

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF MINING AND RECLAMATION

***Application for A SPECIAL PERMIT FOR REMOVAL OF ABANDONED
COAL REFUSE PILE***

Applicant Name _____	SMA No. _____
MSHA No. _____ NPDES No. _____	DEP Region _____
Filing Fee: <input type="checkbox"/> Article 3 \$3,500.00	Amount \$ _____

1. Mailing Address _____

Street Address *(if mailing address is a Post office Box)* _____

City _____ State _____ Zip _____ Telephone _____

FEIN “WVDEP may request” _____ Social Security No. “WVDEP may request” _____

NOTE: The applicant assumes responsibility for mail delivered to the business mailing address and will notify DEP of all address changes through final release of permit.

2. Location of the Operation:

Latitude _____ ° ' " Longitude _____ ° ' " MSHA No. _____

Nearest PO _____ Nearest Public Rd. (Rt. #) _____

Quadrangle Name _____ Quadrangle No. _____

Coal Seam(s) to be Reprocessed _____

Indicate below by County and District the total surface acres proposed to be permitted by this operation:

SURFACE ACRES	COUNTY	DISTRICT
TOTAL ACRES:		

DRAINAGE PATTERN:
Major Watersheds are: Potomac; Kanawha; Tug; Ohio; Monongahela

RECEIVING STREAM	TRIBUTARY OF	MAJOR WATERSHED

NOTES: All names must be printed or typed in full exactly as listed with the Social Security Administration (no abbreviations or initials). Provision of social security numbers is optional. Use additional pages as needed following prescribed format. A "person" means any individual, partnership, firm, society, association, trust, corporation, or other entity.

3. Identify resident agent for service of process in West Virginia for the Applicant:

Name _____

Mailing Address _____

Street Address *(if mailing address is a Post Office Box)* _____

City _____ State _____ Zip _____ Telephone _____

FEIN "WVDEP may request" _____ Social Security No. "WVDEP may request" _____

4. Identify entity who will pay federal abandoned mine land reclamation fees: *(if different from applicant)*

Name _____

Mailing Address _____

Street Address *(if mailing address is a Post Office Box)* _____

City _____ State _____ Zip _____ Telephone _____

FEIN "WVDEP may request" _____ Social Security No. "WVDEP may request" _____

5. Indicate legal structure of Applicant:

Sole Proprietorship *(Complete 7)*

Partnership *(Complete 8)*

*Corporation: State of Incorporation: _____ Date of Incorporation: _____
If State of Incorporation is not WV: Date of Certificate of Authority to conduct business in WV: _____

*Limited Liability Company: State of Organization: _____ Date: _____

*Association

*Other: Specify _____
 Complete item 9

6. Complete the following appropriate items and attach sufficient notarized documents and identify as attachment 6. Check below the type of documents included:

Certified copy of "Certificate of Incorporation", "Certificate of Authority", Articles of Organization" or other appropriate document from the Office of Secretary of State and a certified copy of the most recently filed Corporation License Tax Return.

Notarized copy of Partnership Agreement

Certified copy of "Certificate of Limited Partnership

Certified copy of "Certificate of Registration of True Name" with county of Registration *(for use of assumed name or "d/b/a")*

7. If Applicant is a **SOLE PROPIETORSHIP**, list owner: If N/A, check here:

Name _____

Mailing Address _____

Street Address *(if mailing address is a Post Office Box)* _____

City _____ State _____ Zip _____ Telephone _____

FEIN "WVDEP may request" _____ Social Security No. "WVDEP may request" _____

8. If Applicant is a **PARTNERSHIP**, list all partners, including limited partners. If any partner listed below is a business entity and not an individual, also complete item for that entity: If N/A, check here:

Name _____

Mailing Address _____

Street Address *(if mailing address is a Post Office Box)* _____

City _____ State _____ Zip _____ Telephone _____

FEIN "WVDEP may request" _____ Social Security No. "WVDEP may request" _____

Official Title within partnership _____

Beginning Date of Ownership _____ Percent of Ownership _____

NOTE: Attach additional entries as needed using the above format and identify as attachment 8. No of additional entries: _____

9. If Applicant's legal structure is other than a sole proprietorship or partnership, provide all information requested below for: All officers such as President, Vice President, Secretary, Treasurer, Directors; any other person performing a function similar to a Director; and for limited liability companies, all Members and Managers.

If the applicant has a Centralized Ownership and Control File Approved, check here:

Name _____

Mailing Address _____

Street Address *(if mailing address is a Post Office Box)* _____

City _____ State _____ Zip _____ Telephone _____

FEIN "WVDEP may request" _____ Social Security No. "WVDEP may request" _____

Ownership/Control relationship to Applicant _____

Location in Organizational Structure _____

Date Title/Position was Assumed _____ Official Title/Position _____

Beginning Date of Ownership _____ Percent of Ownership _____

NOTE: Attach additional entries as needed using the above format and identify as attachment 9. No of additional entries: _____

10. Has the Applicant or any person listed in items 7, 8, 9, or any subsidiary, affiliate, or person controlled by or under common control with the Applicant:

A. Had a Federal or State coal mining permit suspended or revoked in the five (5) years preceding the date of submission of this application
 Yes No

B. Forfeited a reclamation performance bond or a security deposited in lieu of bond?
 Yes No

If Yes to A. or B. above, complete the following:

Name of Applicant or Person _____
 Permittee _____
 Permit No. _____ Date of Issuance _____
 Regulatory Authority suspending/revoking the permit _____
 Stated reason for action _____
 Bond Amount Forfeited _____
 Current Status _____

If the Applicant or person has been reinstated by the regulatory authority to good standing, check here Attach a copy of document(s) showing reinstatement and identify as attachment 10.

If administrative or judicial proceedings occurred, complete the following:

Date _____ Location _____ Type _____
 Current Status _____

NOTE: Attach additional entries as needed using the above format and identify as attachment 10. No. of additional entries: _____

11. Identify below the legal documents upon which the applicant's legal right to enter and conduct surface-mining operations on the proposed permit area is based.

LEASE SUBLEASE AGREEMENT OTHER CONTRACT

Is this right subject to pending court litigation?
 Yes No

12. Include a project narrative which describes

A. Existing site conditions;
 B. How the removal operation will meet the criteria specified in current rules;
 C. The design life of the operation;
 D. Type and quantity of material to be removed;
 E. Permits or approvals as necessary from the appropriate environmental agencies or other agencies.

13. Include the following:
- A. A plan for emergency procedures as required by current rules.
 - B. A description and results of sampling and analysis procedures used to develop a representative assay of the physical and chemical properties of the existing abandoned coal processing material: Acid, Base Analysis, and Selenium.
 - C. A revegetation plan which conforms to the requirements of current rules: Post Mine Land use and Planting Plan.
 - D. A fire control plan which conforms to the requirements of current rules.
 - E. A procedure for inspections and certifications which conforms to the applicable requirements of current rules.
 - F. Surface Water Monitoring Plan based on the Probable Hydrologic Consequences (PHC) determination and base line hydrologic and geologic information to include the following:
 - 1. Monitoring site location,
 - 2. Quality and quantity parameters, and
 - 3. Sampling and reporting frequency.
 - G. Baseline Water Quality.
 - H. Identify all variances and waivers contained in this application for which the applicant is requesting approval.
 - I. SHPO – Parks and Historic Lands Information; Affect publicly owned park, historic places, archaeological site protection info, State Historic Preservation Officer Information.
 - J. Fish and Wildlife Information and WVDNR Lands Inquiry. Provide information at the site-specific level regarding endangered species and their habitats. Attach the applicant's initial application/notification letter to the West Virginia Department of Environmental Protection pertaining to the site-specific endangered species consultation relative to the proposal.

14. Where the existing coal processing refuse pile will only be partially removed, include the following in addition to the items in Section 13:
- A. Design and configuration of the final graded area which reflects that no water will be impounded above the remaining material and that final graded slopes are no steeper than 2H:1V;
 - B. Surface water must be diverted around or over the material by properly designed and stabilized diversion channels which have been designed using the best current technology to provide protection to the environment or the health, welfare and safety of the public. The channel shall be designed and constructed to ensure stability of the remaining material, control erosion, and minimize water infiltration into the remaining material;
 - C. Procedure for performing stability analysis of the remaining material to assure mass stability;
 - D. A plan for long range prevention of combustion of the remaining material.

15. Include cross sections plans and specifications prepared by or under the direction of a registered professional engineer as follows:
- A. Cross sections and profile of the existing surface configuration and the final surface configuration of all areas to be affected by the removal operation;
 - B. Cross sections, plans and specifications for all drainage and sediment control structures;
 - C. Cross sections, profiles and design specifications for any roads to be utilized for the removal operation;
 - D. Specifications for the removal of the existing coal processing refuse in accordance with current rules.

16. Where the existing coal processing refuse pile does impound water, or has the capacity to impound water, include the following:
- A. A plan for drawing down the water behind the impoundment to a level and in a manner which assures the protection of the environment and the safety of operation personnel and the public prior to any removal operations;
 - B. Plans, design data and specifications for the construction of a spillway which will pass the peak runoff from a 100 year, 24 hour precipitation event and how such structure will be functionally maintained throughout the life of the operation;
 - C. A description of how the existing coal processing material will be removed maintaining a five (5) foot elevation differential between the breach invert elevation of the excavated embankment and the elevation of any slurry which may be impounded behind the embankment; and
 - D. Plans, design data, and specifications for the regrading of any remaining refuse material such that the regraded area blends into the surrounding drainage pattern and will not impound water.

17. Include a reclamation plan that consists of the following:
- A. A description of how the applicant will remove, store and redistribute topsoil, subsoil or topsoil substitutes, and other materials. When topsoil substitutes are proposed, the suitability determination, analytical data, and laboratory certification required in current rules.
 - B. Where topsoil borrow areas are proposed, submit a reclamation plan for such areas.
 - C. A description of how the applicant will handle acid forming and toxic forming materials and materials constituting a fire hazard.
 - D. The design and construction of a drainage and sediment control system to include:
 - 1. A description, map, and cross section of the structure and its location.
 - 2. Preliminary hydrologic and geologic information required to assess the hydrologic impact of the structure.
 - 3. A survey describing the potential effect on the structure from subsidence of the subsurface strata resulting from past underground mining operation if underground mining has occurred.

4. A certification statement which includes a schedule for the submission of any detailed design plans for structures that are not submitted with the general plan. The director shall have approved, in writing, the detailed design plan for a structure before construction begins.
 5. Each structure design plan that is of such size or storage capacity that it is a dam as defined in WV Code shall be prepared by, or under direction of, and certified by a qualified registered professional engineer.
 6. The design shall include any geotechnical investigation and construction requirements for the structure.
 7. A description of the operation and maintenance requirements for each structure.
 8. A timetable and plans to remove each structure, if appropriate.
- E. The design and construction of all roads; and
- F. A vegetation plan.

18. Include a map of the scale, size and color code as described in the current rules which contains the following information:
- A. All types of information set forth on topographical maps of the USGS including all manmade features;
 - B. The area of land to be affected by the removal operation, including any coal storage and topsoil borrow and storage area;
 - C. The property boundaries of all surface owners within one hundred (100) feet of any part of the proposed permit area;
 - D. The location and direction of flow of the drainage patterns both within and outside the proposed permit area and the outline of each component drainage area;
 - E. The location of all drainage and sediment control structures and monitoring sites for water sampling and analysis; and
 - F. A location map.

19. Include a completed copy of DEP's sample newspaper advertisement that will be used to give public notice. Identify as attachment 19.

20. Will mine operator(s) be different from applicant?

Yes No

If Yes, it is necessary to complete and submit as a separate application the "Application for Operator Assignment" to the appropriate DEP Regional Office.

21. Provide **names and addresses for each owner of record of all property, surface and subsurface, and non-owner residents living on property within one hundred (100) feet** of any part of the proposed permit area. Identify each by the following classes:

<u>OWNER CLASS</u>		<u>RESIDENT CLASS</u>	
(SO)	Surface Owner Only	(OR)	Owner/Resident
(MO)	Mineral Owner Only	(NOR)	Non-Owner Resident
(SMO)	Surface and Mineral Owner		

NOTE: Include a sample of the letter of notification to all residents living on property contiguous to and/or within 100' of the proposed permit area and identify as attachment 21. Notification by certified mail must occur on or before the first day of publication of the advertisement and SMA No. must be referenced.

NOTE: Attach additional entries as needed using the format below and identify as attachment 21. No. of additional entries

NAME	ADDRESS	OWNER CLASS	RESIDENT CLASS

22. Include an accurate and complete National Pollutant Discharge Elimination System (Article 11/WVNPDES) application or modification to an existing NPDES Permit.

23. Include a current Certificate of Insurance:
 Policy Number _____ Expiration Date _____

24. Performance Bond:

To Be Completed By Applicant	To Be Completed By DEP	
Total Permit Area (Acres)	Bond Amount Per Acre	Total Bond Amount
	\$	\$

25. Certification of Application:

NOTE: If signer is other than President or Vice President, provide a current certified copy of Power of Attorney or Resolution of Board of Directors which grants signer the legal authority to represent the Applicant. Identify as attachment 25.

I, _____ (*type name*), having been duly sworn, depose and Attest that all the representations contained in this application are true and correct to the best of my knowledge and belief, that I am a principal officer (*President, Vice President*) of the Applicant and that this application has been executed by the persons required by law. I further acknowledge that any information provided or omitted herein for the purpose of defrauding or misleading the West Virginia Department of Environmental Protection may result in the institution of criminal or civil charges and/or other enforcement actions pursuant to applicable state laws.

State: _____	County: _____
Sworn and Subscribed to Before Me This _____	Day of _____ , _____
_____ Notary Public	
My Commission Expires: _____	

(SEAL)

Signature of Principal Officer (President/Vice-President)
Typed Name
Official Title
Date