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U·S· DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
DIRECTIVES SYSTEM

Subject Number: REG-29
Transmittal Number: 533
Date: MAR 2 8 1989

Subject: Permit Revisions Following Regulatory Program Modifications

Approval: Title: Director

1. PURPOSE.

This directive establishes the Office of Surface Mining Reclamation and Enforcement's (OSMRE) policy for revising permits following the modification of regulatory programs. These requirements shall be employed 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. SUMMARY OF CHANGES.

This directive outlines situations where the regulatory authorities must revise permits to ensure compliance with new requirements. The changes made to this directive include the conversion of the subject number from SFP to REG, revision and update of the format, correction of the division name, and the addition of keywords.

3. DEFINITIONS. None

4. POLICY.

a. Background. 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 ensure 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.

b. Regulatory Authority - OSMRE. 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 ensure 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.

c. Regulatory Authority - States. 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 the revisions necessary to ensure that the operation is in compliance with the performance standards of the approved program. The review and update process must be completed 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.

5. REPORTING REQUIREMENTS. None.

6. EFFECT ON OTHER DOCUMENTS.

This directive supersedes SFP-1, Transmittal Number 316, dated February 11, 1987, subject "Permit Revisions Following Regulatory Program Modifications."

7. REFERENCES. None.

8. EFFECTIVE DATE. Upon Issuance.

9. CONTACT.

Chief, Division of Regulatory Programs, (202) 343-5351.

10. KEYWORDS.

Permit revisions, permit modifications, State and Federal regulatory programs.

11. APPENDICES. None.