

You should know...



North Dakota Public Service Commission

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North Dakota Public
Service Commission

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Mine Inspections

INTRODUCTION

Inspections are an important part of the surface mining regulatory program. They are one of several tools for ensuring continued mine operator compliance with the regulatory program. The state's reclamation law requires that the Commission carry out different kinds of inspections at different times and for different purposes. This Fact Sheet explains the nature and timing of inspections as well as citizen involvement in this component of the reclamation program.

TYPES OF INSPECTIONS

Mine inspections are carried out by the Reclamation Division staff. The staff receive on-the-job training and also participate in formal training courses sponsored by the federal Office of Surface Mining.

Commission staff conducts complete and partial inspections, as well as joint inspections with the Office of Surface Mining, without prior notice. Complete inspections, as the name implies, investigate all aspects of a surface mining and reclamation operation, including the examination of the office records and files to make sure they are complete and up to date. Partial inspections are mine inspections less inclusive in scope than complete inspections and often focus on specific areas of concern.

The minimum inspection schedule consists of one complete inspection per mine per calendar quarter, and one partial inspection

per month. There are also joint inspections with other State and Federal agencies such as the State Health Department and the U.S. Office of Surface Mining. Joint inspections are usually held for the purpose of investigating specific issues such as surface water management or mine waste disposal where there are areas of joint jurisdiction. Other types of inspections, such as bond release inspections and grade approvals, are held whenever it is appropriate to do so. Landowners are always given the opportunity to participate in bond release inspections.

CITIZEN INVOLVEMENT IN INSPECTIONS

Request for Inspection: Anyone may request an inspection of a surface coal mining and reclamation operation by filing a signed written statement, or by making a verbal statement followed by a signed written statement, which gives the Commission reason to believe that a mining company is not in compliance with the regulatory program or with any condition of the mining permit issued by the Commission. The information should be furnished promptly, since it is difficult at best to determine whether a violation occurred if the investigation takes place long after the alleged activity. The person must also provide his or her address and telephone number. The Commission will keep confidential the identity of the person requesting the inspection if he or she wishes.

The person may choose to accompany the Commission inspector on the inspection, in which case the person's identity is no longer protected. Within 10 days of

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Mine Inspections (cont.)

holding the inspection, the Commission must furnish the person with a copy of the inspection report and copies of any notices of violation or cessation orders issued, or with a written explanation of why no enforcement action was taken.

If no inspection was held, the Commission must within 15 days of the request furnish the person with a written explanation as to why there was no inspection.

Request for Informal Review:

Anyone who has asked for an inspection by furnishing the signed written statement referred to above may ask the Commission to informally review its decision not to inspect or take appropriate enforcement action. The request must be in writing, and

must include a statement of how he or she is or may be adversely affected and why the Commission's decision should be reviewed. He or she must also make the request within 30 days of receiving the Commission's decision.

The Commission will conduct the informal review and inform the person, in writing, of the results within 30 days of the receipt of the request. The permittee or operator alleged to be in violation will also be given a copy of the results of the informal review, except that the name of the person who requested the inspection will not be disclosed unless he or she has waived confidentiality.