March 31, 1992

TO: Lowell Braxton, Associate Director

FROM: Pamela Grubaugh-Littig, Permit Supervisor

RE: Revised Guideline for Administrative Completeness Determination, Comparison of Administrative Completeness Checklist to 30 CFR Sections 778, 783, 784, and 785

FORWARD:

This memorandum supersedes the previous memo from Daron Haddock and myself, dated February 20, 1992, and incorporates a review of the 30 CFR Sections 778, 783, 784, and 785. The initial administrative completeness checklist has been compared to their federal regulation counterparts and modifications to the checklist have been made. This memo contains the summary and a revised discussion from the February 20, 1992 memo.

SUMMARY:

The issue of completeness is confusing for most coal regulatory agencies. A guideline to aid reviewers in determining when a permit application for coal mining and reclamation operations is complete, i.e. administratively complete, is included in this memo. The purpose of this memo is to alleviate the confusion with the completeness issue and provide guidance in making an Administrative Completeness Determination.

DISCUSSION:

There is confusion about completeness because there are two types of completeness. There are two decisions to be made concerning completeness: 1) when an application is considered administratively complete, and 2) when an application is considered complete and accurate. These respective definitions in the R645 rules are as follows:
R645-100-200. Definitions.

"Administratively Complete Application" means an application for permit approval or approval for coal exploration, where required, which the Division determines to contain information addressing each application requirement of the State Program and to contain all information necessary to initiate processing and public review.

"Complete and Accurate Application" means an application for permit approval or approval for coal exploration, where required, which the Division determines to contain all information required under the Act, the R645 Rules, and the State Program that is necessary to make a decision on permit issuance.

These definitions are almost identical to the definitions in the 30 CFR, part 701.5.

The determination made with respect to whether or not an application is complete and accurate is straightforward, i.e. all applicable R645 rules must be addressed before a permit can be issued.

This "complete and accurate" may mistakenly be understood to be the completeness discussed in R645-301-150, which states:

Completeness. An application for a permit to conduct coal mining and reclamation operations will be complete and will include at a minimum information required under R645-301 and, if applicable, R645-302.

The completeness referred to in R645-301-150, however, was intended to mean administrative completeness.

Completeness according to 30 CFR Section 777.15 states:

An application for a permit to conduct surface coal mining and reclamation operations shall be complete and shall include at a minimum --

(a) For surface mining activities, the information required under parts 778, 779, and 780 of this chapter and, as applicable to the operation, parts 785 of this chapter; and
(b) For underground mining activities, the information required under parts 778, 783, and 784 of this chapter, and, as applicable to the operation, part 785 of this chapter.

It may well be worth considering a program amendment to change the completeness (R645-301-150) rule. The completeness rule in the current regulations could be revised to state:

Completeness. An application for a permit to conduct coal mining and reclamation operations will be administratively complete when the requirements of R645-301, and if applicable, R645-302 have been minimally addressed.

There is subjectivity involved in the determination of an administratively complete application. Generally, the determining factor in deeming an application administratively complete is whether all required baseline information is present, and whether enough information is present to conduct a technical review, i.e. maps, locations, narratives, descriptions and designs of the mining and reclamation plan. This does not mean that all of the technical information is adequate, because that is the purpose of the technical review. However, there must be enough information included to initiate a technical review.

It is also important to note that when an application is determined administratively complete, that complete application is then available for public comment. Therefore, it is necessary that the application gives a clear picture of what is being proposed so that the public can understand the issues involved and the effects of the proposal.

The following checklist may help the reviewer in making the Administrative Completeness Determination.
## ADMINISTRATIVE COMPLETENESS REVIEW

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
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<tbody>
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<td>301-112</td>
<td>Identification of Interests</td>
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<tr>
<td>100</td>
<td>Applicants business structure</td>
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<tr>
<td>210</td>
<td>Name, address, and phone of applicant</td>
</tr>
<tr>
<td>220</td>
<td>Name address and phone of resident agent</td>
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<tr>
<td>230</td>
<td>Name address and phone of person paying AML fees</td>
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<tr>
<td>300</td>
<td>Corporate Structure and Ownership</td>
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<td>400</td>
<td>Identification of other mining operations in the US</td>
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<td>500</td>
<td>Surface and Mineral Ownership</td>
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<td>Ownership contiguous to permit</td>
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<tr>
<td>700</td>
<td>MSHA numbers</td>
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<tr>
<td>800</td>
<td>Interest in contiguous lands</td>
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<td>301-113</td>
<td>Violation Information</td>
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<td>100</td>
<td>Suspension or revocation info</td>
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<tr>
<td>300</td>
<td>List of violations for previous 3 years</td>
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<td>Filing Fee</td>
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<td>301-123</td>
<td>Notarized Signature of responsible official</td>
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<tr>
<td>301-130</td>
<td>Information Collection: Technical Data Accompanied by Names of Persons or Organizations that Collected and Analyzed the Data, Dates of Collections and Analysis of the Data and Description of the Methodology Used to Collect and Analyze Data</td>
</tr>
</tbody>
</table>
301-200 ... Soils
    211 ... Description of premining soil resources
    221 ... Prime Farmland Investigation
    222 ... Soil Survey
    224 ... Substitute Topsoil info (when Proposed)
    230 ... Operation plan for topsoil handling removal and storage
    240 ... Reclamation Plan for soil redistribution, stabilization

301-300 ... Biology
    320 ... Vegetation information
    322 ... Fish and wildlife information
    323 ... Maps or photos of vegetation, fish or wildlife areas
    330 ... Operation plan for veg., fish, wildlife protection
    341 ... Reclamation plan for revegetation
    342 ... Fish and Wildlife plan for reclamation phase

301-400 ... Land Use and Air Quality
    411 ... Pre-Mining land use information (Includes cultural resources)
    412 ... Post-Mining land use information

301-500 ... Engineering
    510 and
    520 ... General Description of Operation Plan with maps, locations, cross sections, narrative, descriptions, and calculations
    522 ... Coal Recovery description
    523 ... Mining methods
    524 ... Blasting And Explosives plan
    525 ... Subsidence Control Plan
    526 ... Mine facilities description (narrative, plans and maps) including existing structures and support facilities
    527 ... Transportation facilities including plans and maps
    528 ... Coal mine waste plans (description and design)
    529 ... Management of mine openings (design)
    531 ... General plans for structures
    532 ... Sediment control
    533 ... Impoundments
    534 ... Roads (Plans, drawings, designs and specifications)
    535 ... Spoil
    536 ... Coal mine waste
537 . . . Regraded slopes
540, 541, and
542 . . . Reclamation narrative, maps and plans
551 . . . Casing and Sealing of Underground Openings
553 . . . Backfilling and Grading description

301-600 . . . Geology
301 . . . Description of geology in permit and adjacent area
302 . . . Geologic Cross sections, maps and plans
303 . . . Plans for casing and sealing holes

301-700 . . . Hydrology
301 . . . Description of hydrologic resources for permit and adjacent area
302 . . . Cross section and maps of subsurface water, surface water, monitoring stations, wells
303 . . . Sampling and Analysis
304 . . . Baseline information for ground water, surface water, geology, climatological and supplemental, if needed
305 . . . PHC determination
306 . . . General operation plan for minimizing disturbance to the hydrologic balance and compliance with the Clean Water Act
307 . . . Ground and Surface Water Protection
308 . . . Ground and Surface Water Monitoring
309 . . . Plans and designs for the operation and reclamation plan Sediment Control Measures
310 . . . Siltation Structures
311 . . . Sediment ponds
312 . . . Other treatment facilities
313 . . . Divisions
314 . . . Road drainage
315 . . . Impoundments
316 . . . Discharge structures
317 . . . Disposal of excess spoil
318 . . . Coal mine waste
319 . . . Disposal of noncoal mine waste
320 . . . Casing and sealing of wells
301-800 . . . Bonding and Insurance
   820 . . . Applicant will have provided an adequate bond
   830 . . . Bond estimate and calculations provided
   890 . . . Certificate of Insurance provided

302-200 . . . Special Categories of Mining
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   220 . . . Mountaintop Removal Mining
   230 . . . Steep Slope Mining
   240 . . . Auger Mining
   250 . . . In Situ Processing Activities
   260 . . . Coal Processing Plants Not Located Within Permit Area of Mine
   270 . . . Variances from Approximate Original Contour Restoration Requirements
   280 . . . Variances for Delay in Contemporaneous Reclamation Requirement in Combined Surface and Underground Coal Mining Activities

302-300 . . . Special Areas of Mining
   301 . . . Prime Farmland
   302 . . . Alluvial Valley Floors