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March 31, 1992

TO: Lowell Braxton, Associate Director

FROM: Pamela Grubaugh-Littig, Permit Supervisor *[Signature]*

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

- 301-112 . . . Identification of Interests
 - 100 . . . Applicants business structure
 - 210 . . . Name, address, and phone of applicant
 - 220 . . . Name address and phone of resident agent
 - 230 . . . Name address and phone of person paying AML fees
 - 300 . . . Corporate Structure and Ownership
 - 400 . . . Identification of other mining operations in the US
 - 500 . . . Surface and Mineral Ownership
 - 600 . . . Ownership contiguous to permit
 - 700 . . . MSHA numbers
 - 800 . . . Interest in contiguous lands

- 301-113 . . . Violation Information
 - 100 . . . Suspension or revocation info
 - 300 . . . List of violations for previous 3 years

- 301-114 . . . Right-of Entry

- 301-115 . . . Status of Unsuitability Claims

- 301-116 . . . Permit Term

- 301-117 . . . Insurance
 - Proof of Publication
 - Facilities and Structures used in common

- 301-118 . . . Filing Fee

- 301-123 . . . Notarized Signature of responsible official

- 301-130 . . . 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

- 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
 - 621 . . . Description of geology in permit and adjacent area
 - 622 . . . Geologic Cross sections, maps and plans
 - 630 . . . Plans for casing and sealing holes

- 301-700 . . . Hydrology
 - 721 . . . Description of hydrologic resources for permit and adjacent area
 - 722 . . . Cross section and maps of subsurface water, surface water, monitoring stations, wells
 - 723 . . . Sampling and Analysis
 - 724 . . . Baseline information for ground water, surface water, geology, climatological and supplemental, if needed
 - 728 . . . PHC determination
 - 730 . . . General operation plan for minimizing disturbance to the hydrologic balance and compliance with the Clean Water Act
 - 731 . . . Ground and Surface Water Protection
 - 732 . . . Ground and Surface Water Monitoring
 - 740 . . . Plans and designs for the operation and reclamation plan Sediment Control Measures
 - Siltation Structures
 - Sediment ponds
 - Other treatment facilities
 - Diversions
 - Road drainage
 - Impoundments
 - Discharge structures
 - Disposal of excess spoil
 - Coal mine waste
 - Disposal of noncoal mine waste
 - Casing and sealing of wells

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- 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
 - 210 . . . Experimental Practices Mining
 - 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
 - 290 . . . Small Operator Assistance Program (SOAP)

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

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