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	U·S·DEPARTMENT OF THE INTERIOR OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT DIRECTIVES SYSTEM	Subject Number: INE-23 Transmittal Number: 687 Date: SEP 3 1991

Subject: Minesite Evaluation Inspection Report and Random Sample Supplement Instructions

Approval: [signature] **Title:** Director

1. Purpose. This directive establishes the instructions for completing and processing the Office of Surface Mining Reclamation and Enforcement's (OSM's) Minesite Evaluation Inspection Report (MEIR) and Random Sample MEIR Supplement.

2. Summary of Changes. This directive consolidates Directive INE-23, Minesite Evaluation Inspection Report Instructions, dated May 8, 1987, Change Notices INE-23-1, 2 and 3, and Temporary Directive 91-1, Minesite Evaluation Inspection Report (MEIR) Supplement, dated November 19, 1990. There have been no substantive changes made to the policy and procedures set forth in this directive.

3. Definitions.

a. MEIR is the Standard Form IE-163, used to document an authorized representative's observations and activities during a Federal inspection.

b. Random Sample MEIR Supplement is the form enclosed as Appendix 1, to this directive which is required to be completed in addition to the MEIR for each random sample oversight inspection.

4. Policy/Procedure.

a. Policy. A MEIR form will be completed in accordance with the procedures in this directive upon conclusion of any Federal inspection. In addition, the Random Sample MEIR Supplement will be completed along with a MEIR upon conclusion of each random sample oversight inspection. Use of a MEIR to document administrative functions where an inspection is not required (i.e., citizen complaint referrals, issuance of Ten-Day Notices or Letters) will rest with the discretion of the Field Office.

(1) Within two weeks after completion of a Federal inspection, each MEIR data element designated as "Required" in Appendix 2, and each Random Sample MEIR Supplement data element shall be entered into a Field Office computer system capable of

readily generating summary inspection data reports according to any required element or combination of elements.

(2) Upon completion and supervisory review of each MEIR, Field Offices shall send a copy to the permittee in accordance with Directive INE-3.

(3) A MEIR must include a narrative as an attachment whenever:

(a) A performance standard block in item 25 is coded "2" meaning it is not in compliance;

(b) A follow-up inspection to an enforcement action or a Ten-Day Notice/Letter (TDN/L) is conducted;

(c) A citizen complaint investigation is conducted;

(d) A program component requires a specific evaluation;

(e) It is necessary to document findings on the Random Sample MEIR Supplement; or,

(f) It is necessary to document unusual conditions at the operation, important conversations, or to communicate advice to the permittee or regulatory authority.

b. Responsibilities.

(1) The Assistant Director for Field Operations is responsible for coordination and compilation of summary MEIR reports required to meet the agency's information needs.

(2) Field Office Directors are responsible for ensuring that the computer systems maintained in their offices are capable of readily sorting and generating summary MEIR and Random Sample MEIR Supplement reports, and ensuring that within two weeks after generation of each MEIR form, the required data is input into the system.

(3) Supervisory Regulatory Program Specialists are responsible for ensuring, by signing as reviewing officials, that each MEIR form is completed in accordance with Section 4.c., of this directive.

c. Procedures.

(1) General Procedures for Completion of the MEIR Form. When completing the MEIR form the data fields that contain alphabetic or a combination of alphabetic and numeric characters

(alphanumeric), such as an address, are to be left justified (i.e., begin in the first block to the extreme left, entering only what you have space for or leaving blanks as may be necessary). Leave a blank space where it would normally appear in a name or address. Fields that contain only numeric data are to be right justified with leading zeros (e.g., items like an inspector ID of 13 and a date of February 3, 1992, would appear as 013 and 020392, respectively). All yes or no responses require a "Y" or "N" entered in the appropriate block.

(2) Specific Procedures for Completion of the MEIR Form. Clearly print the information using one letter or number per block. Exert sufficient pressure so all copies are legible. Field Office, Area Office, and State and State Area Office report codes are at Appendix 3. Categories that are self-explanatory or coded on the back of the MEIR form are not addressed in this directive. Categories that require special instructions or a more detailed explanation are:

(a) Item 9, MSHA Number: If not available, leave blank.

(b) Item 10, Date of Inspection: If the inspection took more than one day, enter the date the inspection was completed.

(c) Item 11, State Permit Number: This is an alphanumeric field and is to be "left justified."

(d) Item 15, Strata: This block only applies to KY, PA, TN, and WV. Enter a 1 or 2 digit code to identify the distinct coal fields within the State.

(e) Item 16, State Area Office: Enter the numeric code of the office that is responsible for the minesite (see Appendix 3).

(f) Item 20, Type of Inspection (Code): A Random Sample Inspection (RSI) means a complete oversight inspection of a surface coal mining and reclamation operation selected from the random sample inspectable unit list. A RSI shall be coded as inspection type "C" and supersedes "complete statistical sample" found on the reverse side of page 1 of the MEIR. In addition to the Type of Inspection Codes listed on the back of the form, the following codes shall also be used where applicable:

CP	Complete Federal Program
PP	Partial Federal Program
CI	Complete Indian Land
PI	Partial Indian Land
CFL	Complete Federal Land
PF	Partial Federal Land

SS(xxx)	Special Study
CCR	Citizen Complaint Referral
DR	Document Review
RF	Reclamation Fees

(g) Item 23, Status, code "D" - Number of Permitted Acres: The permitted acreage shall include all acreage which has received final bond release and any adjustments resulting from incidental boundary revisions; and, code "E" - Number of Disturbed Acres: The disturbed acreage includes all acreage disturbed by the permittee including acreage which has received final bond release.

(h) Item 25, Performance Standards (Code): All items must be entered for complete inspections (blanks are not permissible), and only the standards observed for a partial inspection are to be entered. A descriptive narrative is required for all blocks that are coded 2, which means not in compliance. Performance Standard Code 3, shall be used for any performance standard category which is not applicable because the activity has not yet commenced nor will commence during the life of the permit.

(i) Item 32, Federal Enforcement Information - Violation Number: The standard numbering system to be entered in this block is: the year the action was taken, the Field Office numeric code, (found in Appendix 3), the inspector's ID number, and the enforcement action number. Beginning with each calendar year, the sequential number assigned to each type of enforcement action, Ten-Day Notice (TDN), Notice of Violation (NOV), and Cessation Order (CO), is to be numbered consecutively beginning with 001. For statistical purposes it is important that the numbering of TDN's, NOV's, and CO's, be kept separate and distinct from each other. Do not consecutively number across different types of actions. In other words, each category will begin with number 001 and end with the last consecutive number of that type of action issued for the calendar year.

(j) Item 34, Administrative Information: A, Permit Review Hours: Round off to the nearest tenth of an hour. Include activities such as reviewing records, discussing problems, and/or all paperwork review activities involving preparation; B, Travel Time: Enter "actual" round trip travel time; C, Inspection Time: Round off to the nearest tenth of an hour; and, D, Report Writing Time: Include time required to verify data and other research time.

(3) General Procedures for Completion of the Random Sample MEIR Supplement Form. The Random Sample MEIR Supplement shall be completed for all RSI's conducted in primacy States and

maintained for periodic tabulation by the Field Offices in developing annual oversight reports.

(a) Based on a Federal inspector's thorough review of the last State complete inspection (LSCI) report, and observations made during the RSI, inspectors shall list and appropriately code any of the following violations:

1. Those where State enforcement was required and taken during the LSCI.

2. Those recorded in the LSCI report where the State did not take appropriate enforcement.

3. Those observed during the RSI which clearly existed during the LSCI where the State did not take enforcement.

4. Those existing during the RSI which are not already listed under the categories above.

(b) Violations abated during an RSI or the LSCI should not be listed unless they are violations which are abated during the RSI for which the State did not take enforcement action as required during the LSCI.

(c) RSI's should be scheduled as soon as possible after the LSCI only to the extent they do not pose an administrative burden or interfere with other sampling or inspection policy requirements.

(4) Specific Procedures for Completing the Random Sample MEIR Supplement.

(a) Column A. Specific State Law/Regulation Violated: Cite the part, section, and paragraph of the law or regulation violated with sufficient specificity to identify the exact nature of the violation within a performance standard category. Space has been provided to also include an optional written description of the violation to aid in tabulation or specifying the exact nature of general citations.

(b) Column B. Block 25 Category: Enter the general performance standard category (A-W) from page 1, block 25 of the MEIR for each violation listed.

(c) Column C. Abated: This code will distinguish those violations which still exist during the RSI. Enter "Y" (yes) if the violation has been abated, and "N" (no) if unabated at the time of the RSI.

(d) Column D. State Action: Enter the applicable code listed on the bottom of the Random Sample MEIR Supplement. Uncited violations are those clearly recorded in the LSCI report (including warnings) or those present during the RSI which clearly existed at the time of the LSCI but the State did not take the required enforcement action. Do not code violations as being uncited by the State inspector if those violations (1) concern permit defects or omissions contained in the permit approved by the regulatory authority, or (2) concern the need for alternative enforcement or bond forfeiture and the State inspector has exhausted the enforcement actions available to him or her at the inspector level. The code "Cited Prior to the LSCI, Abatement Pending" means any violation existing at the time of the RSI which was cited on a State inspection prior to the LSCI but the abatement date has not expired. The code "Occurred Since the LSCI" means a violation which occurred after the LSCI, regardless of whether the State subsequently took the required enforcement action.

(e) Column E. Reason If Uncited: Entries will be made in this column only when there is a code "2" entry under the preceding "State Action" column and only after the State provides its reason for not citing the violation. Accordingly, Field Offices will need to meet periodically with appropriate State officials to obtain this information.

(f) Column F. Cause: Enter the appropriate code listed at the bottom of the form to indicate the cause of each violation. An "Unofficial Waiver" means informal or verbal approval by the State to conduct a practice unauthorized in the approved permit or for which written approval is specifically required under the State program. "Operator Negligence" means the failure of the permittee to prevent the occurrence of a violation or the failure to abate any violation due to indifference, lack of diligence, or lack of reasonable care. Use the "Other" code to specify any causes not listed on the Random Sample MEIR Supplement.

(g) Column G. Probability of Event Occurrence: Enter the appropriate code listed at the bottom of the form to describe the probability that the event a performance standard was designed to prevent will occur. Where there is more than one event associated with a violation, inspectors should select the most probable event considering the specific circumstances.

(h) Column H. Impact: Taking into consideration the probability of occurrence determined in the previous column, enter the appropriate code listed at the bottom of the form depending on whether the violation remained within or extended beyond the permit area or whether the violation was an administrative requirement such as recordkeeping which obstructed enforcement. The fact that a violation extends beyond the permit

area should not necessarily increase the degree of impact. The degree of impact for violations which remain within the permit area should take into account whether there is a long term or permanent effect which cannot be corrected or compensated as mining and reclamation progresses.

(i) Column I, OSM Action: Enter the appropriate code listed at the bottom of the form to indicate the action taken to abate a violation or the reason no action was required. The code which accounts for violations which have been abated either during or before the RSI shall be used when the State did not take enforcement as required during the LSCI.

(j) Column J, Optional: These columns are reserved for any future modifications to the form. They may be used by the Field Office to capture additional data consistent with the procedures set forth in the Annual Report.

5. Reporting Requirements. All "Required" data elements on MEIR forms, as enumerated in Appendix 3, shall be input into each Field Office's MEIR computer system within two weeks of generation and be maintained in order to generate summary MEIR reports according to elements requested on an ad hoc basis.

6. Effect on Other Documents. This directive supersedes:

a. Directive INE-23, "Minesite Evaluation Inspection Report Instructions," Transmittal Number 333, dated May 8, 1987.

b. Change Notice INE-23-1, Transmittal Number 460, dated July 19, 1988.

c. Change Notice INE-23-2, Transmittal Number 572, dated September 11, 1989.

d. Change Notice INE-23-3, Transmittal Number 676, dated June 28, 1991.

e. Temporary Directive 91-1, "Minesite Evaluation Inspection Report (MEIR) Supplement," Transmittal Number 647, dated November 19, 1990.

7. References. Directive INE-3, "Furnishing Permittees with Copies of Inspection Reports and Ten-Day Notices," dated March 3, 1987.

8. Effective Date. Upon Issuance.

9. Contact. Chief, Branch of Inspection and Enforcement, (202) 208-2550 (commercial) or 268-2550 (FTS).

10. Keywords. Inspection, MEIR, Performance Standards, Random Sample Inspection.

11. List of Appendices.

Appendix 1 - Office of Surface Mining Reclamation and Enforcement Random Sample MEIR Supplement

Appendix 2 - MEIR Required Data Elements

Appendix 3 - MEIR Codes

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
RANDOM SAMPLE NEIR SUPPLEMENT

1. Permittee _____
2. Permit Number _____
3. Joint Inspection |____| Y/N 4. Date _____-_____-_____
5. Days since Last State Complete Inspection (LSCI) _____
6. Block 25 Categories in NON-COMPLIANCE this RSI _____
7. Total Violations this RSI _____

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8. List (only once) all violations:
   1) where State enforcement was required and taken during the LSCI;
   2) recorded in the LSCI report but the State failed to take enforcement;
   3) observed during this RSI which clearly existed during the LSCI but the State failed to take enforcement; and;
   4) existing during this RSI which are not already listed under one of the categories above.

	A SPECIFIC STATE LAW / REGULATION VIOLATED	B BLOCK 25 CATEGORY	C ABATED (y/n)	D STATE ACTION	E REASON IF UNCITED	F CAUSE	G SERIOUSNESS PEO	H SERIOUSNESS IMPACT	I OSMRE ACTION	J OPTIONAL	K OPTIONAL
1.	___ /___ /___ /___ /___										
	Description:										
2.	___ /___ /___ /___ /___										
	Description:										
3.	___ /___ /___ /___ /___										
	Description:										
4.	___ /___ /___ /___ /___										
	Description:										
5.	___ /___ /___ /___ /___										
	Description:										
6.	___ /___ /___ /___ /___										
	Description:										
7.	___ /___ /___ /___ /___										
	Description:										
8.	___ /___ /___ /___ /___										
	Description:										
9.	___ /___ /___ /___ /___										
	Description:										
10.	___ /___ /___ /___ /___										
	Description:										

STATE ACTION
1) Existed on LSCI, cited
2) Existed on LSCI, not cited
3) Cited Prior to LSCI, Abatement Pending
4) Occurred since LSCI

STATE'S REASON FOR NOT CITING VIOLATION (AFTER DISCUSSION WITH THE STATE)
1) Not a Violation
2) Precluded by State Policy
3) Not included under State Program
4) Warning given in lieu of a Citation
5) Violation not recognized (missed)
6) Practice allowed under approved Permit
7) Too minor to cite
8) Working with Operator to Correct
9) Other: _____

CAUSES
1) Permit Defect
2) Unusual Weather Conditions
3) Unofficial Waiver
4) Operator Negligence
5) Other: _____

PROBABILITY OF EVENT OCCURRENCE
1) None or Unlikely
2) Likely
3) Occurred

IMPACT
Damage Remains Within the Permit Area
1) None or Minor
2) Moderate
3) Considerable
Damage Extends Beyond the Permit Area
4) None or Minor
5) Moderate
6) Considerable
Obstruction to Enforcement
7) None or Minor
8) Moderate
9) Considerable

OSMRE ACTION
1) Referred to State Action
2) TDN issued
3) NN-CN issued
4) Previously Cited, Abatement Pending
5) Abated during or before OSMRE Inspection

22-Jan-88

MEIR DECENTRALIZATION
REQUIRED DATA ELEMENTS

The following MEIR data elements are designated as either required, optional, or not applicable. All Field Offices are responsible for inputting in their local computer systems all "required" items.

Item 1 - Not used by FO's	n/a	
Item 2 - Name of Permittee	Required	
Items 3 thru 8 - Street Address, City, State, etc.	Optional	
Item 9 - MSHA No.	Required	
Item 10 - Date of Inspection	Required	
Item 11 - State Permit No.	Required	(n/a in TN)
Item 12 - Name of Mine	Optional	
Item 13 - County Code	Optional	
Item 14 - State Code	Required	
Item 15 - Strata	Required	(KY,PA,TN,WV only)
Item 16 - State Area Office	Optional	
Item 17 - OSM Field Office No.	Optional	
Item 18 - OSM Area Office No.	Optional	
Item 19 - OSM Sample No.	Optional	
Item 20 - Type of Inspection	Required	
Item 21 - Joint Inspection	Required	(n/a in TN)
Item 22 - Inspector's ID	Optional	
Item 23 - Status:	Required	

Type Permit
Mine Status
Type Facility
No. Permitted Acres
No. Disturbed Acres

Item 24 -	Type of Activity: Steep Slope Mountain Top Removal Prime Farmlands Alluvial Valley Floors Anthracite Federal Lands Indian Lands Other	Required
Item 25 -	Performance Standards	Required
Item 26 -	State Permit No.	n/a duplication of #11
Item 27 -	Date of Inspection	n/a duplication of #10
Item 28 -	Compliance with Permit	Optional
Items 29,30,31 -	Inspections conducted, required, frequency by State	Optional
Item 32 -	Federal Enforcement	Required
Item 33 -	Signatures	n/a
Item 34 -	Administrative Information: Permit Review (hours) Travel Time Inspection Time Report Writing Time	Required

Appendix 3

MINESITE EVALUATION INSPECTION REPORT CODES

FIELD OFFICE	FIELD OFFICE NUMERIC CODE	AREA OFFICE NUMERIC CODE	STATE CODE	STATE AREA OFFICE CODE	
CASPER	01	OLYMPIA 1	AK	ANCHORAGE	01
			ND	BISMARCK	01
			MT	HELENA	01
				BILLINGS	02
			SD	INDIAN LANDS	**
			WY	CHEYENNE	01
				LANDER	02
				SHERIDAN	03
			WA	FEDERAL PROGRAM	**
ALBUQUERQUE	02		AZ	INDIAN LANDS	**
			CO	DENVER	01
			NM	SANTA FE	01
			UT	SALT LAKE	01
TULSA	03	MUSKOGEE 1	AR	LITTLE ROCK	01
				RUSSELVILLE	02
			LA	BATON ROUGE	01
			OK	OKLAHOMA CITY	01
			TX	AUSTIN	01
				FLORESVILLE	02
				TYLER	03
KANSAS CITY	04		IA	DES MOINES	01
			KS	PITTSBURG	01
			MO	JEFFERSON CITY	01
SPRINGFIELD	05		IL	MARION	01
				SPRINGFIELD	02
INDIANAPOLIS	06		IN	JASONVILLE	01
COLUMBUS	07		OH	COLUMBUS	01
				NEW PHILADELPHIA	02
				SALEM	03
				ZANESVILLE	04
				ST. CLAIRSVILLE	05
				ATHENS	06
LEXINGTON	08	LONDON 1	KY	MADISONVILLE	01
		MADISONVILLE 2		MIDDLESBORO	02
		PIKEVILLE 3		JACKSON	03
		HAZARD 4		PRESTON	04
				PIKEVILLE	05
				LONDON	06
				GRAYSONVILLE	07

(CONTINUED)

FIELD OFFICE	FIELD OFFICE NUMERIC CODE	AREA OFFICE NUMERIC CODE	STATE CODE	STATE AREA OFFICE CODE	
KNOXVILLE	09	NORRIS 1	TN	FEDERAL PROGRAM	**
		CHATTANOOGA 2			
BIRMINGHAM	10		AL	JASPER	01
				BESSEMER	02
				RAINSVILLE	03
				ONEONTA	04
			GA	FEDERAL PROGRAM	**
CHARLESTON	11	BECKLEY 1	MD	FROSTBURG	01
		MORGANTOWN 2	WV	FAIRMONT	01
				PHILIPPI	02
				OAK HILL	03
				WELCH	04
				LOGAN	05
				CHARLESTON	06
HARRISBURG	12	JOHNSTOWN 1	PA	EBENSBURG	01
		WILKES BARRE 2		GREENSBURG	02
				HAWK RUN	03
				KNOX	04
				POTTSVILLE	05
				PITTSBURGH	06
				MEADVILLE	07
				WILLIAMSPORT	08
				WILKES-BARRE	09
BIG STONE GAP	13	LEBANON 1	VA	BIG STONE GAP	01
		TWO ACRE T/F 2			