



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Mining Programs

Mining and Reclamation Advisory Board

Review of Technical Deficiency Letters
for permit application submittals

Review of Technical Deficiency Letters

A sampling of 54 Technical Deficiency letters from all six District Mining Offices were assessed:

- Determine issues contributing to delays in permit approval
- Assess if the deficiencies were serious, significant or insignificant.
- Determine consistency and appropriateness of comments across DMOs

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Surface/underground coal mining permits and operations

42

Non-coal mining permits

12

Mostly new permits

Review of Technical Deficiency Letters

1130 comments in total

163 comments represented issues that were deemed by BMP to be serious enough to prevent further review of the application. DMO considered these “significant”. (Focused on these items in particular.)

Review of Technical Deficiency Letters

Three broad categories of deficiencies noted:

- Clarifications
- Missing information
- Errors

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Clarifications:

Documents/Maps/Plans were inconsistent with provided narratives or described proposed actions that did not align with regulatory requirements.

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Clarification Examples:

“Module 10.5 Modification to Approximate Original Contour: Please address how extracting the limestone from the permit area will not impact the approximate original contour. Overburden holes OB-26 and OB-23 show the limestone thickness to be 21 and 14 feet respectively. Excavating this much limestone may cause lower areas than the original contours. Please address all guidelines as noted in Chapter §87.175; Variance to Contouring (§87.175)” Cambria DMO 10/02/2014

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Clarification Examples:

“Modules 19.3(b) and 19.3(d) indicate that wetlands will be impacted; however, the application does not currently propose impacting any wetlands. (§87.75)”

Knox DMO 08/11/2016

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Clarification Examples:

“According to Exhibit 9, the sediment and treatment ponds do not discharge into a natural drainage-way or stream. Provide, correct, or clarify the following to meet the Department’s Regulations. Revise the outfalls accordingly. (§87.108, §87.109, Chapter 102)

a. All outfalls must be conveyed to the natural drainage way or stream either by piping, a channel, or other means supported by engineering analysis.” New Stanton DMO 08/26/2016

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Missing Information:

Other approvals, public notices, modules or forms, or required information was not provided with the application.

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Missing Information Examples:

“Submit Module: 14 Streams/Wetlands (Ch§86, §86.15, §86.37, and §86.52) and the Endangered Species Act of 1973 (1 U.S.C.A §§ 1531-1544)” Pottsville DMO 02/12/2015

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Missing Information Examples:

“13.2. Provide complete designs for the Pond A Absorption Area/Infiltration Gallery, including field testing to accurately characterize soils in the proposed placement area. (§86.15)”

California DMO 10/30/2015

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Missing Information Examples:

“Page 1 – 5 (Section I) of Module 1 was not included in the submission. (§86.37(a)(1))”

Moshannon DMO 07/18/2016

“Please submit Consent of Landowner(s) and a lease for the entire permit area. A review of the Department’s permit file found consents for 350.85 acres and a lease for 307.5 acres of the 1,043.2 acre permit. (§86.64)”

Pottsville DMO 07/05/2016

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Errors:

Calculations (*i.e.*, pit dimensions, E & S structures, loading rates, etc.) were incorrect or represented values incongruent with the requested areas.

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Error Examples:

“a. Ponds must be designed at a minimum with a dewatering storage volume (calculated as the volume between the top of the sediment storage elevation and the crest of the principal spillway) of 5000 ft³/acre and sediment storage volume of 1000 ft³/acre. As designed, Pond A has a dewatering storage of 175,593.0 ft³ and a required volume of 250,000.0 ft³. Pond B has a dewatering storage of 74,332.1 ft³ with a required volume of 110,000.0 ft³. Pond C has a dewatering storage of 35, 113.5 ft³ with a required volume of 55,000.0 ft³. (§87.70, §87.73, §87.101, and §87.108, Chapter 102, E&SPCP Manual)”

New Stanton DMO 08/26/2016

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Error Examples:

“Revise the alkaline addition plan to include the most recent RECMIX analysis and adjusted application rate. Provide a detailed plan for reporting the delivery and use of the material. (§87.116)”

Knox DMO 04/22/2015

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Error Examples:

“Module 10.2: The current proposed final highwall for the Lower Freeport exceeds the maximum highwall height to be encountered. Revise the Pit Dimensions to account for the maximum height for the proposed mining on the Lower Freeport. (§87.63)”

Cambria DMO 10/23/2014

Review of Technical Deficiency Letters

Breakdown of all reviewed letters

Total	Total # of Technical Deficiency Letters Reviewed	Total Number of Comments	Average Number of Comments Per Letter	Total Number of "Serious" deficiencies from all Letters	Number of Permits with "Serious" Errors	"Serious" Error by Type		
						Clarification Needed	Missing Items	Errors
California DMO	8	282	35.25	58	6	25	21	12
Cambria DMO	15	343	22.9	41	12	8	27	6
Knox DMO	19	297	15.6	35	13	12	15	8
Moshannon DMO	2	72	36	7	1	0	6	1
New Stanton DMO	1	54	54	9	1	1	6	2
Pottsville DMO	9	82	9.1	13	8	2	11	0
Totals	54	1130		163	41	48	86	29

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The majority of the letters were regarding coal operations. From these 42 letters there were **958** total comments, of which 144 had deficiencies serious enough to trigger a rejection and return of the permit application.

This represents **86%** of the letters reviewed.

Noncoal: 75%

Review of Technical Deficiency Letters

Conclusions:

- Permit applications submitted span a large range in quality.
- The DMOs are lenient with allowing applications with serious deficiencies to remain in process and provide applicants the opportunity to revise the information. This adds to the overall issuance time.

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Conclusions:

- Many comments were not serious enough to deny or return the application but required revision to the documentation.
- Several smaller comments were included to improve the application which may have been waived if other significant deficiencies didn't exist.

Review of Technical Deficiency Letters

Conclusions:

- BMP was able to identify a few common deficiencies. (Submit the proof of publication, use latest version, attach approvals, include add't monitoring results...)
- Format and templates were not completely consistent among offices/reviewers.

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Conclusions:

- Application with pre-apps often have no “serious” deficiencies.
- Most “missing information” issues will be solved by e-permitting process.
- A meeting should be held to discuss the initial deficiencies notice.



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