

SUBJECT: Permit Blocks

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

Legal Authority: 22-4-7

The director may deny a permit application, modification or transfer for one or more of the following reasons:

- Any requirement of federal or state environmental law, rule or regulation would be violated by the proposed permit,
- The proposed operation is located in an area the director finds ineligible for a permit pursuant to section 8 of the Act,
- The applicant or any person required to be listed on the application pursuant to section five of the Act has not corrected all violations which has resulted in one of the following;
 - 1) revocation of a permit,
 - 2) a cessation order,
 - 3) bond forfeiture or
 - 4) a court order issued against the applicant related to Mining (Article 3) or Quarrying (Article 4),
 - 5) the applicant or any person required to be listed on the application pursuant to section five of this article has not paid all fines or fees assessed by the agency or by court judgement imposed pursuant to the provisions of this article.

In order to assure consistent application, the statute shall be interpreted as follows:

1. The term “agency” refers to the WV Department of Environmental Protection. This means that fines or fees owed to DMR, DWWM, DAQ, or any of the other Offices of DEP shall serve as a permit block.
2. The phrase “any person required to be listed on the application pursuant to section five of this article” refers to subsections (b)(1), (b)(2), and (b)(3) of section five.
3. The permit block for unpaid fines and fees applies to all existing fees and/or fines. Such fines do not have to be officially delinquent.
4. This permit block applies only to fines or fees that have been assessed directly against the applicant, or directly against any officer, director, owner or greater-than-10% shareholder of the applicant.

The following procedure shall apply to determine if the applicant owes any office within DEP fees and/or fines:

The following offices within DEP will be checked by the permitting clerk via e-mail to that office. The e-mail must include the company name, officers listed in the

application, county and nearest post office. Include a statement in the e-mail that “if no response is received within 15 days of this inquiry, it will be determined that there are no fees owed by the applicant”. After the 15 days, the application can be approved without a response to the e-mail. If the response states that fees/fines are owed, notify the applicant that the application will not be approved until payment is received. Only one check needs to be completed on an application, unless fees are owed.

Division of Oil and Gas – e-mail Al Blankenship

Division of Air Quality – e-mail Jane Newton

Division of Environmental Enforcement – e-mail Connie Bledsoe

Division of Water and Waste Management – e-mail Tom Fisher

Division of Water and Waste Management - Access to the ERIS database to determine whether the applicant owes any fees to the Division of Waste and Water Resources. The following are the steps to retrieve the information from ERIS:

- Log on ERIS, go to **File, Preferences**, choose **Water and Waste Management**
(*make sure the Default Date Range is Last 5 Years*)
- Choose **Maintenance**
- Choose **Fee and Invoice Processing**
- Choose **Customer Account Register**
- Under the **Select Item and Enter Data** area, hit arrow to reveal the dropdown box and choose **Responsible Party**
- Choose **Hot Search Button** and type first few letters of the applicant’s name
- Choose **Running Man Button**
- Print the report and include in the blue book

The report will give you all fees that are owed to the Division of Water and Waste Management for the applicant. If the fee has been paid, a checkmark will be in the first column. The *date field* is the date of the invoice. The invoice gives the company one (1) month from that day to remit payment. Therefore, it is not a block until one month has passed from the invoice date. If a fee is owed, notify the applicant via a correction sheet.

Division of Mining and Reclamation – ERIS database is to be checked to see if the applicant has any delinquent civil penalties and/or outstanding CO’s. The revocation/bond forfeiture list is to be checked to determine if the applicant and/or officers are on that list. If information is found in any of these areas, notify the applicant that the application cannot be approved until these matters are clarified or the operator is reinstated pursuant to 22-4-7(b).

Unemployment Compensation / Workers Compensation – access their database at <http://www.wvbep.org/scripts/bep/ucwcdflt.cfm>. Queries of this database should use the applicants FEIN first and if no record is found then search by the company name. If the database shows the applicant to be in default, a letter shall be sent by certified mail to the applicant informing them that the database shows them in default and that the application cannot be approved until they are no longer shown in default

Screen prints of the results page showing “Compliance” is to be included in the blue book. If an application is not approved within 14 days of receiving a “Compliance” reply from the database, a new query shall be performed prior to approval.

(08/01/06)

INSERT LETTERHEAD

NOTICE OF QUARRY PERMIT APPLICATION

TO: Al Blankenship, Oil & Gas Jane Newton, Air Quality Connie Bledsoe, Environmental Enforcement Tom Fisher, Water and Waste Management
FROM:
DATE:

MR-25 (New Permit) MR-25-M (Modification) MR-19Q (Transfer)

Application/Permit No. _____ Date Received: _____

Company Name: _____

County: _____ Nearest Post Office: _____

Officers, Directors, and Greater than 10% Shareholders of Applicant:

(Name)	(Title)

As per WV Code, Chapter 22, Article 4, Section 7(a), the West Virginia Department of Environmental Protection, Division of Mining and Reclamation may deny an application for a quarrying permit, or an application for modification or transfer of an existing quarry permit, if the applicant (or individual listed above) has not paid all fines or fees assessed by the WVDEP. Please notify this office of any unpaid fines or fees assessed by your Division against any companies or individuals listed above.

If no response is received within 15 days of this inquiry, it will be presumed that there are no fees owed by the applicant.