



Division of Mining and Reclamation
#10 McJunkin Road
Nitro, WV 25143-2506
Phone: (304) 759-0510
Fax: (304) 759-0526

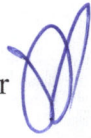
West Virginia Department of Environmental Protection

Bob Wise
Governor

Stephanie R. Timmermeyer
Cabinet Secretary

INTEROFFICE MEMORANDUM

TO: All DMR Employees

FROM: Joe Parker, Acting Director 

DATE: September 4, 2003

SUBJECT: PHC and CHIA updates for Revisions and IBRs

The West Virginia Surface Mining Rule (Rule) 38CSR2-3.28.b requires each application for a revision of a permit be reviewed by the agency to determine if an updated probable hydrologic consequences (PHC) determination or cumulative hydrologic impact assessment (CHIA) is required. This determination should be in conjunction with the significant or non-significant revision determination by the agency.

A substantial departure from the terms and conditions of the permit that significantly impacts the hydrologic balance in the area of the permit would be a significant revision. This implies that non-significant revisions require no updates of the PHC or the CHIA. Therefore, non-significant revisions will not require updates of the PHC and CHIA.

Also, certain significant revisions may not impact the hydrologic balance nor increase cumulative impacts. This would happen when the revision proposes no significant changes in areas related to the hydrologic balance, the revision will not cause material damage outside the permit area and the revision will not increase cumulative impacts. Written findings required (38CSR2-3.32, 38CSR2-3.32.d.) for these types of significant revisions would be satisfied by completing a MR-2B form, which contains statements about the CHIA.

For significant revisions that require a PHC and/or CHIA update, the reviewer will append the original CHIA and will include an updated material damage finding based on the information submitted. This CHIA update must also detail any new and/or anticipated mining in the cumulative impact area since the last CHIA or CHIA update.

Revisions to comply with the surface water runoff rules for existing operations will be deemed non-significant, since the applicant is required to demonstrate no net increase in peak runoff. Thus, no significant impact to the hydrologic balance nor cumulative impacts would occur.



West Virginia Department
of Environmental Protection

"Promoting a healthy environment."
