

SUBJECT:	Procedure for Modification of Quarry Permit (MR-25-M)
DATE:	November 1, 2001 – Revised 09-01-06

Legal Authority: 22-4-10, 22-4-26 (filing fee), 38-3-15

Quarry permits can be modified by using the MR-25-M form. A major modification is required when the proposed modification would cause a significant departure from the terms and conditions of the existing permit and would result in a significant impact to the environment or to nearby property. A determination as to whether the application will be a major or minor modification will be a site-specific judgement by the Permit Supervisor.

A major quarry modification must meet all the requirements of 22-4-6. A modification must be technically complete prior to publication of the legal advertisement. An advertisement for a major or minor modification will utilize the same advertisement form. The advertisement will be published once a week for 3 consecutive weeks with six full days between publications. The comment period is thirty days from the first date of publication.

A major modification requires an opportunity for a public hearing and compliance with all permit requirements (which is not a requirement for minor modifications).

A modification of the buffer zone is always a major modification including berms, drainage structures, etc. Areas permitted and disturbed prior to June 8, 2000 within the 100' foot buffer zone do **not** require a modification.

The NPDES Writer should review the application to determine if a pre-quarry water assessment should be included.

A major modification that changes the permit boundary will require a lands inquiry. If there is an existing lands inquiry for the area that is less than two years old, it may be utilized.

The DEP must notify the affected agencies for all major modifications.

The applicant can request a modification to add, delete or add/delete acreage exchange on a MR-25-M form. *Note: Acreage that is added to a permit does not have to be contiguous but should be a part of the same general quarrying complex.*

Combining existing permits into one permit can be submitted on a MR-25-M. A section is included in the handbook on combining permits.

The filing fee for a major modification is \$500.00 and a minor modification is \$200.00. All filing fees must be in the form of cashiers check, certified check or money order made payable to the Department of Environmental Protection.

All applications must be submitted to the appropriate regional office in 9 x 12 three-ring binders, with all pages numbered in top right-hand corner. The original and 3 copies are required.

The filing fee will be deposited, application will be stamped received, entered into ERIS and the permit supervisor and inspector notified of the receipt. The application will be reviewed and the company notified of deficiencies. To determine whether or not the applicant is permit blocked, see Permit Block Section of Handbook.

Any time an application is corrected/affected the correction number and date corrected will be noted in the top right hand corner of each page corrected/affected. The correction number will correspond to the time the individual application is affected (not time each page is corrected). The first time the application is changed the corrections will be labeled correction #1, dated 00/00/00, the next time the application is changed the correction will be correction #2, dated 00/00/00.

Any major permit modification that changes the mining and reclamation plan or adds new area will have the performance bond re-evaluated for the entire permit area. Any additional bond which may be required to bring the permit into compliance with the new bond rate must be submitted prior to approval of the modification. If the bond rate should decrease, then no bond will be released, but any extra bond will be credited toward any future bond postings.

No application will be approved or denied without an inspector's recommendation. The DMR reviewer must also complete a Checklist for Quarry Modification (MR-46). This form can be found on our DMR website.

- Examples of major modifications:
 1. Disturbance within 100 foot of the buffer zone (includes berms, drainage structures, etc.)
 2. All disturbances within 100 foot of the buffer zone not permitted prior to 06/08/00 and required to be permitted.
 3. When the acreage added to the permit is in excess of 50 acres or 20 percent, of the original permit.
 4. If a new landowner is added that is currently not permitted.
 5. Proposed acreage in new watershed

- Examples of minor modifications:
 1. Combining permits that does not change the existing permitted boundaries
 2. Will not cause significant departure from terms & conditions of existing permit & would not result in significant impact to the environment or to nearby property.

Distribution upon approval or denial:

- Original – headquarters
- Copy – regional office
- Copy – inspector
- Copy – applicant

Sample Approval Letter for Major Modification of Quarry Permit

Date

Applicant Name
Address

RE: Permit No. _____

To Whom It May Concern:

Your request to modify the above referenced permit, located in _____ County, has been reviewed.

Your request to _____, as outlined and described in the application, is hereby **APPROVED**. This approval is in accordance with Chapter 22, Article 4 of the Code of West Virginia.

All other terms and conditions of the permit shall remain in full force and effect.

Sincerely,

Permit Supervisor

CC: Inspector
Headquarters

Sample Approval Letter for Minor Modification of Quarry Permit

Date

Applicant Name
Address

RE: Permit No. _____

To Whom It May Concern:

Your request to modify the above referenced permit, located in _____ County, has been reviewed. It has been found that the proposed modification will not cause a significant departure from the terms and conditions of the existing permit and will not result in a significant impact to the environment or nearby property.

Your request to _____, as outlined and described in the application, is hereby **APPROVED**. This approval is in accordance with Chapter 22, Article 4 of the Code of West Virginia.

All other terms and conditions of the permit shall remain in full force and effect.

Sincerely,

Permit Supervisor

copy to: Inspector
DEP Headquarters