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	U·S·DEPARTMENT OF THE INTERIOR OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT DIRECTIVES SYSTEM	Subject Number: REG-7 Transmittal Number: 450 Date: 6/8/88

Subject: EXPERIMENTAL PRACTICES

Approval: | **Title:** Acting Director

1. PURPOSE. This directive establishes the procedures for reviewing experimental practices which may be proposed as alternatives to present performance standards as means of attaining the environmental objectives of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This directive identifies the responsibilities and steps in the review process in order to assure that experimental practice proposals will be approved, approved with modification or disapproved by the Office of Surface Mining Reclamation and Enforcement (OSMRE) in a timely manner. It also includes procedures for transferring resulting technologies.

2. DEFINITIONS. All terms used in this directive are defined consistently with those in SMCRA and 30 CFR Chapter VII.

3. POLICY/PROCEDURE.

a. Policy. OSMRE encourages the development of experimental practices as a means of demonstrating the effectiveness and economic feasibility of new mining and reclamation practices or to provide innovative postmining land use alternatives. Applications for such practices need timely review so as not to discourage such applications. OSMRE staff members are encouraged to work with State regulatory authorities and applicants in the development of approvable experimental practices applications.

Limited funding for the monitoring of experimental practices may be available on a case-by-case basis and will be considered by the Applied Studies Policy Committee as a category of the Technical Studies and Applied Research program.

b. Procedures.

(1) An applicant initiates a request by the written submission of a proposal as part of a new Title V permit application or as part of an application for a revision to an existing Title V permit. The request for an experimental practice must be submitted to the regulatory authority. Where a State is the regulatory authority, it may submit the application to OSMRE for simultaneous review prior to forwarding to OSMRE its decision to approve or disapprove the application. If simultaneous review is requested, OSMRE will not make a decision on the experimental practice until the State has transmitted its findings to OSMRE for concurrence.

(2) When a Field Office receives a request for concurrence in, or a simultaneous review of, an experimental practice from a regulatory authority, the Field Office Director (FOD) will forward the request to the Assistant Director for Field Operations (AD/FO) with comments, or comments to follow. The AD/FO will appoint a Technical Project Officer (TPO) trained as a Contracting Officer's Technical Representative and qualified in the technical aspects of the proposed experimental practice.

(3) The TPO will determine whether the practice meets the requirements for approval of an experimental practice under 30 CFR 785.13. During this review, the TPO will assess the operator's proposed monitoring system to ensure that it will provide information sufficient to evaluate the effectiveness of the experimental practice and to identify, at the earliest possible time, any potential risk to the environment and public health and safety.

(4) Following the TPO's review, the AD/FO will notify the Assistant Director, Program Policy, (AD/PP) of the experimental practice and the recommendation for approval, approval with modification or disapproval. Upon request, a copy of the decision package will be sent to the AD/PP.

(5) Upon receiving comments from the AD/PP, the AD/FO shall approve, or approve with modification, or disapprove each experimental practice and notify the AD/PP of the decision.

(6) The review of a State's decision should be conducted within 30 working days of receipt of that decision.

(7) Once the experimental practice is approved by the AD/FO the TPO, or others as assigned by the AD/FO, will:

(a) provide information on the experimental practice to the HQ Branch of Research and Technical Standards for entry into the Technical Study and Applied Project Database in a timely fashion (copy of form attached);

(b) ensure the technical adequacy of the State regulatory authority's annual review of the practice;

(c) develop periodic reports on the status of the practice as specified in the decision document; and

(d) when appropriate, prepare a proposed technology transfer plan in accordance with procedures of paragraphs d. 1-5 of this directive.

(9) Revisions which entail significant alterations in the experimental practice will require the concurrence of the AD/FO and will be processed in accordance with the procedures of this section.

c. Program Responsibilities.

(1) Assistant Director, Field Operations.

(a) Upon receipt of an application from the Field Office, assigns an appropriate TPO to conduct a technical review of proposed experimental practice applications and completed experimental practices projects.

(b) Approves, approves with modification, or disapproves each experimental practice submitted by a regulatory authority for concurrence, or, in cases where OSMRE is the regulatory authority, by the permittee.

(f) Conducts any necessary regulatory analysis suggested by an experimental practice and forwards recommendations for rulemaking to the AD/PP.

(2) Field Office. Promptly transmits the documentation of the proposed experimental practice to the AD/FO with appropriate comments or with comments to follow. This will allow for a simultaneous review by the Field Office and AD/FO.

(3) Technical Project Officer. In accordance with section 711 of SMCRA, 30 CFR 785.13 and the procedures set forth in this directive, coordinates all necessary technical reviews and oversight of an experimental practice including coordinating the review of the proposed project with the field solicitor and with other OSMRE directorates and Federal agencies when necessary. Prepares necessary findings in cases where OSMRE is the regulatory authority, or reviews findings prepared by a State when the State is the regulatory authority. Provides information to the Division of Technical Services (HQ) to update the Technical Studies and Applied Projects Database.

(4) Assistant Director, Program Policy.

(a) Within two weeks of notification of an experimental practice decision or receipt of a decision package, if requested, provides comments to the AD/FO, and recommends changes if appropriate.

(b) Conducts any necessary regulatory analysis suggested by an experimental practice or forwarded by the AD/FO and if appropriate, recommends rulemaking to the Director.

(c) Initiates any necessary regulatory revisions.

(5) Division of Technical Services. Tracks projects and provides information on OSMRE's experimental practices program including maintaining the Technical Study and Applied Project Database.

d. Technology Transfer. It is the objective of OSMRE to ensure that results of experimental practices are disseminated to industry and the general public so that maximum benefit can be derived. To this end, the following procedures will be followed:

(1) Assistant Director, Program Policy coordinates the review and approval of the Technology Transfer plan.

(2) Assistant Director, Field Operations coordinates implementation of the Technology Transfer Plan.

(3) Technical Project Officer develops a Technology Transfer Plan, when appropriate, for disseminating the information gained. This Plan may include, but is not limited to, participating in technical seminars or training sessions, publishing results of the practice in appropriate publications, and presenting results of the practice at professional, industry, or other appropriate meetings.

(4) The Branch of Training and Technical Information may initiate or assist Field Offices or Field Operations Offices in developing and conducting technical training or seminars to disseminate experimental practices products to potential users.

(5) Field Operations Offices and Field Offices may recommend or assist in organizing and conducting technical seminars or training sessions in accordance with the approved Technology Transfer Plan.

4. REPORTING REQUIREMENTS. As specified in each individually approved experimental practice application. The TPO provides information to the Division of Technical Services (HQ) to update the Technical Studies and Applied Projects Database.

5. REFERENCE.

a. 30 CFR 785.13.

b. Directive TSR-4, "Technical Studies/Applied Research," dated 11/04/87.

6. EFFECT ON OTHER DOCUMENTS. Supersedes Directive REG-7, dated January 31, 1983, OSMRE/State Regulatory Authority Approval of Experimental Practices.

7. EFFECTIVE DATE. Upon issuance.

8. CONTACT. Division of Technical Services, telephone 343-1480.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

EXPERIMENTAL PRACTICES - UPDATES

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TYPE OF CONTRACT _____

CONTRACT NO. _____

AWARD DATE _____

DUE DATE _____

TPO _____

ADDRESS _____

_____

TEL. _____

CONTRACT OFCR _____

ADDRESS _____

_____

TEL. _____

INVESTIGATOR _____

ADDRESS _____

_____

TEL. _____

FINAL PRODUCT _____

(Name of Document, if Applicable)

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FINAL PRODUCT RECEIVED _____

(Date)

PROJ TITLE (18 WORDS)* _____

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OBJECTIVE (40 WORDS)* _____

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