

SUBJECT: Approved Persons

DATE: November 1, 2001 – Revised 06-30-06 – Revised 09-01-06

Legal Authority: 38-3-2.4, 38-3-11.6

Professional Engineer (PE) and Professional Surveyor (PS)

In order for a Professional Engineer (formerly Registered Professional Engineer) or a Professional Surveyor (formerly Licensed Land Surveyor) to become an Approved Person under the provisions of Article 4 they must submit to the DEP the following;

1. An application for an Approved Person
2. A resume of their past training and experience
3. A copy of their current PE or PS registration card

Qualified Person who is not an PE or PS

In order for a person who is not a PS or PE to qualify as an Approved Person they must submit to the DEP Headquarters an application for an Approved Person with a resume attached of their past training and a minimum of five (5) years experience. These individuals will be required to pass the Approved Persons Test.

Policy and Procedures:

All information to become an Approved Person will be submitted on forms prescribed by the director and submitted to the DEP headquarters. A copy of the Approved Person Application (MR-50) is available on the DMR web site at www.dep.wv.gov. The resume must include information outlining the past experience and training of the individual requesting to become an Approved Person.

A successful passing grade for the Approved Person Test will be 70 percent or above.

Approved Person status may be revoked at the discretion of the director. Causes for denial/revocation of Approved Person status include, but are not limited to, the following:

- A. Fraudulent information presented in application for Approved Person status
- B. Falsifying or misrepresenting any information required by DEP
- C. Loss of PE or PS certification
- D. Failure to submit a copy of the annual PE or PS registration card in a timely manner.

“Qualified Person” status applies only to Article 4. DEP headquarters will maintain the Approved Person and Qualified Person list. DEP field personnel can verify Approved Person status on the ERIS computer system.

QUARRY CERTIFICATION

(WHO IS AUTHORIZED TO CERTIFY)

38CSR3-2.4. APPROVED PERSON means any person approved by the Director in Accordance with subsection 11.6 of this rule.

38CSR3-11.6. Any person preparing an annual bonding progress report map or certifying the construction of drainage control structures, haulageways, or preparing a reclamation and quarrying plan shall first submit to the Director a written resume of their past experience and training. A written test may also be administered. On the basis of such resume and/or written test, he or she shall be adjudged qualified or not as the case may be, and so notified by the Director in writing. Approved person status may be revoked at the discretion of the Director.

RPCE = Registered Professional Civil Engineer RPME = Registered Professional Mining Engineer PE = Professional Engineer (formerly referred to as a Registered Professional Engineer) QPE = Qualified Professional Engineer PS = Professional Surveyor (formerly referred to as a Licensed Land Surveyor) AP = Approved Person (one having Director’s approval) APS = Approved Professional Specialist OP = Operator P/C = Permittee/Contractor

CONDITION	CERTIFIED BY	REF
Berm design	AP	22-4-3(3)
Final maps	PS/PE	
Permit application map	RPCE RPME PS	22-4-5(c)(1)
Progress maps	PE/PS	
Install, certify, ... drainage structure	OP/AP	22-4-14(f)
Vegetation replanting	P/C	22-4-14(g)(6)
Complete quarry/reclamation plan	AP	22-4-17(b)

CONDITION	CERTIFIED BY	REF
Finals slope gradients of fill areas	QPE APS	22-4-18(a)(1)
Design/construction of fills on natural slopes greater than 20 degrees	PE	22-4-18(a)(4)
Fill slopes steeper than 2:1 with static Safety factor 1.5 or greater	PE	22-4-18(a)(6)
Design of haulageways	PE PS AP	38-3-5.2
Constructed haulageways	PE PS AP	38-3-5.21
Drainage plans/installation	PE PS AP	38-3-7.5.a
Side of hill fill	PE	38-3-9.1.b
Outer slope or face of fill	PE	38-3-9.1.e.4
Valley fill design, construction, and completion	PE	38-3-9.2.b 38-3-9.2.e.6
Durable rock fills design/construction	PE QPE	38-3-9.3.d 38-3-9.3.j 38-3-9.3.n
Spoil piles outer face >20 degrees	PE	38-3-9.4.c.4
Annual bonding progress report map	PE PS AP	38-3-9.14.1