

SUBJECT: Quarry Revocation Report (MR-10Q)

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

Legal Authority: 22-4-24

WV Code 22-4-24(c)(3) allows the director to revoke a permit whenever the director discovers a violation of the act, rules, permit conditions, or other order.

Whenever a Quarry Revocation Report is filed, the inspector shall note in the comment section of the MR-10Q a description of the circumstances which should result in the permit being revoked. Appropriate pictures shall be attached. The Inspection and Enforcement Supervisor approval of the recommendation will be indicated by their signature on the MR-10Q. This is a most serious action and should not be taken lightly.

Headquarters Office will send the permittee a letter advising that, if an agreement satisfactory to the Director is not approved within thirty days from the receipt of the letter, the permit will be revoked and the associated bond or Bond Pool deposits will be forfeited.

INSERT LETTERHEAD

“30 DAY SUSPENSION NOTICE”

(Revised 08/01/06)

Date

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED

Company Name
Address
City, State, Zip

RE: Permit #

Dear Permittee:

You are hereby notified that your quarry operation under Permit Number Q-_____ issued for _____ acres in _____ District of _____ County, West Virginia, is in violation of Article 4, Chapter 22 and the Rules adopted thereunder as follows:

(List violations)

Now, therefore, take notice as required by Section 24, Article 4, Chapter 22, that the above referenced permit is hereby suspended. You are advised to contact the Department of Environmental Protection inspector or supervisor in order to develop a consent agreement outlining a plan and time schedule for abating all outstanding violations.

If an agreement satisfactory to the Director has not been reached within thirty (30) days after receipt of this notice, the above referenced permit shall then be declared revoked.

Sincerely,

Director

cc: Environmental Supervisor
Environmental Inspector
Regional File
Assessment Officer

INSERT LETTERHEAD

“Sample Revocation Letter”

(Revised 08/01/06)

Date

Company Name

Address

City, State Zip

Re: Permit Number: Q-_____

Dear Permittee:

On the __ day of ____, 20__, the Department of Environmental Protection notified you that the above referenced mining operation was in violation of Article 4, Chapter 22 and the rules promulgated thereunder. You were further notified that, as required by Section 24, Article 4, Chapter 22, the referenced permit was suspended by the Director.

Since you failed to reach an agreement with the Director and have not complied with the requirements set forth in the notice of non-compliance or order of suspension within the time limits set therein, I hereby find and conclude that you have failed to show cause why the operation on Permit No. ____ should not be revoked. Therefore, pursuant to the West Virginia Code, 22-4-24, I declare the above referenced permit revoked.

Sincerely,

Director

- cc: Environmental Supervisor
- Environmental Inspector
- Assistant Director Northern(or Southern) Operations
- Regional File
- Ownership & Control
- Headquarters, NPDES
- Special Reclamation
- Headquarters File
- Headquarters, Assessments