(3) The requirements of 30 CFR 824 are made a specific condition of the permit.
(4) All other requirements of the Act, this chapter, and the regulatory program are met by the proposed operations.
(5) The permit is clearly identified as being for mountaintop removal mining.
(d) (1) Any permits incorporating a variance issued under this section shall be reviewed by the regulatory authority to establish that the operations will be conducted in accordance with the terms of the variance—
(i) Within the sixth month preceding the third year from the date of its issuance;
(ii) Before each permit renewal; and
(iii) Not later than the middle of each permit term.
(2) Any review required under paragraph (d)(1) of this section need not be held if the permittee has demonstrated and the regulatory authority finds, in writing, within three months before the scheduled review, that all operations under the permit are proceeding and will continue to be conducted in accordance with the terms of the permit and requirements of the Act, this chapter, and the regulatory program.
(3) The terms and conditions of a permit for mountaintop removal mining may be modified at any time by the regulatory authority, if it determines that more stringent measures are necessary to insure that the operation involved is conducted in compliance with the requirements of the Act, this chapter, and the regulatory program.
§ 785.16 Permits incorporating variances from approximate original contour restoration requirements for steep slope mining.
(a) The regulatory authority may issue a permit for non-mountaintop removal, steep slope, surface coal mining and reclamation operations which includes a variance from the requirements to restore the disturbed areas to their approximate original contour that are contained in §§816.102, 816.104, 816.105, and 816.107, or §§817.102 and 817.107 of this chapter. The permit may contain such a variance only if the regulatory authority finds, in writing, that in addition to meeting all other requirements of this subchapter, the operation will be conducted in accordance with the requirements of §816.107 or §817.107 of this chapter.
§ 785.15 Steep slope mining.
(a) This section applies to any person who conducts or intends to conduct steep slope surface coal mining and reclamation operations, except—
(1) Where an operator proposes to conduct surface coal mining and reclamation operations on flat or gently rolling terrain, leaving a plain or predominantly flat area, but on which an occasional steep slope is encountered as the mining operation proceeds;