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	U·S·DEPARTMENT OF THE INTERIOR **OFFICE OF SURFACE MINING** **RECLAMATION AND ENFORCEMENT** **DIRECTIVES SYSTEM**	**Subject Number:** SFP-1 **Transmittal Number:** 316 **Date:** 2/11/87

Subject: Permit Revisions Following Regulatory Program Modifications

Approval: Jed D. Christensen **Title:** Director

1. Purpose.

This directive outlines OSMRE policy with regard to requirements to revise permits following modification of regulatory programs, which OSMRE will employ in conducting oversight and evaluation of State programs, in implementing, administering and enforcing a Federal program in States without approved State regulatory programs, and in regulating coal mining operations on Indian lands and on Federal lands in States without a cooperative agreement.

2. Definitions. None

3. Policy/Procedures.

When Federal statutes or regulations are revised or, in States with primacy, when an approved State regulatory program is amended, some existing permits may no longer be adequate to ensure compliance with the new standards or other requirements. The Federal regulations at 30 CFR 774.11(b) provide authority for the regulatory authority, at midterm review or at any other time, to require permit revisions to assure compliance with the regulatory program. The regulations at 30 CFR 774.15(c)(1)(ii) provide a similar basis for requiring permit revisions at the time of permit renewal.

In Federal program States, on Indian lands, and on Federal lands in States without cooperative agreements, OSMRE will identify and require any permit revisions necessary to assure the operation is in compliance with the appropriate performance standards as part of either the midterm review or permit renewal process, whichever occurs first, unless a special review indicates that the impact of the deficiency on public health or safety or the environment is sufficiently serious to require earlier correction.

In States with primacy, the schedule for identifying permit revision needs shall be established by the regulatory authority in accordance with any relevant State program requirements. For oversight purposes, OSMRE will respect any review and update process established by a regulatory authority, provided the process is consistent with the State counterparts to 30 CFR 774.11(b) and 774.15(c)(1)(ii) and results in permit revisions necessary to assure the operation is in compliance with the performance standards of the approved program within timeframes no longer than those inherent in the permit renewal

process. State regulatory authorities should be encouraged to conduct special expedited reviews of activities and structures likely to produce lasting effects which would be difficult to alter, such as design and construction of excess spoil fills and permanent impoundments and the handling of toxic materials and coal mine waste.

4. Reporting Requirements. None

5. References. None

6. Effect on Other Documents. None

7. Effective Date. Upon Issuance

8. Contact. Chief, Division of State Program Assistance, (202) 343-5351.