 22-3-23; 38-2-12.2(a)
4. **Policy/Procedures:** Attached are sample forms to be used for bond release hearings requested by the public.

Section 23 of the Code and 12.2(e) of the regulations should be reviewed concerning further hearing procedures and requirements.

NOTICE OF PUBLIC HEARING

The West Virginia Division of Environmental Protection will hold a Public Hearing on \_\_\_\_\_ at \_\_\_\_\_ (a.m.-p.m.) to be located at \_\_\_\_\_ for the purpose of allowing comments from those persons having a valid legal interest which is, or may be adversely affected by the BOND RELEASE for a Phase \_\_\_\_\_ Bond Release of approximately \_\_\_\_\_ acres of disturbance by \_\_\_\_\_ in \_\_\_\_\_ District of \_\_\_\_\_ County.

REFERENCE: Permit #\_\_\_\_\_.

This meeting is being held in accordance with Chapter 22, Article 3, Section 23(f) of the Code of West Virginia.

REQUEST FOR COPY OF INFORMAL CONFERENCE-TAPE

Please send me \_\_\_\_\_ copies of the tape recording of the following informal conference:

SMA NO. \_\_\_\_\_ DATE OF CONFERENCE: \_\_\_\_\_

COMPANY NAME: \_\_\_\_\_

LOCATION: \_\_\_\_\_ WEST VIRGINIA

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Number of Cassettes Per Conference: \_\_\_\_\_ --\$5.00 each

Number of Copies Requested: \_\_\_\_\_ --\$ \_\_\_\_\_

Total Payment Enclosed: --\$ \_\_\_\_\_

PAYMENT MUST BE BY: Certified Check No.: \_\_\_\_\_

Cashier's Check No.: \_\_\_\_\_

Money Order No.: \_\_\_\_\_

NOTE: Make Payable to: Director, Division of Environmental Protection

Mail Request and Money to the appropriate DEP  
Regional Office

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

Informal Conference for Bond Release

Good Evening, I am \_\_\_\_\_, a  
\_\_\_\_\_ (TITLE) for the West Virginia Division of Environmental  
Protection and have been appointed by the Director to preside over this  
informal conference.

This conference has been requested by \_\_\_\_\_  
in reference to the Phase \_\_\_\_\_ Bond Release on Permit  
\_\_\_\_\_ assigned to \_\_\_\_\_.

Only those persons who have previously shown an interest which may be  
adversely affected by the release of the bond on this permit and  
representatives of the company will take part in the conference.

The following rules shall apply during this conference.

1. Please state your name, and who you represent.  
If you are a spokesman for a group or company,  
the Director needs to know who is making a  
statement when reviewing these tapes.
2. Please do not interrupt a speaker during his  
statement. You will be allowed to rebut anything  
you disagree with.
3. Please remember, none of the employees of  
The Division of Environmental Protection here  
tonight will take part in anyway in this  
conference except myself, and I will only see  
to it that the conference proceeds in an  
orderly fashion.
4. Any gross violations of these rules or any special  
procedural rules which we agreed to before the  
opening of this hearing will cause the conference  
to be concluded.

As previously agreed, \_\_\_\_\_  
will now open the conference.

Closing Statement

I thank you all for taking part in this conference These tapes will be  
forwarded to the Director and he will make his decision on the application  
for bond release within 30 days. The company and those persons who  
requested the hearing will be notified of his decision by mail. Anyone  
wishing a copy of the hearing tape(s), may purchase these from the Division  
of Environmental Protection, #10 McJunkin Road, Nitro, WV 25143 in the  
amount of \$5.00 pre-paid by certified check or money order payable to the  
Division.  
Thank you and goodnight.

**SUBJECT: Bond Release Notification of Surface Owners**

1. **Purpose:** To provide for notification of surface owners of their right to participate in bond release inspections.
2. **Definitions:**
3. **Legal Authority:** 22-3-23; 38-2-12.2.b.1; 38-2-18.2
4. **Policy/Procedures:** When a request for a bond release is received, the specialist shall notify the surface owners by regular mail of their right to participate in an on-site inspection. The surface owner must submit a written request to the specialist if he desires to participate in the inspection.

**Note:** Refer to sample on next page.

Date

Landowner's Name  
Address

Re: Permittee  
Permit No.

Dear

This letter is to advise you that the above referenced company has applied for (Type of Release) of the reclamation bond associated with the above referenced permit. As the surface owner, agent, or lessee, you have the right to participate in making the bond release inspection.

You may request your participation during this inspection by furnishing a signed written statement (or an oral request followed by a signed written statement) within fifteen (15) days of receipt of this notice.

Your request can be made by writing to the above address or call at (304) 000-0000.

Sincerely,

Specialist's Name

**SUBJECT: Release Procedure Change**

1. Purpose: Release Procedure for Permits that are Chemically Treating Water
2. Definitions: n/a
3. Legal Authority: 38-2-12.2(e)
4. Policy/Procedure:

For facilities that are chemically treating water for neutralization and/or metals removal, continue to follow normal Phase I release procedures.

If the operation meets all standards for Phase I release, the MR-7a will show zero (0) dollars released/reduced.

The inspector (once the paperwork has been completed and approved) will show the status of the permit as "RC" (Released-Chemically Treating Water).

It will be at the inspector supervisor's discretion whether to allow reduced inspections or not. The minimum frequency is one (1) complete per quarter.

**SUBJECT: Surety Reclamation Agreements**

1. Purpose: To outline the process on how a Surety Reclamation Agreement is entered into.
2. Definitions: A surety may explore its option of either remitting payment on a forfeited bond of a revoked permit or complete the reclamation requirements as set forth the WVSCMRA. The surety must demonstrate its ability to perform reclamation in accordance with the reclamation plan to the satisfaction of the Director, prior to the agreement becoming effective.
3. Legal Authority: 38-2-12.4.a.2.B

4. Policy/Procedures:

If a surety reclamation agreement is entered into, the following will apply:

1. The area encompassed by the agreement will be assigned for inspection purposes to the nearest available release specialist. The specialist will be responsible for quarterly inspections including completion of MR-6's unless more frequent inspections are necessary.
2. A permittee "ID" number will be assigned to the surety for inspection tracking purposes.
3. The issued permit number will continue to be used as an identifier. The status code in ERIN will indicate SA (Surety Agreement).
4. When completing a MR-6, put the surety's name in the space for permittee.
5. The bond activity screens in ERIN will indicate SA (Surety Agreement)
6. Issuance of Notices of Violation (NOV's), if necessary, shall be completed in the normal manner with the surety being listed as the responsible party (instead of former permittee).

**SUBJECT: Roads/Water Retention Structures/Other Structures**

1. Purpose: To leave roads and water retention structures and other structures for the benefit of the landowner.
2. Definitions: Surface Mining Operations
3. Legal Authority: 22-3-13, 38-2-5.5  
22-3-23, 38-2-4.9
4. Policy/Procedures:

At the time of application for Phase II release, if a structure or road is to be left unreclaimed, an MR-12 form must be included with the release package.

The MR-12 will be revised to include this statement: "It is the permittee's responsibility to maintain this structure until final bond release".

If, during the time period between MR-12 approval and Phase III release the surface owner changes, the MR-12 is no longer valid and must be re-executed or the structure(s) must be reclaimed. If the landowner changes his mind between time of MR-12 approval and Phase III release, the WVDEP will consider that a property rights dispute and proceed as such.

This policy/procedure does not in any way prohibit a permittee from executing an MR-12 at Phase III (final) release. The proper time for MR-12 application is at Phase II release, but circumstances will arise that precludes this.

The approval path for MR-12's follows the same path as any other bond release application with the exception of permitting section involvement. After the appropriate inspector signs off, he delivers application to the permitting supervisor. Once the permit supervisor has signed off on the MR-12, the release package goes to the release specialist/supervisor for final disposition.

The MR-12's will no longer be recorded at the courthouse.

**SUBJECT: Chemical Water Treatment**

1. Purpose: To clarify the differences between "Passive", "Prevention", and "Remediation" as those terms relate to chemical water treatment
2. Definitions:
  - a) "Passive Treatment" includes, anoxic drains, limestone trenches, artificial wetlands and other systems designed to alleviate the need to actively add neutralizing agents to water in order to meet effluent limits.
  - b) "Prevention" in this context refers to approved selective materials handling, addition of alkaline material to pit floors, backfill, backstack and other areas to prevent the formation of acidic drainage.
  - c) "Remediation" means the active, on-going treatment of acid mine drainage in order to meet effluent limits.
3. Legal Authority: 22-3-2(c)(5), 22-3-3(a), 38-2-2.21 Policy/Procedures: 38-2-12.2.e,

Since the Office of Surface Mining did not approve the definition of chemical treatment (as it relates to passive treatment), the following guidelines shall be followed.

- (A) Bond releases will not be approved on sites using passive treatment systems. (See definition of passive system) Exception: Phase 1 is approvable under provisions of 38-2-12.2.e.
- (B) Bond releases will be granted on areas that utilized preventive measures to control acid formation and are meeting effluent limits without active chemical treatment of water.
- (C) Bond releases will not be granted on areas that have remedial chemical water treatment in order to meet effluent limits. Exception: Phase 1 is approvable under provisions of 38-2-12.2.e.

This clarification in no way limits placement of limestone rip-rap in sediment ditches, diversion ditches, pond entrance/exit channels, etc...

The inspector along with the bond release specialist will have to utilize judgment and on-site experience to determine if an operation is routing poor or marginal quality water through a ditch rip-rapped with limestone to remedy the water quality problem or if the rip-rap is solely for erosion control.

This clarification also does not limit the utilization of limestone as a durable surfacing material for haulroads.

**SUBJECT: MR-12's**

1. Purpose: Clarification of submittal and routing of MR-12's.
2. Definitions: Special Use
3. Legal Authority: 38-2-4.9, 38-2-5.5
4. Policy/Procedures:

There are several scenarios that involve leaving roads and drainage structures in place after final bond release. This procedure describes the process and the approval routing for these situations.

#### Roads

1. If a road is proposed to be left [in the original permit application] an MR-12 Special Use Form is not required.
2. If the road(s) is(are) proposed to be left and the proposal is not in the permit application, an MR-12 Special Use Form needs to be executed. Submittal of the MR-12 is at the time of application for Phase I bond release and shall be made part of the Phase I application package.
3. If circumstances arise where the permittee wants to leave a road after a phase of release has been granted, the MR-12 will be submitted upon and included with the application for the next phase of bond release.
4. The road proposed to be left shall be shown on the final map as disturbed/unreclaimed acreage. The bond calculation will reflect this and 100% bond for this acreage will be maintained until final release.

#### Water Retention Structures

1. If a water retention structure is proposed to be left, an MR-12 form must be executed.

2. The size and configuration of the structure must be certified by an approved person which demonstrates that the structure meets current regulation requirements.
3. The MR-12 will be submitted as part of an application for Phase II bond release. The Phase II release application will be submitted to the local inspector and after the inspector signs off on the certification (MR-13) he/she forwards the total release application to the bond release unit.

GENERAL NOTE: It is the permittees' responsibility to maintain roads and water retention structures until final (Phase III) bond release is approved.

**SUBJECT: Oil and Gas Wells on Permitted Areas**

1. Purpose: Establish procedure allowing oil and gas operations on permitted areas
  
2. Definitions: Oil and Gas operations include, but are not limited to: oil well, gas well, pipelines, access roads, storage tanks, ancillary oil & gas facilities.
  
3. Legal Authority: 22-3-10, 38-2-7
  
4. Policy/Procedures:  

Oil and gas activities may take place on reclaimed mining operations without additional liability to the permittee if the following procedure is followed:

  1. For the areas to be utilized by the oil and gas operation, a post-mining land use change to "light" industry is submitted and approved.
  2. A Phase I or Phase II bond release application is submitted and approved. When the release is processed, the areas shown on the map as oil and gas sites will have 100% of the bond released, thereby deleting them from the permit.
  3. If the access road is part of the proposed oil and gas operation, a dual use letter signed by both parties allowing ingress & egress by the mining permittee.

**SUBJECT: Bond Release Procedures**

1. Purpose: Procedure for processing release applications.

2. Definitions: N/A

3. Legal Authority: 38-2-12.2

4. Policy/Procedures:

A. PERMITTEE WILL:

1. Submit 1 original and 4 copies of application for release (in binders) to Inspector or Bond Release Specialist.
2. Ensure that application is complete and accurate.
3. Ensure that all signatures on forms MR7, 8, 12, etc. are those of a principal officer of the corporation.
4. Provide a current list of the surface owners of the permitted area.
5. Ensure that proper water quality data is included as follows:
  - a. No bond release will be granted if, at the time of application, the water discharged from or affected by the operation requires chemical treatment in order to meet effluent limits. Upon reapplication for release, a 6-12 month history of untreated raw water data must be included.
  - b. A one year history of untreated raw water data must be included with Phase II application. (See guidelines for

cessation of water monitoring). Untreated raw water is to be monitored at such locations as, but not limited to, the following:

- 1.) Prior to entering drainage structure.
  - 2.) At discharge from wet seal.
  - 3.) Seeps along coal seam elevation.
  - 4.) In stream locations above and below operation if no water is available from permit area.
- c. Provide copies of previously approved MR- 12, 8 or 13 (for mine seals) if appropriate.

B. PERMIT RELEASE SPECIALIST WILL:

1. Log and track application.
2. Notify:
  - a.) OSM
  - b.) Landowners
  - c.) Permittee to begin advertisement (if not included with application).
  - d.) Permittee to begin collecting raw water data (form letter).
  - e.) Inspector

3. Complete and sign:
    - a.) 7a, b, or c
    - b.) Checklist for 7a, b or c
    - c.) MR-8
  4. Conduct technical review of application and on site evaluation of the reclamation work. Every effort will be made by the Release Specialist to coordinate the on site inspection with OSM, landowners, permittee, inspector, protesters and anyone else who has a valid interest in the release of the performance bond.
  5. Take photos during site inspection if not included in application by inspector or applicant.
  6. Conduct field analysis of raw water quality and collect lab samples if necessary.
  7. Investigate and respond to all citizen or landowner protests concerning the bond release.
  8. Forward application to Assistant Chief for signature with recommendation for approval or denial. Notify Supervisor.
    - a.) If approval is recommended, simply forward 7a, b or c.
    - b.) If denial is recommended, Specialist will prepare denial letter (in addition to 7a, b or c) and forward to Assistant Chief for signature.
- NOTE: All denial letters must give reason(s) for denial and recommended corrective actions and permittee right to appeal.
9. Be available for courtesy evaluations upon request (as scheduling will allow).
  10. Distribute applications (after approval or denial) to appropriate personnel.

C. INSPECTOR WILL:

1. Conduct brief review of application for completeness (i.e. 5 copies in binders, advertisement, forms, water data, etc.).
2. Closely review final map and indicate approval by signing and dating all copies.
3. Complete and sign abbreviated checklist.
4. Forward any protest directly to Release Specialist with his comments if appropriate.
5. Forward application to Release Specialist when the review is complete.

**SUBJECT: Removal of Sediment Control Structures**

**PURPOSE**

The purpose of this guidance is to identify the procedure for removal of sediment control structures upon a drainage area meeting the definition of “reclamation area” per 40CFR434 for post mining areas (backfilling and grading complete, revegetation commenced) while ensuring preservation of the hydrologic balance and meeting applicable regulations pertaining to abandonment procedures of sediment control structures.

**DISCUSSION**

According to 38CSR2-14-7(d), “Where any discharge from the permit requires treatment during the mining operation in order to meet applicable effluent limitations, water monitoring of such discharges shall continue following grading approval. If it is established on the basis of such monitoring that the hydrologic balance is being preserved without treatment, the treatment facilities can be removed. A one (1) year history of meeting applicable effluent limitations shall be adequate to establish that the hydrologic balance is being preserved.”

Additionally, 38CSR2-5.4(h) *Abandonment Procedures*, states “abandonment and/or removal of sediment control or other water retention structures shall not occur within 2 years after the last augmented seeding nor less than 2 years before final bond release.”

“Adequate treatment” is defined in Chapter 22, Article 3, Section 3 as “treatment of water by physical, chemical or other approved methods in a manner so that the treated water does not violate the effluent limitations or cause a violation of the water quality standards...”

38CSR2-2 further defines chemical treatment and sediment control structures as follows:

*Chemical Treatment means the treatment of water from a surface coal mining operation using chemical reagents such as but not limited to sodium hydroxide, calcium carbonate, or anhydrous ammonia for the purpose of meeting applicable state and federal effluent limitations. Chemical treatment does not include passive treatment systems such as but not limited to limestone drains, wetlands, alkaline addition, application of fly ash, agricultural lime, or injection of fly ash, limestone, or other minerals into underground coal operations.*

*Sediment Control or Other Water Retention Structure, Sediment Control or Other Water Retention System, or Sediment Pond means an impoundment designed, constructed, and maintained in accordance with this rule for the purpose of removing solids from water in order to meet applicable water quality standards or effluent limitations before the water is discharged into the receiving stream. Examples include wildlife ponds, settling basins, and all ponds and facilities or structures used for water treatment.*

Sediment control structures will be considered treatment facilities, requiring one year of monitoring to ensure the hydrologic balance, for the purpose of this policy. Chemical treatment can be removed at any point when no longer necessary. Diversion ditches/ conveyances used strictly for conveyance of surface runoff only are not considered sediment control structures for the purpose of this policy and therefore, not considered treatment. Diversions/conveyances, even if not designed for sediment control, should not be removed until appropriate raw water is sampled at the entrance to the sediment control structure(s).

Therefore, the procedures set forth in the following paragraphs shall be followed to determine data requirements to ensure preservation of the hydrologic balance prior to removal of a sediment control structure:

## PROCEDURE

1. Permittee shall collect and submit the following data required to ensure preservation of the hydrologic balance to the inspector for review. ***Raw water shall be analyzed for all parameters on the approved NPDES permit.***
  - A. **Outlets with sediment control structures** – Provide one (1) year of raw water data, sampled prior to the sediment control structure, and submitted no sooner than two (2) years after the last augmented seeding. This raw water data is necessary to request removal of the sediment control structure or grant an MR-12 to allow a structure to remain in place after Phase III bond release. Provide corresponding discharge data for the raw water sampling.
  - B. **On-bench outlets (precipitation-induced) are associated with sediment control structures designed to minimize solids. Therefore, the one (1) year raw water requirements apply to on-bench outlets as well.** Provide one (1) year of raw water data, sampled when flow exists and document other sample dates as “no flow”; submit effluent data as confirmation of “no flow” conditions and inspector confirmation is required. If outlet does not flow, provide one (1) year of documentation demonstrating that no influent (raw water) flow occurred with confirmation from the inspector. **Samples of pooled raw water are not necessary.**
2. Assuming all raw water and effluent data meets effluent limitations (monthly average and daily maximum) and applicable water quality criterion for report only parameters, the required time frame of a minimum of two (2) years after the last augmented seeding has been completed, and the structure can be removed per the post-mining SWROA plan, permittee shall submit a “Request for Structure Removal” form to inspector for approval. The approved form will be submitted by the inspector with the subsequent MR-6 inspection form.
3. Permittee shall commence structure removal as soon as possible after approval from Environmental Inspector Supervisor is received.
4. Permittee shall notify inspector when removal is complete so inspector can document on MR-6 inspection form.
5. Once the sediment structure is removed, the permittee shall request deletion of the outlet on the associated NPDES permit through a modification or reissuance application.

### ***MUST NOTE:***

- i. For wet seals, if sediment control structure is removed, then outlet must be relocated to the wet seal. This outlet and its associated monitoring requirements will remain until Phase III bond release.
- ii. If multiple sources of flow exist into the structure(s), then individual inflow sources must be collected at the entrance of the sediment control structure. All observed sources of flow, i.e. valley fill toes, deep mine discharge seals, must be sampled individually at the point of flow origin, even if they have a common outlet. The sampling frequency is the same as set forth in the current NPDES permit and is parameter-specific. Therefore, if semi-monthly sampling is required at the associated outlet for a particular parameter, then the raw water sampling frequency is semi-monthly. If the outlet has a reduced monitoring frequency of quarterly, then the sampling frequency for raw water is quarterly.

**\*\* A form for this policy has been created (MR-13R) you can find this form on our web page under DMR forms.**

**SUBJECT: Guidance for Proceeding Through Post Mining  
Limits, Structure Removal, and Outlet Deletion**

PURPOSE

The purpose of this guidance is to provide a procedure for moving through the process of requesting post mining limitations, structure removal, and final deletion of an outlet.

PROCEDURE

Under 40 CR 434.11(k), the following surface operations are classified as a Post Mining Area:

- (J) A reclamation area, which is the surface area of a coal mine which has been returned to required contour and on which revegetation (specifically, seeding or planting) work has commenced.

STEP 1:

As stated in the "Post Mining Limits under 47 CSR 30" policy, when an outlet qualifies as a Post Mining Area, manganese effluent limitations can be reevaluated immediately. If the permit contains effluent limits for Manganese to protect a public water supply, then manganese effluent limitations must remain; otherwise, the manganese effluent limitations may be removed for any outlet that discharges for an area classified as a "reclamation area." Therefore, a modification to remove Mn limitations can be submitted for all applicable outlets immediately. Inspector should confirm that the definition of "reclamation area" is met by evaluating whether backfilling and grading have been accomplished and revegetation has commenced according to the approved reclamation plan and corresponds with the approved grading profiles. Permittee must provide date(s) the drainage area(s) met the definition of "reclamation area" in the NPDES application.

NOTE: One raw water data sample may be requested by the NPDES Permit Writer to ensure protection of any downstream public water intakes, even if no WQBELs are currently applied to the permit (e.g. a permit just outside of the 5 mile zone of a public water supply).

STEP 2 (if applicable): Permittee should assess with WVDEP regional NPDES unit whether sufficient information and conditions exist to remove report only parameters from the monitoring requirements.

STEP 3: Accumulate required effluent data and collect appropriate raw water samples as required per "Post Mining Limits under 47 CSR 30" policy for all parameters on the permitted outlet, including report only (with the exception of TDS, Specific Conductance and Sulfates). Sampling shall begin when area meets the definition of "reclamation area" per 40CFR434 for Post Mining Areas. Parameters sampled must match parameters on the NPDES permit at the time of sampling.

STEP 4: Submit modification to request post mining limitations and include required effluent and raw water data that you collected in STEP 3. Requests for post mining limitations can be parameter specific.

STEP 5: After approval of post mining limitations for all parameters on all outlets of a particular Article 3 permit is received, apply for Phase I release. Although not required, it is recommended that Phase I release be applied for after post-mining limitations have been received, where applicable.

STEP 6: Collect raw water data according to "Removal of Sediment Control Structures" in Series 12 of the Inspection and Enforcement handbook for remaining parameters on the NPDES permit after STEPS 1-4 have been completed. Although not required to go post-mining first, this will minimize raw water collection parameters to only those required by 40CFR434 for Post Mining Areas.

STEP 7: Provide data collected in STEP 6 to inspector and request permission to remove structure (at minimum two years after last augmented seeding and only if post-mining SWROA plan allows for removal of structure). Obtain approval form for structure removal. Inspector will document on MR-6.

STEP 8: As soon as possible after approval is received, remove sediment control structure in field. Inspector will document on MR-6.

STEP 9: Submit NPDES modification to delete outlets for which all treatment systems and the sediment control structure have been removed. (Refer to notes below for additional information.)

STEP 10: Proceed with request for Phase II release once the above steps have been completed and all vegetative requirements for Phase II release are met for the entire permit.

*MUST NOTE:*

1. If STEPS 6-8 have not been completed prior to request for Phase II release, then provide required information for STEP 5 in release application.
11. For wet seals, if sediment control structure is removed, then outlet must be relocated to the wet seal. This outlet and its associated monitoring requirements will remain until Phase III release.
111. Post-mining limitations are not applicable to quarry operations. Preservation of the hydrologic balance requires raw water for all parameters on the applicable NPDES permit with effluent limitations or those parameters with monitoring only requirements for which there is an applicable water quality criterion.

Harold Ward, Acting Director,  
October 16, 2014  
Prepared by: P. Drooger 10/16/2014