

# **SECTION 18**

# **CITIZEN ACTIONS**

**SUBJECT: MR-35 Complaint Investigation Forms**

1. Purpose: To establish procedures for preparation of a MR-35 Complaint Investigation form.
2. Definitions:
3. Legal Authority: 22-3-15(g); 38-2-18.2 & 18.3
4. Policy/Procedures: Each citizen's complaint, whether received verbally or in writing, shall cause a MR-35 Complaint Investigation form to be filled out.

An attempt to contact the complainant must be made within 48 hours of notification of a complaint and the investigation of complaints as expedient as possible.

All citizens must be advised of their rights regarding the following:

- (1) The need to follow up an oral complaint with a signed written statement to receive the full range of rights provided by law and regulation. The Director must be given reason to believe that a violation exists.
- (2) Their right to accompany the inspector on the investigative inspection, and the right to ask for an informal review of the action taken relative to the issues referenced in the complaint.
- (3) The right of the citizen, who is not accompanying an inspector on an inspection, that their name may remain confidential if requested.

Page Two  
Series 18  
MR-35 Complaint Investigation Forms

The citizen should be informed of the results of the inspection and any actions taken to rectify the situation within ten (10) days of the inspection. If no inspection was made, then this response is to be completed within fifteen (15) days of receipt of the written statement of the complainant. Also, if no action was taken or the complaint was declared invalid, those facts should be presented to the citizen.

Any citizen's complaint which is transmitted via a Ten-Day Letter or Notice from the Office of Surface Mining will require the completion of a MR-35 Complaint Investigation form to be completed and submitted with the TDL/TDN response.

Each field office shall maintain a log of citizen complaints and the disposition thereof. It is the inspector's responsibility to advise the secretary of the information needed to complete this log.

NOTE: Water pollution complaints or a spill that has been relayed from Charleston, it is important that a MR-35 is completed and sent back to Charleston Office. Send these MR-35's to the attention of the NPDES Section.

West Virginia Division of Environmental Protection  
MR-35 COMPLAINT INVESTIGATION

|               |                |      |                     |  |   |
|---------------|----------------|------|---------------------|--|---|
| PERMIT NUMBER | COMPLAINT DATE | TIME | METHOD OF COMPLAINT | (SER) IN PERSON<br>(HOT) HOTLINE<br>(FAX) FACSIMILIE | (LET) LETTER<br>(PH) PHONE<br>(OTR) OTHER |
|---------------|----------------|------|---------------------|--|---|

CITIZEN NAME "WITHHELD" IF ANONYMOUS CITIZEN TO ACCOMPANY?

ADDRESS PHONE

(NOC) NATURE OF COMPLAINT

PERMITTEE ID# [ ] NAME

OPERATOR ID# [ ] NAME

NPDES NUMBER MSHA NUMBER

COUNTY [ ] POST OFFICE

RECEIVING STREAM LOCATION

INVESTIGATION RESULTS COMPLAINT STATUS (INI) INITIAL (OPN) OPEN (TER) TERMINATED (UNS) UNSUBSTANTIATED (WRN) WITHDRAWN

INSPECTOR ID [ ]

DATE INVESTIGATION [ ] DATE RIGHT TO REVIEW ADVISED [ ] DATE MR35 PROVIDED [ ] DATE COMPANY CONTACTED [ ]

COMPANY CONTACT NAME PHONE

INSPECT DATE [ ] TIME [ ] FORM# [ ] FACILITY [ ] ENF STD [ ] VIOL# [ ]

(FND) FINDINGS

DISTRIBUTED TO NAME: PLEASE PRINT TITLE:

ACTING AS: [ ] DELIVERED [ ] CERT. MAIL [ ] REG. MAIL DISTRIBUTION DATE AND TIME [ ] CERTIFIED MAIL \$ [ ]

ADDRESS: IF MAILED WV DEP REP: DATE:

DISTRIBUTED TO SIGNATURE: DATE:

White - HQ, Green - Inspector, Cherry - Compliance, Pink - Field Office, Goldwood - OSM

WV Division of Environmental Protection  
Office of Mining and Reclamation  
Inspection and Enforcement

Series: 18  
Pg. No: 1 of 1  
Effective: 1-93

**SUBJECT:** Citizen Participation in Informal Assessment  
Conference

1. Purpose: Clarifies citizen notification and participation in informal assessment conferences.

2. Definitions:

3. Legal Authority: 38-2-20.6(d)

4. Policy/Procedures: Should a citizen request to attend or be notified of an informal assessment conference, he should be instructed to notify the Assessment Officer in writing of this fact. The Assessment Officer will provide notice of conference schedule to the requesting citizen.

If a citizen's complaint investigation generates a Notice of Violation, a note must be made on the 24-A for that violation and a photo copy of the DR-35 attached so that the Assessment Officer can notify the complainant of the conference.

You may be asked to notify the citizen verbally if requested by the Assessment Officer as the most expeditious notification.