

SUBJECT: New Permit (MR-25)

DATE: November 1, 2001 - Revised 09-01-06 – Revised 06-17-09

Pre-Application Meetings

Applicants are encouraged to contact the regional staff to review their proposed application prior to submittal. The applicant should have a map and general idea of the drainage plan that is proposed. A company official, the consultant preparing the application, the inspector, the Inspection and Enforcement Supervisor and permitting staff should attend the pre-application meeting. The purpose of this meeting is to avoid last-minute delays in the permitting process that may result in significant delays. The MR-25 checklist should be made available to the applicant to aid in preparation of the application.

Application Submittal:

Any MR-25 application must meet the following requirements:

1. Original and three copies of the application should be submitted (four copies if NPDES application is included). Each copy must be in a separate three-ring binder, with each page numbered in the upper right-hand corner.
2. Filing Fee of \$1,000 must be included, in the form of a Cashiers or Certified Check or Bank Money Order made payable to the Department of Environmental Protection. Applications cannot be accepted without a permit application filing fee (22-4-26).
3. All items on the MR-25 Form must be properly addressed.

DEP Procedures:

Upon receipt of an application, the DEP clerk shall log the application into ERIS, deposit the filing fee, run a Title 96 (workers comp/unemployment) computer check, notify affected agencies (see Section 2 of the Handbook), and notify the review team and appropriate inspector.

The Review Team will initiate review of the application at the earliest opportunity. The Review Team only has a total of 30 days to complete review of the application for technical completeness (22-4-6). The 30 days start when the application is submitted, and is interrupted when corrections are mailed. When the applicant makes corrections to the application, the 30-day count resumes. This procedure continues until the application is administratively and technically complete, at which time the 30-day count is stopped. An application is complete when all required information has been submitted to the director (22-4-6).

Should the applicant disagree with a decision of the director, the applicant may, by written notice, request a hearing before the director.

The field pre-inspection should be conducted as soon as possible in the review process.

Full Inspector involvement is required throughout this process, to ensure that time requirements are met.

The Checklist (MR-49) shall be utilized by the Review Team as a guideline to ensure that all items are properly addressed. The checklist may be obtained at the WVDEP-DMR web site. Copies of the completed checklist will be made a part of the permanent record of the application. Early in the review process, a check must be made to determine if the applicant, or any officer or greater-than-10% shareholder of the applicant is permit blocked (22-4-7 – *See Permit Block Section of Handbook*). If so, the applicant will be advised, but review of the application will continue.

The procedure for making corrections can be found in the General Information Section of the handbook.

When the application has been deemed complete, authorization to advertise will be given, and a copy of the application placed on public review at the appropriate County Clerk(s) office in the county or counties in which the proposed permit area is located. The necessary advertisement will be published in the appropriate county or counties in which any portion of the permit area is located. Applicant will provide the Affidavit of Publication to the regional WV DEP office within 30 days of the close of the public comment period.

If there are written public comments received, refer to Protest/Commentors Section of this handbook. If a public hearing is requested in writing during the public comment period, see Hearings Section of this handbook.

When the application is complete, and all public notice requirements have been met, the applicant shall submit the necessary bond or contribution to the Bond Pooling Fund. If the review team *recommends approval* of the application, the applicant must provide the necessary \$1,000.00 Permit Fee, which is to be immediately deposited.

Members of the Review Team shall prepare written recommendations for their appropriate portions of the application, and the Inspector shall prepare a narrative in accordance with the standard Inspector's Quarry Narrative format. Final checks will be made to ensure that the applicant, or any officer or greater-than-10%-shareholder, is not permit blocked (see Permit Block Section of Handbook). The original copy of the application, complete with all documentation and recommendations, will then be forwarded to DEP Headquarters for a final decision on approval or denial.