




COMMONWEALTH OF VIRGINIA
VIRGINIA DEPARTMENT OF ENERGY

1100 Bank Street (8th Floor), Richmond, VA 23219
Office: (804) 692-3200 | TDD: (800) 828-1120

Communication Memorandum No. 01-2026

TO: All Licensed Mine Operators

FROM: J. Phil Skorupa, Director 

SUBJECT: DMM182 Annual Contractor Report

DATE: January 15, 2026

The Division of Mineral Mining has carefully considered the Annual Reporting Option for licensed operators originally offered in 2008 in effort to reduce filing requirements for our operators. It is our determination that this reporting option has not been as heavily utilized as expected, nor has it proven to alleviate the concerns for which it was originally adopted. Therefore, the division has made the decision to stop offering this reporting option as of January 1, 2026.

DIVISION DIRECTIVE:

All mine operators are required to submit a list of independent contractors working at their mine site. This list must be maintained, and any changes should be submitted to DMM within 30 days of the occurrence, such as the stopping or starting of services. This list shall be verified and updated at permit renewal. Subsequent updates should be submitted using the DMM e-Forms system form DMM171.

REFERENCE:

"Independent contractor" means any person who contracts to perform services or construction at a mine.

§ 45.2-1126. Application for license.

A. Each application for a license shall be submitted by the person who will be the licensed operator of the mine. No application for a license or a renewal thereof is complete unless it contains the following:

7. The following information about each independent contractor working at the mine: (i) the independent contractor's trade name, business address, and business telephone number; (ii) a description of the nature of the work to be performed by the independent contractor and where at the mine the work is to be performed; (iii) the independent contractor's MSHA identification number, if any; (iv) the independent contractor's address of record for service of citations and other documents; (v) the names and addresses of persons with overall responsibility for operating decisions; and (vi) the names and addresses of persons with overall responsibility for the health and safety of employees;

C. Within 30 days after the occurrence of any change in the information required by subsection A, the licensed operator shall notify the Department in writing of such change.





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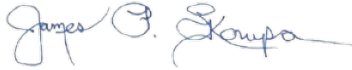
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Virginia Department of Energy

Mineral Mining Program
900 Natural Resources Drive, Ste. 400
Charlottesville, Virginia 22903
(276) 523 - 8100
www.energy.virginia.gov

COMMUNICATION MEMORANDUM - NO. 01 -2023

TO: All Licensed Operators

FROM: James P. Skorupa, Director 

DATE: November 29, 2023

SUBJECT: Hanwha Electronic Blasting System

Mineral Mining received a request from industry to evaluate the Hanwha Electronic Blasting System for use in Virginia. Under section 4 VAC 25-40-925 of the Virginia Safety and Health Regulations for Mineral Mining, “electronic detonation systems shall be approved by the director as providing performance equivalent to that required in 4 VAC 25-24-920, and shall be used in accordance with manufacturer’s instructions.”

For evaluation of the system, the manufacturer’s specifications and data were reviewed. To further evaluate the system under consideration, three test blasts were loaded and detonated at the Cedar Mountain Stone Corporation Rapidan Quarry, PN 90335AB, located in Culpeper County PN where Mineral Mining personnel were present. Mineral Mining personnel observed the process of loading of each the shots using the Hanwha Electronic Detonation System for compliance with Virginia’s laws and regulations for blasting and that the Hanwha Electronic Blasting System was used in accordance with the manufacturer’s instructions.

After completion of the above evaluation and testing, the Hanwha Electronic Detonation System is approved for use in Virginia meeting the requirements as provided under 4 VAC 25-40-925.



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COMMUNICATION MEMORANDUM – NO. 04-2021

TO: All Licensed Operators

FROM: James P. Skorupa, Director

A handwritten signature in black ink that reads "James P. Skorupa".

DATE: October 7, 2021

SUBJECT: Blasting Recordkeeping and Clarification of Standards

The Virginia Department of Energy's Mineral Mining Team (MM) is providing clarification and guidance for compliance with requirements related to recordkeeping for blasting as required by the Safety and Health Regulations for Mineral Mining under sections 4VAC 25-40-810.5 and 4VAC 25-40-810.18.

Effective October 7, 2021, providing the following information will meet the requirements of these regulations.



VIRGINIA DEPARTMENT OF ENERGY

MINERAL MINING PROGRAM

COMMUNICATION MEMORANDUM NO. 04-2021

REFERENCE: Safety and Health Regulations for Mineral Mining

INQUIRY: Virginia Administrative Code sections 4VAC 25-40-810.5 and 4VAC 25-40-810.18 specify a portion of the contents of the detailed report of each surface blast that occurs on a mine. Mine operators and blasting industry representatives have asked Mineral Mining for clarification concerning the methods of compliance with the above standards. Examination and inspection of blasting records revealed a larger scale issue with compliance with these two standards. In order to improve compliance, Mineral Mining will review and provide clarification.

REVIEW: The Mineral Mining Team has reviewed the Safety and Health Regulations for Mineral Mining to determine the intent of the above sections. Section 4VAC 25-40-810.5 assigns regulatory requirements to the certified blaster to include the number of holes, and burden and spacing for each hole on the detailed record of each surface blast. Section 4VAC 25-40-810.18 assigns regulatory requirements that when a permanently installed seismograph is used to prove compliance, the record shall indicate the name of the person and company that installed the seismograph, and the name, signature, and company affiliation of the person validating the authenticity of the seismic data collected and transmitted by the permanent unit.

Division

Directive:

4 VAC 25 – 40 – 810.5 Virginia Administrative Code

“Number of holes, and burden and spacing for each hole.”

Determination:

The number of holes, and the burden and spacing of each hole must be contained within the detailed record of each surface blast. There has been no issues with providing the number of holes on blast reports in the past. The clarification concerning compliance is needed on providing the burden and spacing for each hole. The intent of this portion of the regulation was to ensure that these critical measurements were documented in the event that the blast exceeds regulatory requirements for ground vibration or air overpressure or results in a flyrock incident. The ability to reconstruct the conditions prior to the detonation is important to determine the cause of the non-complying event. Furthermore, it is essential that the blaster knows the actual burden and spacing for each hole in order to safely design and execute a blast. These measurements should

be known and providing that information on the blast record should not represent an undue hardship on the blaster.

Mineral Mining recognizes that there are multiple ways to comply with this portion of the regulation. It is up to the certified blaster, the mine operator, other persons, and contractors who design shot reports to determine their best way to provide the required information in the report.

Listed below are some recognized compliance methods:

1. A sketch of the blast area that shows the burden and spacing for each hole. A similar sketch is often made to correlate the drill log with the rest of the blast report. The same sketch could be utilized to show the burden and spacing for each hole as required. This sketch would be similar to requirements in Maryland and Pennsylvania for operators and blasting contractors who work in these states also.
2. Tabular addition to the blast report. Blaster could produce a separate table that is added to the blast report that shows the burden and spacing. This method works well with other requirements such as subsection 13 which requires "Height or length of stemming for each hole".

Note: Reporting by exception can be used for burden, spacing and stemming. If the burden, spacing and stemming are equal to the general burden, spacing and stemming provided on the main body of the blast report – there may be no need to enter information in those columns for that blast hole. This reporting by exception should be clearly indicated in column title or note on the form. Example:
Note: The data for all column entries left blank for burden, spacing, and stemming are consistent with the design data indicated on page 1 of the blast report form”

Note: This tabular approach is provided in the Mineral Mining Surface Blaster Study Guide (page 110) as an example of a Blast Report. The columns show the need to provide that information. Hole numbers with the same burden, spacing and stemming in this example could be grouped on the same line to improve ease of use. The following is an excerpt of an example blast record found in MM’s Surface Blaster Study Guide:

This information should be attached to the blast record as soon as it is available, but in no instance later than 5 working days after the shot.

The regulation was added in 2019 to address the growing use of permanent seismographs used for compliance. These seismographs are typically owned, set up, and maintained by contractors. Since the seismographs work automatically, consistent review of the data transmitted by these devices is needed to ensure proper functioning and accuracy. The regulatory intent is to ensure that un-manned seismograph reports are reviewed by competent personnel to ensure the equipment is functioning properly and that the data is accurate. Multiple states as well as the Office of Surface Mining have similar requirements in their blast recordkeeping regulations.

The seismograph contractor is providing a service. Virginia Safety and Health Regulations for Mineral Mining requires that the blast record contain certain information that must be supplied by the seismograph contractor. The contractor transmits the required data of the seismograph report to the operator. Data separate from the seismograph reports should be attached to the seismograph report and included in the blasting record.



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COMMUNICATION MEMORANDUM - NO. 05 -2020

TO: All Licensed Operators
FROM: James P. Skorupa, Director
DATE: November 19, 2020
SUBJECT: Online Certification Renewal Classes

EXPIRED

Due to the COVID-19 Virus Pandemic, the Division of Mineral Mining (DMM) suspended teaching “live” classes, which affected DMM’s ability to provide required classes necessary to renew certifications. During this time, DMM extended the expiration date of Mineral Mining certifications that were set to expire for the period beginning with April 2020 through December 2020, for those who submitted a completed application and paid the application fees

As of Monday, November 9, 2020, DMM added the capability to our Certification Application system to take an online course to renew the following certifications: Surface Foreman, Surface Foreman Open Pit, Blaster, and Electrician. The courses are now available and completing the course will satisfy renewal requirements. Underground Foreman and Underground Blaster online renewal courses will be available soon.

For those individuals who have already submitted a complete and approved application to renew a certification that would have expired during the April through December 2020 timeframe, DMM will contact them and provide instructions on how to complete the renewal process using the online renewal course. Once the online course is completed and the individual verifies that they completed the course, DMM will renew their certification.

If you have any questions, please contact Jeff Stewart at jeff.stewart@dmme.virginia.gov or 434-951-6315. You may also contact your local Area Mine Inspector. Additional contact information may be found at <https://dmme.virginia.gov/DMM/pdf/permitting/inspectorareamap.pdf>.




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COMMUNICATION MEMORANDUM - NO. 04 -2020

TO: All Licensed Operators

FROM: James P. Skorupa, Director 

DATE: August 24, 2020

SUBJECT: Mineral Mine Certification Expiration Dates Extension 3

DMM issued Communication Memorandum No. 01-2020 and Communication Memorandum No.02 - 2020 which extended the certification expiration dates of Mineral Mining certifications that were set to expire during the period beginning with April through September 2020, as a result of DMM cancelling “live” certification renewal classes in response to the COVID-19 virus state of emergency. At this time, DMM will continue to not hold “live” certification renewal classes.

However, DMM is again issuing this subsequent Communications Memorandum to extend the expiration date of Mineral Mining certifications that are set to expire in October, November, and December 2020, in addition to those previously extended for those that expire for the period mentioned above. Depending upon further guidelines, DMM may further extend expiration dates for additional months, as necessary.

In order to be eligible for this extension, DMM must receive a complete certification renewal application prior to the expiration date. Applications must be submitted online at: <https://dmme.virginia.gov/dmmtraining>. If DMM does not receive a complete renewal application prior to the current certification expiration date, the certification will expire.

DMM will continue to send letters directly to the individuals whose certifications expire in October, November, and December 2020, notifying them of the expiration and extension opportunity. The letters to those will notify them about the procedures for securing an extension.

For those individuals who have secured an extension for their certification, their certifications will not expire. DMM is working on a means to provide training required for certification renewals and will notify applicants of the availability and process for completing their renewal.

If you have any questions, please contact Jeff Stewart at jeff.stewart@dmme.virginia.gov or 434-951-6315. You may also contact your local Area Mine Inspector. Additional contact information can be found at: <https://dmme.virginia.gov>.



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COMMUNICATION MEMORANDUM - NO. 03 -2020

TO: All Licensed Operators

FROM: James P. Skorupa, Director

DATE: May 21, 2020

SUBJECT: First Aid Training

EXPIRED

Due to the COVID-19 Virus Pandemic, Governor Northam declared a state of emergency in March 2020 that imposed restrictions on state agencies. Recently, the Governor issued phased guidelines for re-opening the state. During this time, the Division of Mineral Mining (DMM) suspended teaching "live" classes, which has affected DMM's ability to provide First Aid training required for DMM certifications.

During the COVID-19 emergency and re-opening phases, DMM will accept nationally-recognized online First Aid courses (e.g., National Safety Council, American Red Cross, American Heart Association, etc.) to meet the first aid training requirements for DMM Surface Foreman, Underground Foreman, Surface Blaster, Underground Blaster, and Mineral Mining Electrician certifications.

DMM normally provides First Aid, CPR, and AED training classes through National Safety Council (NSC) certified instructors using NSC guidelines, format, and instructional materials. Recently, the NSC has extended expiration dates for first aid and CPR completion cards for 120 days. Here is the NSC's language regarding this extension: "**Temporary Extension of Expiration Dates for First Aid and CPR Completion Cards** In light of the continuing health crisis and the difficulty in providing training to individuals with current first aid and CPR cards, the NSC is extending the expiration dates of all first aid and CPR completion cards by 120 days. Ultimately, the acceptance of this extension is at the discretion of the individual employer or regulatory agency."

DMM will resume providing in person classes for our operators and mine workers when we are confident we are able to provide a safe environment for our instructors and students in accordance with all safety precautions and re-opening guidance.

If you have any questions, please contact Jeff Stewart at jeff.stewart@dmme.virginia.gov or 434-951-6315. You may also contact your local Area Mine Inspector. Additional contact information can be found at <https://dmme.virginia.gov>.



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COMMUNICATION MEMORANDUM - NO. 02 -2020

TO: All Licensed Operators

FROM: James P. Skrupa, Director

DATE: May 20, 2020

SUBJECT: Mineral Mine Certification Expiration Dates Extension 2

In March 2020, DMM issued Communication Memorandum No. 01-2020, which extended the certification expiration dates of Mineral Mining certifications that were set to expire in April, May, and June 2020, because DMM cancelled certification renewal classes in response to the COVID-19 virus state of emergency. In accordance with emergency restrictions still in force and following Governor Northam's phased guidelines for re-opening the state, DMM will not hold certification renewal classes for the near future.

However, DMM is issuing this subsequent Communications Memorandum to extend the expiration date of Mineral Mining certifications that are set to expire in July, August, and September 2020, in addition to those previously extended. Depending upon further re-opening phases and guidelines, DMM may further extend this for additional months, as necessary.

In order to be eligible for this extension, **DMM must receive a complete renewal application prior to the current certification expiration date of the certification.** Applications must be submitted **online** at: <https://dmme.virginia.gov/dmmtraining>. If DMM does not receive a complete renewal application prior to the current certification expiration date, the certification will expire.

DMM sent letters directly to the individuals whose certifications expire in April, May, and June 2020, notifying them of this extension opportunity. DMM will send letters to those that expire in July, August, and September 2020, also notifying them about the procedures for securing an extension.

As the Governor lifts the state of emergency restrictions and provides re-opening guidance, DMM will provide a means for certification renewal throughout the state and notify applicants of the availability and process for completing their renewal.

If you have any questions, please contact Jeff Stewart at jeff.stewart@dmme.virginia.gov or 434-951-6315. You may also contact your local Area Mine Inspector. Additional contact information can be found at: <https://dmme.virginia.gov>.



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COMMUNICATION MEMORANDUM - NO. 01 -2020

TO: All Licensed Operators

FROM: James P. Skorupa, Director

DATE: March 23, 2020

SUBJECT: Mineral Mine Certification Expiration Dates Extended

Governor Ralph Northam recently declared a state of emergency due to the COVID-19 virus. As a result, DMM has cancelled all certification renewal classes for the near future. Because DMM is not offering renewal classes during this state of emergency, DMM will extend the expiration date of Mineral Mining certifications that are set to expire in April, May, and June 2020. DMM will extend this for additional months, as warranted.

In order to be eligible for this extension, **DMM must receive a complete renewal application prior to the current certification expiration date.** Applications must be submitted **online** at: <https://dmme.virginia.gov/dmmtraining>. If DMM does not receive a complete renewal application prior to the current certification expiration date, the certification will expire.

DMM has sent letters directly to the individuals whose certifications are set to expire in April, May, and June 2020, notifying them of this extension opportunity and the procedures for securing this extension.

After the Governor lifts the state of emergency, DMM will schedule certification renewal classes throughout the state and notify applicants of the classes that are available.

If you have any questions, please contact Jeff Stewart at jeff.stewart@dmme.virginia.gov or 434-951-6315. You may also contact your local Area Mine Inspector. Additional contact information can be found at: <https://dmme.virginia.gov>.




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COMMUNICATION MEMORANDUM - NO. 02 - 2019

TO: All Licensed Operators
FROM: 
 James P. Skorupa, Director
DATE: July 1, 2019

SUBJECT: Increase in Permit Fees

Effective July 1, 2019, the Department of Mines, Minerals, and Energy’s Division of Mineral Mining has enacted an increase in permit fees pursuant to the passage of HB 1932 in the last General Assembly session. The bill amended and enacted changes to Sections § 45.1-181 and § 45.1-184.2 of the Code of Virginia.

§ 45.1-181 of the Code of Virginia - Permit Required; fee; renewal fee; application:

The permit fee shall be \$50.00 per acre for every acre of land to be affected by the total operation. Additionally, the renewal fee per acre for land affected by the mining operation in the ensuing year will increase according to the following schedule:

<u>Anniversary Date:</u>	<u>Renewal Fee:</u>
Beginning July 1, 2019	\$18.00 per disturbed acre
Beginning July 1, 2020	\$20.00 per disturbed acre
Beginning July 1, 2021	\$22.00 per disturbed acre
Beginning July 1, 2022	\$24.00 per disturbed acre

§ 45.1-184.2 of the Code of Virginia – Succession of one operator by another at an uncompleted operation

The permit fee for the successor operator for the area of land permitted by the first operator shall be calculated according to the following schedule except as provided in § 45.1-180.4:

<u>Succession Date:</u>	<u>Permit Fee:</u>
Beginning July 1, 2019	\$18.00 per disturbed acre
Beginning July 1, 2020	\$20.00 per disturbed acre
Beginning July 1, 2021	\$22.00 per disturbed acre
Beginning July 1, 2022	\$24.00 per disturbed acre

If you have any questions or need assistance, please contact our office at (434) 951-6311.



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COMMUNICATION MEMORANDUM - NO. 01 -19

TO: All Licensed Operators

FROM: 
James P. Skorupa, Director

DATE: January 16, 2019

SUBJECT: Changes to the Safety and Health Regulations for Mineral Mining

Effective November 30, 2018, the attached document with changes to Safety and Health Regulations for Mineral Mining became effective. The Department of Mines, Minerals, and Energy's Division of Mineral Mining conducted a periodic review of the Safety and Health Regulations for Mineral Mining. The group that performed the review was a joint committee composed of participants from the Division of Mineral Mining and representatives from various companies throughout Virginia's mining industry. The committee proposed the changes in 2017. However, due to the process for review and approval, and signing by the Governor, they did not become effective until November 30, 2018.

If you have any questions regarding the changes or need assistance, please contact our office at (434) 951-6311 or your local area mine inspector.

Attachment: Safety and Health Regulation Changes (11 page document)

Safety and Health Regulation Changes

Effective November 30, 2018

(11 Pages)

Part I

General Administrative Provisions Surface and Underground

4VAC25-40-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Abandoned mine" means a mine in which all work has stopped on the mine premises and where an office with a responsible person in charge is no longer maintained at the mine.

"Abandoned workings" means deserted mine areas in which further work is not intended.

"Acceptable" means tested and found to be appropriate for a specific purpose by a nationally recognized agency.

"ACGIH" means the American Conference of Governmental Industrial Hygienists.

"Angle of repose" means the maximum slope or angle at which material remains stable.

"Auxiliary fan" means a fan used to deliver air to a working place off the main airstream, generally used with ventilation tubing.

"Barricaded" means physically obstructed to hinder or prevent the passage of persons or vehicles.

"Blast area" means the area of the mine in which concussion or flying material can reasonably be expected to cause injury during detonation.

"Blast site" means the 50-foot perimeter around boreholes being loaded, or 30 feet if demarcated by a barricade, and the 180° free-face area for a distance of at least four times the average depth of the boreholes being loaded.

"Bridle" means a cable or chain used to support a work platform in a raised position with more than three connection points.

"Burden" means the distance in feet between rows of boreholes or between the open face and boreholes.

"Company official" means a member of the company supervisory or technical staff.

"Competent person" means a person having abilities and experience that fully qualify him to perform the duty to which he is assigned.

"Confined space" means an enclosed area that is large enough for an employee to enter fully and perform his assigned work but is not designed for continuous occupancy by the employee and has a limited or restricted means of entry or exit. These spaces may include storage bins, hoppers, silos, tanks, vaults, and other similar areas.

"Department" means the Department of Mines, Minerals and Energy.

"Director" means the Director of the Division of Mineral Mining.

"Distribution box" means an apparatus with an enclosure through which an electric circuit is carried to one or more cables from a single incoming feedline, each cable circuit being connected through individual overcurrent protective devices.

"Division" means the Division of Mineral Mining.

"Escapeway" means a passageway by which persons may leave if the ordinary exit is obstructed.

"Face" or "bank" means that part of any mine where excavating is progressing or was last done.

"Flash point" means the minimum temperature at which sufficient vapor is released to form a flammable vapor-air mixture.

"Free-face" means the face area of a quarry bench to be blasted.

"Flyrock" means any uncontrolled material generated by the effect of a blast that was hazardous to persons, or to property not owned or controlled by the operator.

"Heavy duty mobile equipment" means any equipment used for loading, hauling, or grading and not normally intended for highway use.

"Hoist" means a power-driven windlass or drum used for raising ore, rock, or other material from a mine, and for lowering or raising persons and material.

"Lay" means the distance parallel to the axis of the rope in which a strand makes one complete turn about the axis of the rope.

"Loaded" means containing explosives, blasting agents, or detonators.

"Main fan" means a fan that controls the entire airflow of the mine or the airflow of one of the major air circuits.

"Major electrical installation" means an assemblage of stationary electrical equipment for the generation, transmission, distribution, or conversion of electrical power.

"Mine opening" means any opening or entrance from the surface into a mine.

"Mine vehicle" means any vehicle on the mine site that is utilized by the mine operator or contractors performing excavation, maintenance, or construction at the mine.

"Misfire" means the partial or complete failure of a blast to detonate as planned.

"MSHA" means the Mine Safety and Health Administration.

"Occupational injury" means any injury to a miner which occurs at a mine for which medical treatment is administered, or which results in death or loss of consciousness, inability to perform all job duties on any day after an injury, temporary assignment to other duties, or transfer to another job as specified in the 30 CFR Part 50.2.

"Overburden" means material of any nature, consolidated or unconsolidated, that overlies a deposit of useful materials or ores that are to be mined.

"Potable" means fit for human consumption and, where required by the Code of Virginia, approved by the Virginia Department of Health.

"Powder chest" means a substantial, nonconductive portable container equipped with a lid and used at blasting sites for explosives other than blasting agents.

"Primer" means a cartridge or package of explosives which contains a detonator or detonating cord.

"Refuse" means mineral processing waste, tailings, silts, sediments, or slimes.

"Rollover protection" means a framework, safety canopy or similar protection for the operator when equipment overturns and which is acceptable for use on that particular type of equipment.

"Safety fuse" means a train of powder enclosed in cotton, jute yarn, and water-proofing compounds, which burns at a uniform rate, used for firing a cap containing the detonating compound which in turn sets off the explosive charge.

"Safety hazard" means any condition, function, or circumstance which may reasonably be expected to cause or assist an accident.

"Scaled distance (Ds)" means the actual distance (D) in feet divided by the square root of the maximum explosive weight (W) in pounds that is detonated per delay period for delay intervals of eight milliseconds or greater; or the total weight of explosive in pounds that is detonated within an interval less than eight milliseconds.

"Scaling" means removal of insecure material from a face or highwall.

"Shaft" means a vertical or inclined shaft, slope, incline, or winze.

"Stemming" means that inert material placed in a borehole after the explosive charge for the purpose of confining the explosion gases in the borehole or that inert material used to separate the explosive charges (decks) in decked holes.

"Substantial construction" means construction of such strength, material, and workmanship that the object will withstand all reasonable shock, wear, and usage to which it will be subjected.

"Suitable" means that which fits and has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

"Switch" means a device used to complete or disconnect an electrical circuit.

"Travelway" means a passage, walk or way regularly used and designated for persons to go from one place to another.

"Wet drilling" means the continuous application of water through the control hole of hollow drill steel to the bottom of the drill hole.

4VAC25-40-50. Duties of mine operators Reporting of accidents and injuries by the operator.

Reporting of accidents and injuries by the operator:

~~1. Report~~ A. Operators shall report any accident involving serious personal injury or death to any person on the mine property. The report shall be made to the division by the quickest available means, and the scene of the accident shall not be disturbed until an investigation is conducted by the division. For accidents where the injured person is transported to a hospital, but confinement is not expected, the operator may either preserve the scene or collect relevant physical data and photographs as specified by the division. The division shall be notified immediately upon learning that the injured person has been admitted to the hospital for medical treatment. Head injuries that result in loss of consciousness at the site shall be reported immediately.

~~2. Keep~~ B. Operators shall report all other accidents and occupational injuries to the division within 10 days of their occurrence. Operators shall keep on file a report of all accidents and occupational injuries occurring on the mine property for review by the division mine inspector. Such records shall be kept for five three years.

4VAC25-40-90. Documents incorporated by reference. (Repealed.)

~~A. 1996 Threshold Limit Values and Biological Exposure Indices published by the American Conference of Governmental Industrial Hygienists.~~

~~B. American Table of Distances, 1991 edition, published by the Institute of Makers of Explosives.~~

~~C. National Electrical Code, 2008 edition, published by the National Fire Protection Association.~~

~~D. Virginia Department of Labor and Industry, Boiler and Pressure Vessel Safety Division, Boiler and Pressure Vessel Regulations, amended 2007 by the Virginia Department of Labor and Industry.~~

~~E. Bureau of Mines Instruction Guide 19, Mine Emergency Training, U.S. Department of Labor, 1972 edition.~~

~~F. Blasting Guidance Manual, U.S. Department of Interior, Office of Surface Mining Reclamation and Enforcement, 1987 edition.~~

G. ~~The American National Standard for Wire Rope for Miners, M11.1-1980, published by the American National Standards Institute.~~

H. ~~Addresses for references may be obtained from the division.~~

Part II

General Safety Provisions Surface and Underground

4VAC25-40-100. Employee training.

New or reassigned employees shall be trained in state and company safety regulations and be task trained prior to being assigned a task or duty. Records of training shall be kept in writing at the mine site for ~~two years or~~ the duration of the miner's employment and for 60 days after termination of employment.

4VAC25-40-290. Restricted access.

Access to unattended mine roads or mine openings shall be restricted by use of gates, doors, or fences and warning signs shall be posted.

4VAC25-40-300. Closure of roads or openings.

Upon abandonment of a mine, the operator shall effectively close or fence all roads ~~or, mine openings or pits, and surface excavations~~ where hazardous conditions exist and warning signs shall be posted. Upon temporary cessation of mining activities as provided for in § 45.1-181 of the Code of Virginia, the operator shall effectively close or barricade access roads and hazardous areas.

4VAC25-40-380. Stationary grinding machines.

Stationary grinding machines other than special bit grinders shall be equipped with:

1. Peripheral hoods (less than 90° throat openings) capable of withstanding the force of a bursting wheel;
2. Adjustable tool rests set ~~as close as practical to~~ no further than 1/8 inch from the wheel; and
3. Safety washers.

4VAC25-40-460. Examination for unsafe conditions.

All personnel shall examine their active workings for unsafe conditions prior to starting work and frequently thereafter. Any unsafe condition found shall be corrected or reported to the

designated certified mine foreman, or when a certified foreman is not required, a competent person.

4VAC25-40-800. Use of explosives.

- A. A certified blaster shall be in direct charge of blasting activities.
- B. Persons who assist in blasting activities shall be under the direct supervision of the certified blaster in charge and shall be alerted to the hazards involved.
- C. Black powder or safety fuse shall not be used without approval from the director. Special approvals shall specify use restrictions and procedures necessary for safe storage, transportation, and use.
- D. The design and loading of a blast shall provide sufficient burden, spacing, and stemming to prevent flyrock or other dangerous effects. Flyrock incidents shall be reported to the division immediately and details noted in the blast record.
- E. Boreholes shall not be drilled where there is a danger of intersecting a loaded or misfired hole.
- F. No person shall smoke or use an open flame within 50 feet of explosives or detonators.
- G. Prior to bringing explosives and detonators to the blast site, the certified blaster in charge shall:
 - 1. Monitor weather conditions to ensure safe loading and firing;
 - 2. Inspect the blast site for hazards;
 - 3. Inspect and clear the boreholes of obstructions; and
 - 4. Remove personnel and equipment, except those used in loading the shot, from the blast site.
- H. The certified blaster in charge shall review the drill logs to determine specific downhole conditions prior to loading the shot.
- I. Boreholes to be blasted shall be loaded as near to the blasting time as practical. Loaded shots shall be blasted as soon as possible upon completion of loading and connection to the initiation device. Surface blasting shall be conducted during daylight hours only.
- J. Explosives shall be kept a safe distance from detonators until they are made into a primer.
- K. Primers shall not be made up or assembled in advance of the borehole being loaded.
- L. Only wooden or other nonsparking implements shall be used to punch holes in an explosive cartridge.
- M. Detonators shall be inserted completely and securely into explosive cartridges used as primers. Priming shall be sufficient to detonate the explosive column in the borehole.
- N. Primers shall be inserted into the borehole slowly to prevent accidental detonation from impact, and tamping shall not be done directly on the primer.

- O. Tamping poles shall be constructed of wood ~~and/or~~ or nonsparking materials.
- P. Unused explosives, detonators, and blasting agents shall be returned to the magazine or storage facility upon completion of loading activities and prior to firing the blast.
- Q. Equipment and machinery used to load or stem boreholes shall not be operated over loaded boreholes for any reason. Areas containing loaded boreholes shall be guarded or barricaded and posted to prevent unauthorized entry.
- R. Blast warning signals shall be established and posted at the mine. Audible warning signals shall be given prior to firing a blast and shall be loud enough to be heard within the entire blast area.
- S. All personnel shall be removed from the blast area prior to connection to the initiation device and the firing of a blast.
- T. Blasting personnel shall fire shots from a safe location.
- U. A post-blast examination of the blast area shall be made by the certified blaster in charge. Other personnel shall not return to the blasting area until an all clear signal is received from the certified blaster in charge.

4VAC25-40-810. Recordkeeping.

A detailed record of each surface blast shall be prepared immediately by the certified blaster. Records shall be maintained at the mine site for three years and subject to inspection by the division mine inspectors. Records shall contain the following information:

1. Name of company or contractor;
2. Location, date, and time of blast;
3. Name, signature, and certification number of the certified blaster in charge;
4. Type of material blasted;
5. Number of holes, and burden and spacing for each hole;
6. Drill logs of boreholes as required by 4VAC25-40-1095;
7. Types of explosives used;
8. Total amount of explosives used;
9. Maximum amount of explosives per delay period of eight milliseconds or greater;
10. Method of firing and type of circuit;
11. Direction and distance in feet to nearest dwelling house, public building, school, church, commercial or institutional building neither owned nor leased by the person conducting the blasting;
12. Weather conditions (including such factors as wind directions, etc.);

13. Height or length of stemming for each hole;
14. Whether mats or other protections were used;
15. Type of detonators used and timing of detonation for each detonator used;
16. The person taking the seismograph reading shall accurately indicate exact location of seismograph, if used, and shall also show the distance of seismograph from blast;
17. Seismograph records, including ~~seismograph readings, where required~~:
 - a. Name and signature of the person operating the seismograph;
 - b. Name of the person analyzing the seismograph record; and
 - c. Seismograph reading readings;
18. Maximum number of holes per delay period of eight milliseconds or greater; and When a permanently installed seismograph is used to prove compliance, the record shall indicate the:
 - a. Name of the person and company that installed the seismograph; and
 - b. Name, signature, and company affiliation of the person validating the authenticity of the seismic data collected and transmitted by the permanent unit.

The information should be attached to the blast record as soon as it is available, but in no instance later than five working days after the shot; and

19. All anomalies or abnormalities occurring during the execution of the blast and actions taken to correct or address them.

4VAC25-40-880. Ground vibration from blasting.

A. Ground vibration, measured as peak particle velocity resulting from blasting, shall not exceed the limits set forth ~~below~~ in Figure 1 at any inhabited building not owned or leased by the operator, without approval of the director. A seismographic record shall be provided for each blast.

<u>Distance (D) to nearest inhabited building, feet</u>	<u>Peak Particle Velocity, inches per second</u>
0-300	1.25
301-5,000	1.00
5,001 and beyond	0.75

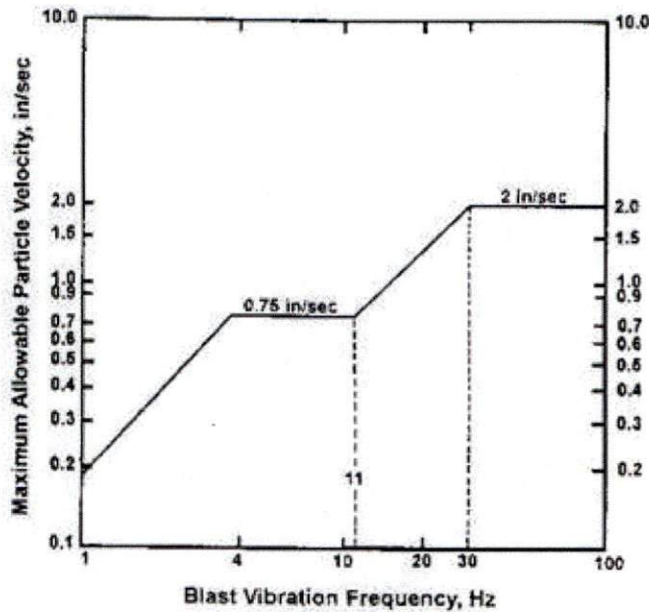


Figure 1. Alternative blasting level criteria.
(Source modified from figure B-1. Bureau of Mines R18507)

B. Seismic monitoring of each blast shall be conducted, unless the blast contains no more than 500 pounds of explosives and the scaled distance, D_s , is 90 feet or more, as calculated with the following scaled distance formulas, is 90 or greater:

$$W = \left(\frac{D}{D_s} \right)^2 \quad D_s = \frac{D}{\sqrt{W}}$$

Where:

W = Maximum charge weight of explosives in pounds per delay period of 8.0 milliseconds or more.

D = Distance in feet from the blast site to the nearest inhabited building not owned or leased by the mine operator.

C. The operator may use the alternative ground vibration limits shown below to determine the maximum allowable ground vibration. If these limits are used, a seismographic record including both particle velocity and vibration frequency levels shall be kept for each blast. Ground vibration levels and airblast levels are taken from the Blasting Guidance Manual.

4VAC25-40-893. Action plans.

Each operator shall maintain a plan to control the effects of blasting on areas adjacent to the operation. This plan will be documented and made available for review by the Division of Mineral Mining upon request In the event of a blasting complaint, accident, or flyrock incident, the plan will be subject to review and approval of the division.

4VAC25-40-910. Seismic testing and evaluation.

Seismic testing and evaluation to determine compliance with blasting regulations shall:

1. Utilize acceptable instrumentation ~~which~~ that measures ground vibration, ~~airblast air overpressure~~, and vibration frequency ~~when applicable~~;
2. Be conducted and analyzed by a qualified person; and
3. Be conducted whenever directed by the division.

4VAC25-40-931. Blasting complaints.

In the event of a blasting complaint, accident, or flyrock investigation, all available data on the blast, including videos, shall be made available to the division.

4VAC25-40-1580. Backup alarms.

- A. An automatic backup alarm ~~which~~ that is audible above surrounding noise levels shall be provided on heavy duty mobile equipment ~~which has~~ and mine vehicles with an obstructed view to the rear.
- B. An automatic reverse-activated strobe light may be used at night in lieu of an audible reverse alarm.

Part XII

Electricity Surface and Underground

4VAC25-40-2015. Installation of electrical circuits; supervision of electrical work.

- A. Electrical equipment and circuits shall be installed in accordance with the standards in the National Electrical Code, unless provided for in this part.
- B. All work on new electric systems or modifications to existing electric systems performed in accordance with the National Electrical Code and this part shall be done by, or under the direct supervision of, a certified electrical repairman or other appropriately licensed electrical repairman. Routine maintenance of electrical systems and equipment where no changes are being made to the system or the equipment may be performed by a competent person who has received task training in the work from an appropriately licensed or certified electrical repairman.

4VAC25-40-2550. Confined space hazard.

A safety harness attached to an attended life line shall be worn by persons before they enter ~~bins, hoppers, silos, tanks, surge, or storage piles~~ confined spaces. ~~Persons~~ No person shall not enter the above areas any confined space until the supply and discharge of materials has ceased and the supply and discharge equipment is has been locked out and tagged out. No person shall enter an area where they are exposed to entrapment by the caving or sliding of loose, unconsolidated material. Also see ~~4VAC25-40-1740~~ No person shall enter a confined space unless the area is provided with adequate ventilation.

4VAC25-40-2580. Hitches and slings.

Hitches and slings used to hoist materials shall be of safe design, maintained in a safe condition so as to avoid safety hazards, and used in a safe manner.

4VAC25-40-2600. Suspended loads.

Persons shall stay clear of suspended loads. Suspended loads shall be handled or secured in a manner to prevent their unintentional release.

4VAC25-40-3328. Certified underground blaster.

~~Shots shall be fired by a certified underground blaster~~ A certified underground blaster shall be in direct charge of all blasting activities and shall fire all shots.

4VAC25-40-9999

DOCUMENTS INCORPORATED BY REFERENCE (4VAC25-40)

1996 Threshold Limit Values and Biological Exposure Indices published by the American Conference of Governmental Industrial Hygienists

American Table of Distances, 1991 edition, published by the Institute of Makers of Explosives

National Electrical Code, 2008 edition, published by the National Fire Protection Association

Bureau of Mines Instruction Guide 19, Mine Emergency Training, U.S. Department of Labor, 1972 edition

Blasting Guidance Manual, U.S. Department of Interior, Office of Surface Mining Reclamation and Enforcement, 1987 edition

The American National Standard for Wire Rope for Miners, M11.1-1980, published by the American National Standards Institute

National Fire Protection Association 10: Standard for Portable Fire Extinguishers, 2013 edition



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COMMUNICATION MEMORANDUM - NO. 01 -16

TO: All Licensed Operators

FROM:


James P. Skorupa, Director

DATE: February 29, 2016

SUBJECT: Change of DMM Financial Processing System

Effective February 1, 2016, The Department of Mines, Minerals, and Energy's Division of Mineral Mining (DMM) has converted to a new method for processing all financial transactions which uses the Commonwealth of Virginia's Cardinal system. Under the Cardinal system, the Division of Mineral Mining cannot make a revenue refund to a mine operator resulting from the over payment of permit or license fees, duplicate payments, bond releases, or other returns of revenue without having a W-9 Form on file. In order to facilitate this process and not delay any refunds due, DMM is requesting each mine operator to complete and submit the attached W-9. Instructions for the form are included. Please return the completed form to The Division of Mineral Mining by March 31, 2016 using one of the following options:

1. E-mail a scanned copy (preferably as a PDF document) to Anne Grassler at Anne.Grassler@dmme.virginia.gov
2. Fax to the Division of Mineral Mining at (434) 951-6325
3. Mail the form to:
The Division of Mineral Mining
900 Natural Resources Drive Suite 400
Charlottesville, Virginia 22903

If you have any questions or need assistance, please contact our office at (434) 951-6311.



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COMMUNICATIONS MEMORANDUM No: 02-15

TO: All Licensed Mine Operators

FROM: 
James P. Skorupa, Division Director

SUBJECT: Mineral Mining Electrician (Electrical Repairman) certification

DATE: August 1, 2015

The Department of Mines, Minerals and Energy Division of Mineral Mining (DMM) has revised its requirements for certification of mineral mining electricians.

Section 45.1 -161.292:19 of the Code of Virginia requires certification of persons who work in mineral mines. This section is applicable when a person's duties and responsibilities are related to mineral mining and require a level of competency, skill, or knowledge in order to perform consistently with the health and safety of persons and property. The above section specifically authorizes a person holding a certificate issued by DMM to perform certain tasks on mineral mine sites. In order to act in the capacity as an Electrical Repairman, a person must possess a valid certification issued by DMM.

Section 4 VAC 25-35-100 of the Virginia Administrative Code establishes the Mineral Mining Electrician certification requirements (Electrical Repairman) and allows DMM to grant approval of acceptable equivalent qualifications to that required for journeyman licensure issued by the Department of Professional and Occupational Regulation in order to meet this certification requirement.

DMM has determined that a person who possesses a valid Electrical Repairman or Chief Electrician Certification issued by the Department of Mines, Minerals and Energy Division of Mines (DM) meets the equivalent requirement for a journeyman licensure and is eligible to be certified by DMM as a Mineral Mining Electrician (Electrical Repairman).

In order to receive certification as a Mineral Mining Electrician from DMM, an applicant must:

1. Provide DMM a copy of his valid Division of Mines Electrical Certification,
2. Provide verification to DMM from the Division of Mines that his certification is in good standing,
3. Submit the appropriate application for certification to DMM, and
4. Pay the \$10.00 application fee

When an applicant satisfies the above requirements, a Mineral Mining Electrician certification shall be issued.

Please contact our office at 434-951-6310 should you have any questions.



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COMMUNICATION MEMORANDUM - NO. 01 -15

TO: All Licensed Operators

FROM: JAMES P. SKORUPA

DATE: January 7, 2015

SUBJECT: Clarification/Guidance in the Use of Permanent Seismograph Installations

The Department of Mines, Minerals, and Energy's Division of Mineral Mining (DMM) is providing clarification and guidance for compliance with the requirements related to recordkeeping for blasting as required by the Safety and Health Regulations for Mineral Mining under Sections 4VAC 25-40-810.16 and 4VAC 25-40-810.17.

Effective January 1, 2015, providing the following information will meet the requirements of these regulations:

**DEPARTMENT OF MINES, MINERALS, AND ENERGY
DIVISION OF MINERAL MINING**



COMMUNICATION MEMORANDUM NO. 01-15

REFERENCE: Safety and Health Regulations for Mineral Mining

INQUIRY: Virginia Administrative Code sections 4VAC 25-40-810.16 and 4VAC 25-40-810.17 require the operators of seismographs for the monitoring of a blast to provide specific information. Blasting industry representatives have asked DMM for clarification of the application of the above standards as they pertain to permanently installed seismographs for blast monitoring.

REVIEW: The Division of Mineral Mining has reviewed the Safety and Health Regulations for Mineral Mining to determine the intent of the above sections. The sections assign regulatory requirements to a specific person who is responsible for the installation and operation of seismographs used to determine compliance with air overpressure and ground vibration standards, and to accurately indicate the location of seismographs used for blast monitoring and compliance.

Division Directive:

4 VAC 25 – 40 – 810.16 Virginia Administrative Code

“The person taking the seismograph reading shall accurately indicate exact location of the seismograph, if used, and shall also show the distance of the seismograph from the blast.”

Determination:

When a permanently installed seismograph is used to provide proof of compliance with allowable ground vibration and air overpressure regulations, then the location of the permanent seismograph and the distance from the seismograph to the nearest point of the blast must be provided. If the permanent seismograph location is more than 50 feet from the structure being monitored, then a separate location for the nearest portion of the structure to the blast must be provided.

4 VAC 25 – 40 – 810-17.

“Seismograph records, including seismograph readings, where required:

- a. Name and signature of person operating the seismograph;
- b. Name of person analyzing the seismograph record; and,
- c. Seismograph reading.”

Determination

Permanent seismographs do not have a person physically operating the seismograph.

However, they are installed by an individual, removed for calibration, and reinstalled at least once each year. Therefore, that installer is effectively the “person operating” the seismograph. The requirements of 4VAC 25-40-810.17(a) are met by: (1) providing the name of the person and company that installed the seismograph, and (2) providing the signature, name, and company affiliation of the person validating the authenticity of the seismic data collected and transmitted by the permanent unit. This information should be attached to the blast record as soon as it is available, but in no instance later than 5 working days after the shot.

If the seismograph record undergoes post-blast analysis by an individual, then the requirements of 4 VAC 25-40-810.17(b) are applicable. If there is no post-blast analysis of the seismograph record and the seismograph readings are only collected and attached to the blast record, then there is no requirement to provide the information listed under 4 VAC 25-40-810.17(b).

Finally, there is a requirement under 4 VAC 25-40-810.17 to include “seismograph records, including seismograph readings”. When multiple seismographs are used to collect ground response seismic data on a given blast, then the data from each seismograph that produced a seismic record during a given blast must be maintained and must be made available to DMM personnel upon request.



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COMMUNICATION MEMORANDUM - NO. 01 -14

TO: All Licensed Operators

FROM: 
James P. Skorupa, Division Director

DATE: October 23, 2014

SUBJECT: Changes to the Virginia Mineral Mine Reclamation Laws and Regulations
(4 VAC 25-31)

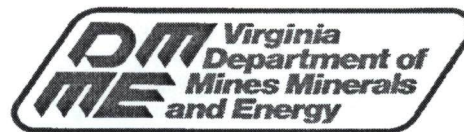
The Department of Mines, Minerals, and Energy's Division of Mineral Mining (DMM) through a communication memorandum is providing the highlights and a brief description noting the specific changes that occurred in the Virginia Mineral Mine Reclamation Laws and Regulations. These are a result of an update to the Virginia Administrative Code contained in: Title 4 – Conservation and Natural Resources, Agency Number 25 – Department of Mines, Minerals, and Energy, Chapter 31- Reclamation Regulations for Mineral Mining.

Effective December 2013, definitions were either added, modified, or changed in order to provide clarity in the interpretation of the regulations and/or incorporate common definitions used by other state agencies into the regulations. Sections of 4 VAC 25-31 were either changed or modified.

A current copy of the 2014 regulations can be found at:

<http://www.dmme.virginia.gov/DMM/PDF/LAWREG/MineralMineReclLawandRegs2014.pdf>

DEPARTMENT OF MINES, MINERALS, AND ENERGY
DIVISION OF MINERAL MINING



COMMUNICATION MEMORANDUM NO. 01-14

REFERENCE: Changes to the Virginia Mineral Mine Reclamation Laws and Regulations

INQUIRY: Update/changes to Virginia Administrative Code – 4 VAC 25-31

Review: Virginia Administrative Code. Title 4: Conservation and Natural Resources, Agency No: 25, Chapter 31: Department of Mines, Minerals, and Energy

Division

Directive:

4 VAC 25-31-10. Definitions

The following definitions were added:

“Dam break inundation zone”

“Inert waste”

“On-site generated mine waste”

“Riparian buffer”

“State waters”

All of these definitions were added to aid in the interpretation of new or changed regulations.

The following definitions were modified:

“Fifty-year storm”

“Intermittent stream”

“One-hundred year storm”

“Perennial stream”

“Probable maximum flood”

All of these definitions were modified for clarity and/or to reflect current definitions used by other state agencies.

4 VAC 25-31-100. Mineral mining permits

This regulation was modified to clarify acceptable methods of permit renewals.

4 VAC 25-31-110. Permit application.

This regulation was modified to clarify acceptable methods of permit application submittal.

4 VAC 25-31-130. Mineral Mining Plans.

Sections 1., 2., and 3. were re-ordered with no changes in the text.
Section 6.c. was modified to provide additional flexibility in the design of permanent lakes or ponds.

4 VAC 25-31-140. Marking of permit boundaries.

Section B. was modified to provide an effective date for compliance.

4 VAC 25-31-150. Maps.

Section B.4. was changed for clarity, consistency with other regulations, and compliance with Title 45.1, Chapter 16 of the Code of Virginia.

Section B.5. was added to comply with Title 45.1, Chapter 16 of the Code of Virginia.

Sections B.6. and B.7. were added to aid in compliance with other state and federal regulatory requirements, and particularly in the Chesapeake Bay watershed.

4 VAC 25-31-170. Permit application notifications.

Section A.2.h. was modified to correct the Division address.

Section B. was added to provide notice to the Division.

Section D. was modified to comply with Title 45.1, Chapter 16 of the Code of Virginia.

4 VAC 25-31-190. Availability of permits.

This regulation was modified to clarify the documents which are required to be kept on site.

4 VAC 25-31-260. Form of performance bond.

This regulation was modified to allow the use of an irrevocable letter of credit as an acceptable bonding mechanism.

4VAC 25-31-290. Intensive agricultural use.

This regulation was modified to allow additional flexibility in the bond release requirements for reclaimed land being used for intensive agriculture.

4 VAC 25-31-330. Protected structures and sensitive features.

This regulation was modified for clarity and consistency with 4 VAC 25 -31- 150.B.4.

4 VAC 25-31-360. Operation and reclamation.

Section D. was modified to allow additional flexibility in the design of permanent lakes and ponds.

4 VAC 25-31-380. Treatment of acid material.

This regulation was modified for clarity.

4 VAC 25-31-405. Disposal of waste.

This regulation was added to reflect the existing requirements for the disposal of waste contained in the Division of Mineral Mining Communication Memorandum 2-04.

4 VAC 25-31-420. Screening.

Section B. was modified to include the use of trees as an acceptable method of screening.

4 VAC 25-31-490. Water quality.

This regulation was modified to allow flexibility in dealing with the natural variability of existing streams, and was also modified to reflect the current water quality requirements of the Virginia Department of Environmental Quality.

4 VAC 25-31-500. Water impoundments.

Section A. of this regulation was modified to provide the same requirements as those of the Virginia Department of Conservation and Recreation for similar impoundments statewide.

4 VAC 25-31-505. Reporting impoundment failures.

This regulation was added to assist in the detection and prevention of any impoundment failure on mine sites.

4 VAC 25-31-510. Alternative methods of stabilization.

This regulation was modified to provide additional flexibility in stabilization methods.

4 VAC 25-31-530. Process in revegetation.

Section D. was modified to eliminate a specific mulch quantity and replace that requirement with a site specific requirement contained in the approved reclamation plan.

4 VAC 25-31-540. Trees and shrubs.

This regulation was modified to allow current forestry best management practices.

4 VAC 25-31-550. Intensive agricultural use.

This regulation was repealed as it was duplicative with 4 VAC 25-31-290.



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COMMUNICATION MEMORANDUM NO. 01-13

TO: All Licensed Mine Operators

FROM: David K. Benner

DATE: September 26, 2013

SUBJECT: Changes in Safety and Health Regulations for Mineral Mining (4 VAC25-40)

The Department of Mines, Minerals and Energy (DMME), Division of Mineral Mining (DMM) through this communication memorandum provides and explanation on regulations repealed September 26th, 2013.

In September 2012, Governor McDonnell requested that all state agencies review their existing regulations and repeal those that were unnecessary or overly burdensome.

The Division of Mineral Mining identified several regulations which met those criteria, and submitted them for Executive Branch review.

Effective September 26th, 2013, all of the regulations listed below were repealed. An explanation of the rationale for the deletion of each regulation is also provided in italics. The complete regulations can be found [here](#).

Attachment

DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING



COMMUNICATION MEMORANDUM NO. 01-13

September 26, 2013

REFERENCE: [4VAC25-40 Safety and Health Regulations for Mineral Mining \(Fast-Track Regulation\) effective September 26, 2013.](#)

INQUIRY: As part of the Governor's Regulatory Reform Initiative eleven sections of 4VAC25-40 are being repealed because they are duplicative or unnecessary. No substantive changes are being made

REVIEW: Virginia Administrative Code, Title 4: Conservation and Natural Resources, Agency 25: Department of Mines, Minerals and Energy, [Chapter 40: Safety and health Regulation for Mineral Mining](#)

DIVISION

DIRECTIVE: 4 VAC 25-40-900 Total weight of explosives.

The total pounds of explosives and blasting agents in any blast shall not exceed 40,000 pounds without the approval of the director.

The rationale for this regulation was redundant with the requirements of 4 VAC 25-40-880 - Ground vibration from blasting, 4 VAC 25-40-890 - Air overpressure limits, and the director's authority under 4VAC 25-40-895 - Lower vibration and airblast levels.

4 VAC 25-40-950 Inspection of equipment prior to use.

"Drillers shall inspect their equipment prior to use. Equipment defects affecting safety shall be reported to the certified foreman."

This regulation was redundant with the requirements of 4 VAC 25-40-145 - Inspection of mobile and stationary equipment.

4VAC 25-40-970 Safe operation of drills.

"Drillers shall inspect their work area for hazards prior to drilling; drills shall be operated from a safe position. Any hazards found shall be eliminated before beginning drilling operations."

The substance of this regulation is addressed under the requirements of 4 VAC 25-40-460 - Examination for unsafe conditions, and 4 VAC 25-40-1080 - Walls or benches.

4 VAC 25-40-1040 Clothing.

"Drillers and helpers shall not wear loose-fitting clothes which may become caught in moving parts of the drill."

This regulation was redundant with 4 VAC 25-40-1760 - Loose fitting clothing.

4 VAC 25-40-1180 Safety devices.

"Safety devices on compressed-air systems shall be checked daily by the operator or his agent."

The substance of this regulation is addressed under 4 VAC 25-40-360 - Maintaining machinery.

4 VAC 25-40-1980 Correction of safety hazards.

"All safety hazards shall be corrected before work is performed in any area."

This regulation is addressed under 4 VAC 25-40-460 - Examination for unsafe conditions.

4 VAC 25-40-2420 Safety in electrical storms.

"Persons shall not stand on the ground in the vicinity of an electrically powered shovel or other similar heavy equipment during an electrical storm."

This regulation was deleted on the basis that hazards from electrical storms are universal, and not strictly associated with proximity to electrically powered heavy equipment.

4 VAC 25-40-2430 Carrying tools and supplies.

"Tools and supplies shall be carried in the hands and not on the shoulders when persons travel near bare power conductors."

This regulation conflicted with 4 VAC 25-40-2450 - Bare power line precautions, which requires that "Where metallic tools or equipment can come in contact with bare power lines, the lines shall be guarded or de-energized".

4 VAC 25-40-3800 Fixed ladders.

"Fixed ladders shall meet the requirements of 4 VAC 25-40-1990 and 4 VAC 25-40-2000."

This regulation is redundant, since the referenced regulations apply to both surface and underground operations.

4 VAC 25-40-4050 Record of persons in mine.

"An accurate record of the persons going in and out of the mine shall be kept on the surface."

This regulation is redundant with 4 VAC 25-40-3880 - Check-in and check-out system.

4 VAC 25-40-4030 Employees working alone.

"No employee shall be assigned, allowed, or required to perform work alone in any area where hazardous conditions exist that would endanger his safety unless the person can be heard or seen."

This regulation is redundant with 4 VAC 25-40-3000 - Assignment of persons to hazardous areas.

EXPIRED



COMMONWEALTH OF VIRGINIA

Department of Mines, Minerals and Energy

Division of Mineral Mining
900 Natural Resources Drive, Ste. 400
Charlottesville, Virginia 22903
(434) 951-6310
www.dmme.virginia.gov

COMMUNICATION MEMORANDUM NO. 01-10

TO: All Lisenced Mine Operators

FROM: Conrad T. Spangler, III

DATE: June 1, 2010

SUBJECT: Mineral Mine License Fee Increase

The Department of Mines, Minerals and Energy (DMME), Division of Mineral Mining (DMM) through this communication memorandum hereby implements the following guideline concerning mineral mine license fees:

The 2010 session of the Virginia General Assembly amended the Mine Safety Laws of Virginia to increase the mineral mine license application fee effective July 1, 2010.

The cost is \$400 annually for applications submitted in paper format. You may pay a reduced lisencc fee of \$330 for applications submitted electronically via e-Forms Center. For mine sites engaged in mining sand or gravel on an area of five acres or less the lisencc fee is \$100 for paper, or \$80 for those applications submitted electronically.

To take advantage of the lower fees for electronic filing as well as electronic payment options, you may register to use the DMM e-Forms Center. Register for a User Id at <https://www.dmme.virginia.gov/dmmeforms>.

Attachment

**DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING**



COMMUNICATION MEMORANDUM NO. 01-10

July 1, 2010

REFERENCE: Mineral Mine Safety Laws of Virginia 2009 Edition, amended 2010.

§ [45.1-161.292:31](#). Fee to accompany application for license; fund; disposition of fees. Each application for a mineral mine license or a renewal or transfer of a license shall be submitted to the Department, accompanied by a fee, payable to the State Treasurer, in the amount of \$400, except applications submitted electronically shall be accompanied by a fee of \$330. However, any person engaged in mining sand or gravel on an area of five acres or less shall be required to pay a fee of \$100, except applications submitted electronically shall be accompanied by a fee of \$80. All such fees collected shall be retained by the Department and paid into the state treasury and shall constitute a fund under the control of the Director. Expenditures from this fund may be made by the Department for safety equipment, safety training, safety education or for any expenditure to further the safety program in the mineral mining industry. All expenditures from this fund must be approved by the Director.

INQUIRY: The 2010 session of the Virginia General Assembly amended the Mine Safety Laws of Virginia to increase the mineral mine license application fee effective July 1, 2010.

REVIEW: Both the Mineral Mine Safety Act and the Mineral Mine Reclamation Law require that permit/licenses be renewed annually by the anniversary date. The cost is \$400 annually for applications submitted in paper format. You may pay a reduced license fee of \$330 for applications submitted electronically via e-Forms Center. For mine sites engaged in mining sand or gravel on an area of five acres or less the license fee is \$100 for paper, or \$80 for those applications submitted electronically.

DIVISION

DIRECTIVE: DMM is offering a voluntary procedure whereby a mine operator may submit their renewal or apply for a new license electronically using our e-Forms Center in order to obtain the fee savings. You may obtain a user id and password at <https://www.dmme.virginia.gov/dmmeforms>. By filing the Permit/License Application, form DMM-170, electronically you are automatically eligible for the reduced fees as seen by “Calculate Fees” on page 7 of this electronic form.

Mine operators not wishing to use the electronic filing option must renew their permits/licenses annually and file for new permit using the paper forms found on <http://www.dmme.virginia.gov/dmm/permittingforms.shtml>. The reduced fee structure will not apply.



COMMONWEALTH OF VIRGINIA

Department of Mines, Minerals and Energy

Division of Mineral Mining
900 Natural Resources Drive, Ste. 400
Charlottesville, Virginia 22903
(434) 951-6310
Conrad T. Spangler, III, Division Director

MEMORANDUM

TO: All Licensed Mine Operators

FROM: Conrad T. Spangler

SUBJECT: Standardized Formatting Of Paper Documents

DATE: August 11, 2008

The Department of Mines, Minerals and Energy, Division of Mineral Mining is currently transitioning from a paper filing system to an electronic based system.

This conversion from paper to electronic media will require some changes in your preparation and formatting of paper documents submitted to the Division, which are outlined in the enclosed Communication Memorandum 04-08.

Your cooperation in following these criteria is greatly appreciated. With your assistance the transition from a paper to electronic filing system will be smooth and seamless.

Enclosure.

**DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING**



COMMUNICATION MEMORANDUM NO. 04-08

August 1, 2008

INQUIRY:

The Division is encouraging the use of the DMM e-Forms Center, our electronic forms submittal system. Paper submittal of renewals, amendments and other required documents will continue to be accepted. However, in order to maintain a uniform filing system of documents submitted either electronically or by paper, all documents are filed and archived using the DMM e-Forms Center by the Division. This provides an electronic file cabinet of the latest permit documents and historical archives that can be accessed by the operator as well as Division staff.

DIVISION

DIRECTIVE:

The following guidelines should be followed when submitting paper documents to the Division. This allows documents in these formats to be converted to digital format by DMM.

- 1) Text documents should be submitted in black print on white background using standard 8½" x 11" paper. Where necessary larger sheets may be used up to 11" x 17". Large-scale maps and design sheets are excluded from these criteria.
- 2) Pages containing narratives should be single-sided and printed using a 12 point font.
- 3) Pages should not be stapled or spiral bound. Where necessary, items should be attached or held together with paper or binder clips. Large documents should not be bound, but submitted in three ring binders; the second copy should be rubber banded. Spiral bound documents cannot be accepted.
- 4) Maps and design sheets should be either folded 8½" x 11" and placed in the back of the document or rolled and submitted separately. All maps and design sheets should be labeled with the permit name and number when available. When referenced back to the narrative, such maps or drawings should be clearly identified. **Two paper copies of permit maps and legends** must be submitted to the Division for all mapping changes.

The following criteria should be used when submitting documents electronically through the DMM e-Forms Center.

- 1) **Two paper copies of permit maps and legends** must be submitted to the Division for all mapping changes, even if the maps are submitted as electronic document attachments. Permit Maps and Legend should be attached to DMM170 page 1.
- 2) Operational, Drainage, and Reclamation Plan Narratives, Drawings and Maps should be attached to DMM170 Page 6, item 10.
- 3) Deeds, Leases and Right of Entry documents should be attached to DMM170 Page 5, item 6.
- 4) Please note if you begin to submit the documents for a permit using the DMM e-Forms Center, you will be expected to continue submitting documents in that manner.

**DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING**



COMMUNICATION MEMORANDUM NO. 01-08

August 1, 2008

REFERENCE: Mineral Mine Safety Laws of Virginia 2003 Edition - Section 45.1-161.292:30. License required for operation of mineral mines; term.

A. No person shall engage in the operation of any mineral mine within this Commonwealth without first obtaining a license from the Department. ... Licenses shall be in such form as the Director may prescribe. ...

B. Licenses shall be valid for a period of one year following the date of issuance, and shall be renewed on their anniversary date.

Mineral Mine Reclamation Laws of Virginia 2003 Edition - Section 45.1-181. Permit required; fee; renewal fee; application; furnishing copy of map, etc., to landowner; approval by Department.

...A permit shall be obtained prior to the start of any mining operation. If within 10 days of the anniversary date of the permit the Director, after inspection, is satisfied that the operation is proceeding according to the plan submitted to and approved by him, then the Director shall renew the permit upon payment of a renewal fee by the operator of \$16 per acre for land to be affected by the total operation in the next ensuing year. ...

INQUIRY: Under current mine permit/license renewal requirements mine operators must complete renewal paperwork, and pay all bonds and fees annually, prior to the expiration of the permit/license. Mine operators have inquired as to whether DMM could allow permit/licenses to be renewed every two years since many mines have no changes to the acreage affected by the operations.

REVIEW: Both the Mineral Mine Safety Act and the Mineral Mine Reclamation Law require that permit/licenses be renewed annually by the anniversary date. In addition, both laws prescribe that the renewals be in such form as prescribed by the Director.

Mine permits must be inspected by the Division, prior to the renewal of the permit.

Upon becoming a member of the Minerals Reclamation Fund, operators must make an annual payment to the Fund based on the number of acres estimated to be affected during the ensuing year.

DIVISION

DIRECTIVE: DMM is offering a voluntary procedure whereby a mine operator could submit the bond, fees, and regulatory information to cover a two-year renewal period while complying with the regulatory requirement for annual permit/license renewal.

The procedure would require operators to comply with the following:

- Licensed operators must maintain their permit using the DMM e-Forms Center, <https://www.dmme.virginia.gov/dmmeforms>, and make bond and fee payments electronically.
- Upon notification of impending permit/ license expiration (90 days prior), operators would access the DMM e-forms system and select the two-year renewal option on the DMM170 Renewal form. The operator would complete the necessary information, including an estimation of the acres to be affected by the operation in the next two years. The renewal application would then be submitted for review and approval.
- DMM personnel will review the application, including making the required field inspection of the mine. Upon approval of the renewal, the operator will be required to pay the license, bond and fees calculated for his affected acreage, for the next two years.
- The mid-term (at the first anniversary date after renewing for two years) renewal of the permit/license would be done automatically by DMM, including the required field inspection, without the operator having to take any further action.
- If during the course of the two-year renewal period an operator affects additional acreage, not covered by the approved renewal, the operator will be required to amend his permit to show the additional acreage on the DMM170 Amendment form and pay any additional bond and renewal fees, as necessary. If acreage is to be released from the bond or the permit within the first year of the two-year renewal period, applicable pre-paid fees for will be refunded for the second year only.
- Ninety days prior to the end of the two-year renewal period, the operator will again be notified of the permit anniversary and may elect to continue the two-year option.

Mine operators not wishing to use the two-year renewal option may continue to renew their permits/licenses annually following the present procedure.

**DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING**



COMMUNICATION MEMORANDUM NO. 02-08

August 1, 2008

REFERENCE: Mineral Mine Safety Laws of Virginia 2003 Edition - Section 45.1-161.292:2. Definitions.

"Independent contractor" means any person that contracts to perform services or construction at a mine.

Mineral Mine Safety Laws of Virginia 2003 Edition - Section 45.1-161.292:32.A.3. Application for license.

No application for a mine license or a renewal shall be complete unless it contains information about each independent contractor working at the mine: (i) the independent contractor's trade name, business address and business telephone number; (ii) a description of the nature of the work to be performed by the independent contractor and where at the mine the work is to be performed; (iii) the independent contractor's MSHA identification number, if any; (iv) the independent contractor's address of record for service of citations and other documents; (v) the names and addresses of persons with overall responsibility for operating decisions; and (vi) the names and addresses of persons with overall responsibility for the health and safety of employees.

Mineral Mine Safety Laws of Virginia 2003 Edition - Section 45.1-161.292:32.C. Application for license.

Within thirty days after the occurrence of any change in the information required by subsection A, the licensed operator shall notify the Department, in writing, of such change.

INQUIRY: Presently licensed mine operators report all contractors that they believe may work at their mine during the current year at the time the mine license is renewed each year. The operator is also responsible for reporting any additional contractor working at their mine within thirty days of any change in this information. Mineral mine operators have inquired as to whether the procedure could be modified to allow the year-end reporting of contractors that actually worked at the mine, instead of a projected list at renewal time. This would improve the accuracy of the contractor lists. Also, contractors who did not work on a mine site during the calendar year would not be contacted by DMM for hours and wages on a permit they had not worked on.

REVIEW: Currently, contractor reporting procedures have caused operators to speculate as to which contractors may work at their mines during the course of the year. Frequently, these contractors do not end up working at the mine. Often the contractors do not know which permits have listed them as working on their mine sites. Even if they do not have reportable hours and wages, contractors may potentially be listed as delinquent for their reporting requirement, which can result in violations and closure orders being issued by DMM against the contractor.

The law requires that information on all independent contractors be reported.

A mine license application or renewal is incomplete and cannot be issued unless all contractor information is provided.

An application for a mine license shall be submitted by the person who will be the licensed operator of the mine. Contractor information is an integral part of the mine license application or license renewal application.

Changes in the license information as specified in Section 45.1-161.292.32.A, must be reported to DMM in writing by the licensed operator within 30 days of the change. Contractor information is included in 45.1-161.292.33.A.

DIVISION

DIRECTIVE: DMM is offering an electronic Annual Permit Contractor Reporting option, whereby a licensed mine operator can comply with the contractor reporting requirement by maintaining an up-to-date contractor list at the mine site, and submitting an Annual Permit Contractor Report between December 1st and December 15th through the DMM e-Forms Center.

The optional electronic Annual Contractor Reporting procedure requires licensed operators to comply with the following:

- Licensed operators must maintain their permit using the DMM e-Forms Center.
- All contractor reporting for the calendar year must be completed between December 1st and December 15th of each year.
- Licensed mine operators are responsible for maintaining an up-to-date list of all contractors working at their mines, including all information required by Virginia mine laws and regulations, at each mine site. Such records must be available for review by DMM personnel at any time during the year.
- Licensed operators are responsible for validating that each contractor working at their mine has a DMM Contractor ID number and is in good standing. A list of blocked contractors is available thru the e-Forms Center. A list of Active Contractors is available on the website: <https://www.dmme.virginia.gov/dmmeforms>
- Licensed operators are required to inform DMM of their intention to select the annual electronic reporting option by indicating such on their mine license renewal in the e-Forms Center.
- The ability of licensed operators to participate in the electronic Annual Contractor Reporting option is at the discretion of DMM, and may be rescinded if the operator fails to maintain the contractor list at the mine site or does not submit the annual report between December 1st and December 15th.
- The annual report should reflect all contractors who have worked on the mine site for the current calendar year and project those that might come on the site for the balance of the year.
- Any enforcement action necessary to secure the required contractor information will be taken by DMM as deemed appropriate.

**DIVISION OF MINERAL MINING
DEPARTMENT OF MINES, MINERALS AND ENERGY**



COMMUNICATION MEMORANDUM NO. 03-08

August 1, 2008

INQUIRY: Mine operators have inquired as to whether DMM could allow electronic payment of permit/license fees, Minerals Reclamation Fund (MRF) deposits, cash bonds, as well as other fees collected for certification and training.

REVIEW: The Mineral Mine Safety Act and the Mineral Mine Reclamation Law require that mineral mine sites have both a permit and license to operate and that these be renewed annually. Additionally, each operation must have a bond provided until the operator becomes a member of the Minerals Reclamation Fund. Upon becoming a member of the Minerals Reclamation Fund, operators make an annual payment to the Fund based on the number of acres estimated to be affected during the ensuing year.

Each application for a mineral mine license, or renewal of a license, must submit a fee of \$180. A sand and gravel mine of less than 5 acres is charged a \$15 fee.

Each mineral mine permit must pay a fee of \$31 per permitted acre for the total operation and \$16 per affected acre hereafter for renewal.

The Board of Mineral Mining Examiners requires certification of persons who work in mineral mines and persons who have duties and responsibilities in relation to mineral mining. A fee of \$10 is paid by each person examined. A fee of \$1 is paid for the replacement of a lost certification card.

DIVISION

DIRECTIVE: DMM is offering a voluntary procedure whereby a mine operator may submit the license and permit fees, cash bond, MRF deposits and certification fees electronically.

The procedure requires operators to do the following:

- Licensed operators would have to use the DMM e-Forms Center, <https://www.dmme.virginia.gov/dmmeforms>
- The DMM e-Forms Center will allow access to be granted to a payment screen, DMM173, to a specific person(s), if necessary (e.g., financial officer, officer manager).
- Payments may be made using Electronic Funds Transfer or Credit card (Master Card and Visa will be accepted on transactions up to \$500).

Any mine operator not wishing to use the on-line payment option may continue to conduct financial transactions using the present procedure.

George P. Willis
Director



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COMMONWEALTH OF VIRGINIA

DEPARTMENT OF MINES, MINERALS AND ENERGY

Division of Mineral Mining

100 Natural Resources Drive, Ste. 400

Charlottesville, Va 22903

(434) 951-6310

Conrad T. Spangler III, Division Director

EXPIRED

MEMORANDUM

TO: All Licensed Mine Operators and Blasting Contractors

FROM:

Handwritten signature of Conrad T. Spangler III.

Conrad T. Spangler, Division Director

SUBJECT: Flyrock Prevention

DATE: November 29, 2006

The mineral mine community in Virginia has experienced a number of flyrock incidents in the recent past. More specifically, there have been 5 reported incidents since December 2003; 4 of them have occurred since March 2005.

This is a matter of grave concern to the Division. All of these incidents had the potential to cause death or serious personal injury to citizens.

All operators and blasting contractors in the Commonwealth of Virginia are urged to review their policies and blasting procedures to assist in the elimination of this problem.

Furthermore, the Division strongly recommends that all operators and blasting contractors provide additional training in flyrock prevention to their certified blasters.

The occurrence of flyrock can be considered an "imminent danger", and result in the issuance of a Closure Order to the operator. All incidents of flyrock should be reported to the Division of Mineral Mining by the quickest available means.

The Division stands ready to provide assistance to all operators and blasting contractors, including training, training materials, and on-site assistance.

If you have any questions or requests for assistance, you may contact your mine inspector, Tom Bibb, or me at (434) 951-6310.

Enclosure

EQUAL OPPORTUNITY EMPLOYER
TDD (800) 828-1120 --- Virginia Relay Center

DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING



EXPIRED

LAWS AND REGULATIONS APPLICABLE TO THE PREVENTION OF
FLYROCK

REFERENCE:

Mineral Mine Safety Laws of Virginia 2003 Edition

Section 45.1-161.292:2. Definitions

“Imminent Danger” – means the existence of any condition or practice in a mine which could reasonably be expected to cause death or serious personal injury before such condition or practice can be abated.

Section 45.1-161.292:64. Closure Order

A. The Director or a mine inspector shall issue a closure order requiring any mine or section thereof cleared of all persons, or equipment removed from use, and refusing further entry into the mine of all persons except those necessary to correct or eliminate a hazardous condition, when (i) a violation of this chapter and Chapters 14.5 (§ 45.1-161.293 et seq.) and 14.6 (§ 45.1-161.304 et seq.) has occurred, which creates an imminent danger to the life or health of persons in the mine; (ii) a mine fire, mine explosion, or other serious accident has occurred at the mine, as may be necessary to preserve the scene of such accident during the investigation of the accident; (iii) a mine is operating without a license, as provided by § 45.1-161.292:30; or (iv) an operator to whom a notice of violation was issued has failed to abate the violation cited therein within the time period provided in such notice for its abatement; however, a closure order shall not be issued for failure to abate a violation during the pendency of an administrative appeal of the issuance of the notice of violation as provided in subsection D of § 45.1-161.292:63. In addition, a technical specialist may issue a closure order upon discovering a violation creating an imminent danger.

Virginia Safety and Health Regulations for Mineral Mining 2004 Edition

4 VAC 25-40-10 Definitions

“Flyrock”- means any uncontrolled material generated by the effect of a blast that was hazardous to persons, or to property not owned or controlled by the operator.

4 VAC 25-40-800 Use of Explosives

D. The design and loading of a blast shall provide sufficient burden, spacing, and stemming to prevent flyrock and other dangerous effects.



COMMONWEALTH of VIRGINIA

Department of Mines, Minerals and Energy

Division of Mineral Mining

P.O. Box 3727

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Conrad T. Spangler III, Division Director

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O. GENE DISHNER
DIRECTOR

BENNY R. WAMPLER
DEPUTY DIRECTOR

EXPIRED

MEMORANDUM

TO: All Licensed Mine Operators and Blasting Contractors

FROM:

Conrad T. Spangler, Division Director

SUBJECT: Electronic Blast Detonator Systems

DATE: March 28, 2005

The Department of Mines, Minerals and Energy, Division of Mineral Mining has become aware that blast initiation systems with electronic detonators are being used at a number of mines within the Commonwealth. There have been questions about how to apply Virginia's requirements for shunting and circuit testing to electronic detonators. Electronic detonator systems incorporate circuit testing by use of their unique blasting controllers. The means of shunting is provided by their design and constructional features.

We have developed Communication Memorandum 01-05 to assist mine operators and independent contractors in selecting electronic blast detonator systems that are accepted as complying with Virginia's blasting rules.

If you have any questions about electronic blast detonator systems, the process for their approval for use in Virginia's mineral mines, or Communication Memorandum No 01-05, you may contact your site mine inspector, Mark Goff or me at (434) 951-6310.

Enclosure

DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING



COMMUNICATION MEMORANDUM NO. 01105

March 28, 2005

EXPIRED

REFERENCE: 4 VAC 25-40-100 Employee Training

New or reassigned employees shall be trained in state and company safety regulations and shall be task trained prior to being assigned a task or duty. Records of training shall be kept in writing at the mine site for two years or for 60 days after termination of employment.

4 VAC 25-40-330 Proper Use of Machinery

Machinery and equipment shall be used only for the purpose and within the capacity for which they were intended and designed.

4 VAC 25-40-920 Electric Detonators

- A. When electric detonators are used, an acceptable blaster's galvanometer or blaster's multimeter shall be used to test detonators, firing lines, series circuits, and total circuit resistance prior to firing.
- B. Electric detonators of different brands shall not be used in the same blast,
- C. Except when being tested with an acceptable instrument:
 - 1. Electric detonators shall be kept shunted until they are connected into the series circuit;
 - 2. Series circuits shall be kept shunted until they are connected onto the firing line; and
 - 3. Firing lines shall be kept shunted until immediately before blasting.
- D. Blasting machines or other acceptable power sources shall be suitable for the number of electric detonators to be fired and for the type of circuits to be used.
- E. When electric detonators are used, sources of stray current to the blasting area shall be de-energized. Blasting activities shall be stopped immediately if stray current or static electricity in amounts sufficient to cause a premature detonation is encountered.

INQUIRY:

Blast initiation systems with electronic detonators are being used at a number of mines within the Commonwealth. The Mine Safety And Health Administration (MSHA) issued "Program Information Bulletin

P04-20" on September 27th, 2004 regarding the use and approval of certain electronic detonation systems.

REVIEW:

The Division of Mineral Mining (DMM) has examined the characteristics of the electronic detonators that are currently being used, obtained input from the manufacturers of these systems, reviewed MSHA test reports and "Program Information Bulletin P04-20", and considered the applicability of relevant DMM regulations to these electronic systems.

**DIVISION
DIRECTIVE:**

DMM will accept the systems that are currently approved under the MSHA "Program Information Bulletin P04-20" as being in compliance with its blasting regulations and suitable for use in the mineral mining industry within the Commonwealth. The Daveytronic® Digital Blasting System and the I-KON™ Digital Energy Controlled System are the two electronic detonator systems that have been evaluated and determined to comply with MSHA's standards.

In accordance with 4 VAC 25-40-100, personnel involved in the use of these systems must be properly task trained.

In accordance with 4 VAC 25-40-330, the systems must be used in accordance with the manufacturers' recommendations, and with the dedicated hardware and software associated with each of these systems.

In accordance with 4 VAC 25-40-920:

- The test hardware and software associated with each of these systems provide the equivalent functionality of a blaster's galvanometer or blaster's multimeter, and are considered suitable for detonator and circuit testing.
- Based on their design, these electronic detonators are considered to be shunted according to the approval and manufacturer's recommendation as approved in the MSHA "Program Information Bulletin P04-20".
- Firing lines must remain shunted unless required for programming, testing, or initiation.

As additional electronic detonation systems are evaluated and approved by MSHA, operators intending to use the systems must notify the Division of Mineral Mining before the systems are used in Virginia's mines. The DMM will evaluate the systems and determine whether such systems are suitable prior to use in the mineral mining industry within the Commonwealth.



COMMONWEALTH OF VIRGINIA

Department of Mines, Minerals and Energy

Division of Mineral Mining

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Conrad T. Spangler III, Division Director

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DIRECTOR

BENNY R. WAMPLER
DEPUTY DIRECTOR

EXPIRED

MEMORANDUM

TO: Mineral Mine Operators
FROM: Conrad T. Spangler, Division Director
SUBJECT:

- Re-issuance of Memoranda
- Fee Calculation Procedure Modification
- Annual Bond Certification
- Invasive Species
- Permit Form Changes

DATE: March 15, 2004

The new Reclamation Regulations for Mineral Mining (4 VAC 25-31) replaced the old Minerals Other Than Coal Surface Mining Regulations (4 VAC 25-30) effective September 11, 2003. The DMME Division of Mineral Mining has revised a number of its procedures and forms to implement the revised rules. Also with these regulation changes, two past Division operator memoranda are being replaced due to the regulation changes. Communication Memorandum No. 01-93 and 02-93 are being re-issued with changes necessitated by the new regulations.

Attached are Memorandum No. 01-04 dated February 26, 2004 that replaces Memorandum No. 02-93 and Communications Memorandum 02-04 that replaces Communication Memorandum 01-93.

Also attached is one copy each of the 2003 editions Mineral Mine Reclamation Laws of Virginia and Virginia Reclamation Regulations for Mineral Mining. Additional copies are available from our Charlottesville office. These laws and regulations are also available from the <http://www.dmme.virginia.gov> webpage.

Fee calculation procedure

In July 2003, we began calculating fees per each acre or any fraction thereof (i.e., 50.35 acres would be 51 acres for fee calculation purposes). See memorandum dated April 25, 2003. After experiencing with this process and in response to industry input, we will begin on April 1, 2004, calculating fees per each acre or any fraction thereof rounding to the nearest tenth (1/10th) of an acre.

For example, XYZ, Inc. PN 12345QZ with permit acreage of 100.76 acres would be rounded to 100.8 acres for fee calculation purposes only. (i.e., 100.8 acres x \$31.00 = \$3,124.80)

These fee calculation changes will be incorporated in renewal notification statements as soon as possible for permits and licenses due for renewal. Renewal notifications mailed for permits and licensed operations prior to the April 1, 2004, date will require recalculation. Please review your renewal statement and recalculate, if necessary, your fees based on this procedure.

This procedure applies to all permitting actions that require fee payments.

Should you have any questions or need assistance in calculating your fee amounts please do not hesitate to contact Jamie Dunivan at (434) 951-6314 or Mark Goff at (434) 951-6313.

Annual Bond Certification

Regulation 4 VAC 25-31-220.E. requires that permitted operators certify annually with the permit renewal the type, current insurer or bank, and the amount of all reclamation bonds. This certification should also contain as supporting documentation a letter from the current insurer or bank indicating the subject reclamation bond remains in force and effect. This, of course, does not apply to those permits that are members of the Minerals Reclamation Fund.

This certification is required to be submitted as part of the renewal application.

Invasive Species

Section § 10.1-2608 of the Code of Virginia, provides that "no state agency shall authorize, fund or carry out any action that is likely to cause or promote the introduction or spread of invasive species in the United States...." For this reason, DMM will no longer allow the use of highly invasive species for mined land reclamation.

Each permittee should review the revegetation plans in their permits to insure they do not contain highly invasive species. A copy of the Virginia Department of Conservation and

Recreation invasive species list is available at <http://www.dcr.state.va.us/dnh/invlist.pdf>. If you find in your review that your revegetation plan contains any highly invasive species, please work with your local DMM inspector to make the necessary changes to remove these from your revegetation plan.

EXPIRED

Permitting form changes

A number of DMM forms have been modified and updated. Those forms are available on the DMME website <http://www.dmme.virginia.gov> as well as from your local inspector or the Charlottesville office. A modified Permit/License Application (DMM-101) form and License Renewal Application (DMM-157) form should be available for use sometime during March. These forms will also be available on the aforementioned website as well as from your local inspector or the Charlottesville office.

One of the key changes in these forms is that operators will only be required to supply a listing of all names under which the applicant and either members of the applicant or any person having a 20% or greater ownership interest in the applicant operates a mine which has been issued an MSHA ID #. This is in lieu of listing all MSHA ID #'s on the Permit/License Application and the License Renewal/Transfer Application. Another key change is that operators will only be required to list, in initial permit/license applications and transfer applications, the applicant's mining permits within Virginia.

Always check with your local inspector, the Charlottesville office or our web page to insure you are using the most up-to-date forms.

Should you have any questions regarding this memo or mineral mining within Virginia please do not hesitate to call (434) 951-6310.

Attachments

DEPARTMENT OF MINES, MINERALS & ENERGY
DIVISION OF MINERAL MINING



COMMUNICATIONS MEMORANDUM 2-04 February 26, 2004

EXPIRED

REFERENCE: Part I Regulation 4 VAC 25-31-130 Mineral mining plans -- Reclamation Regulations for Mineral Mining. Mineral Mining Plans shall include a statement of the planned land use to which the disturbed land will be returned through reclamation and the proposed actions to assure suitable reclamation. The method of grading, removal of metal, lumber, and debris, including processing equipment, buildings, and other equipment relative to the mining operation, seeding, fertilizing, and liming shall be specified.

INQUIRY: Mineral mining operators are interested in on-site disposal of on-site generated mineral mine wastes. A simplified procedure for such disposal has been developed through cooperative efforts of the Department of Environmental Quality (DEQ) and the Department of Mines, Minerals and Energy.

REVIEW: Regulation 4 VAC 25-31-130 requires that the Reclamation Plan detail disposal and handling of metal, lumber, debris, equipment and buildings, or in other words, mine generated wastes. Some of these waste items previously have not been clearly exempted from the Department of Environmental Quality regulations, and accordingly, disposal plans have required placement in a DEQ approved landfill. The DEQ has promulgated regulations, which provide for a DEQ exemption for certain on-site generated mine wastes and allow for on-site disposal, provided the disposal is authorized by the DMM mining permit.

These wastes include:

Drill steel	Tree stumps/land clearing debris
Crusher liners	Large off-the-road (OTR) tires
Conveyor belting	Scrap metal/wood
Steel cable	Steel reinforced air hoses
Screen cloth	Broken concrete/block
Punch plate	V-belts

**DIVISION
DIRECTIVE:**

Mine site disposal of certain on-site generated mine wastes can take place under the authority of Mineral Mining Regulation 4 VAC 25-31-130 and the attached guidelines. Before any mine site disposal of these wastes begins, the operator must amend the existing permit or detail the activity in any new application for a mining permit. Information needed for permit approval is detailed in the attached guidelines. No on-site disposal may take place prior to DMM approval of the appropriate Reclamation Plan. Questions regarding mine site disposal and the permitting and amendment process may be directed to the site Mine Inspector or Mark Goff at the Division of Mineral Mining Office at (434) 951-6310. This memorandum and the attached guidelines apply only to on-site generated wastes.

GUIDELINES FOR ON-SITE DISPOSAL OF ON-SITE GENERATED SOLID WASTES

General

1. Existing permits must be amended prior to on-site disposal of on-site generated bulky mineral mining wastes as enumerated below. New applications for permits should detail any on-site disposal so future amendments will not be necessary.
2. There must be compliance with all existing operating and permit requirements.
3. Operators should recycle wastes to the maximum extent feasible and possible.
4. No garbage or common wastes such as empty oil containers, filters, liquids, etc. should be placed in the on-site disposal area. These materials should be placed in a permitted off-site waste disposal facility.
5. The disposal site should be properly maintained. All waste materials should be strategically placed to maximize storage volume and to provide special handling as required by the different waste categories.
6. The operator should clearly designate the area to be used for on-site disposal. In addition, the operator should comply with the following conditions:
 - a. The disposal area should be shown on the permit map.
 - b. The disposal site should be in an area that will not be further disturbed by mining.
 - c. The disposal site should be in an area that is not likely to be disturbed during implementation of the post-mining land use as designated in the approved reclamation plan.
 - d. The disposal area should be located as far from streams, water bodies, wells, etc. as possible, but in no case should be less than 100 feet from a surface body of water, less than 200 feet from a well, spring or other groundwater source of drinking water, or less than 50 feet from any public road right-of-way.
 - e. The disposal area should be located in the most impervious rock or soils available.
 - f. All disposal areas should be on permitted property and should be properly bonded.
 - g. All completed disposal areas should be reclaimed in accordance with applicable mining standards as well as with any additional standards set forth in these guidelines.
7. The operator should submit detailed narratives and plans that include the following:
 - a. Specific procedures for placement of wastes. This should include any measures taken to prepare the waste for disposal, the material on which the waste is to be placed, the depth of cover to be placed over the waste, the thickness of waste layer prior to covering, the time schedule for covering waste, and the type and source of material used for a cover.
 - b. The specific wastes to be placed in the disposal area. Disposal of wastes prior to approval by the Division of Mineral Mining (DMM) will result in enforcement action requiring removal of the unapproved wastes. Only on-site generated wastes are eligible for on-site

disposal. Disposal of any off-site generated wastes require Department of Environmental Quality (DEQ) approval.

- c. Specific drainage and sediment control plans for the disposal area.
- d. Specific procedures for final closure and reclamation of the disposal area.

Metals

Any metals to be disposed of on-site should be on-site generated wastes with little or no recycling potential. These metals may include drill steel, screen cloth, punch plates, crusher liners, steel cable and other non-recyclable scrap metals.

1. All materials that are large enough to protrude from the disposal area or into the cover layer should be cut, crushed or otherwise reduced to a size that can be accommodated by the site disposal area.
2. Steel cables should be wound onto spools and disposed of on the spool. Where spools are not available, cable may be coiled and secured with wire ties. Steel cables may also be cut into short segments for disposal. Segment lengths could vary depending on disposal site size and method of placement in the disposal area.

Rubber

The waste rubber products to be disposed of on-site could include non-recyclable conveyor belting, V-belts, air hoses and large, heavy equipment tires.

1. Conveyor belting should be rolled prior to placement in the disposal area. Short segments of belt may be placed on flat surfaces in the disposal area (i.e., pit floor or flat soil surface created on a covered waste lift). Lengths of segments disposed of in this manner could vary depending on the disposal area configuration.
2. V-belts may be buried in the on-site disposal area. Longer V-belts may be cut or coiled and tied prior to disposal.
3. Air hoses, generally steel-reinforced, should be coiled and bound with wire ties or cut into shorter lengths, suitable for the waste area, prior to disposal.
4. Large off-road tires ideally should be split prior to disposal. Because this is impractical in many cases, consideration should be given to sufficient cover to prevent any possible flotation. Depth of cover may be decreased by using a layer of boulders or stone rubble as part of the covering. Filling of the tire void with sand, fine crushed stone, or other suitable material may also reduce cover depth.
5. Only off-road tires with an outside diameter of 36 inches or greater should be placed in the on-site disposal area.

Demolition Waste

1. Demolition waste consisting of broken concrete, asphalt, brick, cinder blocks and stone is generally considered inert. Broken concrete, brick and block may be used for riprap in diversion ditches and pond outlets where suitable and approved in mine operating plans.
2. Excess demolition debris may be placed in the disposal area as a lower layer of the cover material. The heavier concrete material may be well suited to covering the off-road tires disposed of on-site.

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3. Demolition debris may also be used to backfill slopes to grades acceptable for reclamation and revegetation. Allowable slopes should not exceed 2 horizontal to 1 vertical.
 4. All demolition debris used as outlined in Section 1- above shall be free of wood and other building materials. Wood may be handled as described in "Trees, Stumps, and Land Clearing Debris" below.
 5. This section applies only to disposal of on-site generated demolition debris. Debris from off-site sources cannot be brought onto the mine site for use or recycling without prior written DMM approval.
 6. Demolition waste containing paper or other construction materials should not be placed in the on-site disposal area, but should be properly disposed of in a permitted off-site waste disposal facility.

Trees, Stumps, and Land Clearing Debris

1. Trees, stumps, and land clearing debris generated by mining activity may be disposed of on-site. However, every effort should be made to reduce the quantities of these materials. These efforts may include the following:
 - a. Limited quantities of suitable materials may be used to construct brush barriers for sediment control purposes subject to DMM approval.
 - b. If possible, trees should be sold to sawmills for pulp or sold for firewood.
 - c. Trees may be chipped and the chips used or sold as mulch. Some businesses have large portable chippers and will perform chipping on-site and then remove the chips for sale.
2. Land clearing debris or wood from on-site building demolition may be burned on-site when in compliance with local ordinances and Department of Environmental Quality regulations. Areas may be designated for storage of these materials while awaiting favorable conditions for burning.
3. Stumps and heavier tree trunks may be buried in mined-out pits or backfill associated with slope reduction on highwalls. In these cases, the debris should be placed in the deepest part of the fill and as far from any face slopes as possible. Vegetative debris should not be buried in the structural portion of any fill, berm, or embankment, and should not be placed in any embankment constructed to dam or retain water, slurries or tailings.
4. Vegetative debris to be buried should be covered with the most impervious soil material available to a depth equal to or greater than $\frac{1}{2}$ the thickness of the material layer being buried. Minimum cover should not be less than 4 feet. Depth-of-cover standards should be maintained on top and on all sides of the waste material.

DEPARTMENT OF MINES, MINERALS & ENERGY
DIVISION OF MINERAL MINING



EXPIRED

COMMUNICATION MEMORANDUM NO. 01-04

February 26 2004

REFERENCE: Section 4 VAC 25-31-430.B, Mineral Mining Regulations

At the option of the operator and with the Director's concurrence, an operation may remain under permit for an indefinite period during which no mineral or overburden is removed if the following conditions are met to the Director's satisfaction:

1. All disturbed areas are reclaimed to prevent erosion and sedimentation in accordance with mining plans and proper engineering practices.
2. All drainage structures such as culverts and ditches are constructed and maintained in accordance with mining plans and proper engineering practices.
3. All vegetation is maintained, including reseeded if necessary.
4. All improvements on site, including machinery and equipment, are maintained in a state of good repair and condition.

If the above conditions are not met, the permit may be revoked by the Director in accordance with Section 45.1-186.1 of the Code of Virginia.

INQUIRY:

Clarification was requested to outline the procedures necessary to place an operation in a state of temporary cessation. Such a procedure would ensure consistent enforcement statewide as well as provide guidance to operators applying for temporary cessation.

REVIEW:

Mining operations may be idled and remain inactive for extended periods of time due to many factors, often beyond an operator's control. Virginia's regulatory requirements governing temporary cessation of a mineral mining operation are prescribed by Mineral Mining Regulation section 4 VAC 25-31-430.B. This communication memorandum describes a procedure that will ensure consistent statewide application of section 4 VAC 25-31-430.B. It describes the procedure mineral mine operators should use to apply for a temporary cessation status on operations that have been or will be idle for a period of twelve months or more.

Section 4 VAC 25-31-430 of the Mineral Mining Regulations deals with completion of mining and the activities that must occur as a result of that completion.

Section 4 VAC 25-31-430.A declares that a mineral mine which has had no production in the past 12 months will be declared complete and total reclamation must begin.

Realizing that other circumstances may cause inactivity for periods greater than 12 months, Section 4 VAC 25-31-430.B establishes an alternative to mine closure and immediate reclamation. This alternative is a state of temporary cessation, which is subject to the Director's discretion and certain specific conditions.

**DIVISION
DIRECTIVE:**

Operators may comply with Section 4 VAC 25-31-430.B and request temporary cessation through the following procedures:

- EXPIRED**
1. The operator upon determining that the mine will be inactive for a period in excess of 12 months should contact the Mine Inspector to conduct a site visit. During the site visit, measures and activities needed to comply with 4 VAC 25-31-430.B.1 through 4 should be discussed. Specific time frames for implementation of these measures should also be discussed.
 2. The operator should submit a written request for temporary cessation. The written request should include the following:
 - A. A completed Request for Amendment (Form No. DMM-113).
 - B. A statement of the reasons for temporary cessation instead of final reclamation and closure.
 - C. The date the mine last operated.
 - D. The anticipated date that operations will resume. This is the requested duration of the temporary cessation, not to exceed one (1) year.
 - E. Narrative detailing what measures will be taken to comply with Section 4 VAC 25-31-430.B.1 through 4 and the time frame for completion of these measures.
 - F. A certification statement to the effect that

"I hereby certify that the information provided herein and all attachments submitted herewith are true to the best of my knowledge and belief. I understand that this temporary cessation does not relieve any of my obligations under Title 45.1 of the Code of Virginia or provisions of the approved permit. I will notify DMM in writing 10 days prior to resumption of mining activities. I realize that this notice will expire on (the date shown in response to item D above)."

3. There will be no bond release nor reduction on areas to be redisturbed once mining resumes.
4. The temporary cessation will be subject to review and renewal or denial at the end of the temporary cessation period. Renewal of temporary cessation will be in accordance with the procedures outlined above.
5. The site Mine Inspector and the Mine Inspector Supervisor will review the requests for temporary cessation and grant approval, denial or request additional information. The Mine Inspector Supervisor will have responsibility for final approval or denial and will indicate such by completing the bottom "office use" portion of the Request for Amendment (Form No. DMM-113).

Procedure for Administering *The Seed Tree Law* on Lands Involving Mine Reclamation - Other Than Coal

- During the initial mine site investigation, if the Division of Mineral Mining (DMM) Mine Inspector believes the area to be permitted contains a timber stand containing more than 25% pine and the proposed reclamation plan of the area involves reforestation, the inspector will contact the location Department of Forestry (DOF) office.
- If the proposed mine reclamation plan involves conversion of the seed tree area to a use other than reforestation, the permittee will be absolved from any and all responsibilities under the Seed Tree Law. The DMM Mine Inspector will not need to notify DOF where the mine area is to be reclaimed to alternate uses other than reforestation.
- If the Department of Forestry representative determines that the area is subject to the Seed Tree Law, DOF will contact the permit application to explain the requirements of the Seed Tree Law and draw up an Alternate Management Plan (AMP) for the site.
- DOF will provide a copy of the executed AMP to DMM for inclusion in the mining permit file for that operation.
- The completion date of the AMP will be stated to coincide with the completion of the mining reclamation plan.

The AMP will be considered rescinded or complied with upon either of the following conditions:

1. If after the AMP has been signed, the permittee decides to change the post mining land use, the DOF will rescind the AMP in correspondence with the permittee upon amendment of the mining reclamation plan. DMM will notify DOF upon approval of any amendments modifying the post mining land use on sites subject to an AMP.
2. When tree planting is conducted on the reclaimed area and it can be determined that 250 or more pine per acre has survived in a free-to-grow condition, the DOF will consider the AMP complied with and release the permittee from the AMP. (See Note below.)

NOTE: When an area has been reclaimed and tree planting conducted, the permittee may request that the DMM Mine Inspector conduct an inspection of the area and determine if it is suitable for bond release. When bond release inspections are conducted on lands covered by an AMP the DMM Mine Inspector will contact the local Department of Forestry office and schedule a joint inspection of the reclaimed area. Both will evaluate the reclaimed area relative to their specific program. Either DMM or DOF may choose to release the area even though the other may require the bond/AMP to be held. In this case, when a joint release is not possible, remedial actions will be outlined while DMM and DOF and the operator representatives are present so that a full evaluation of remedial measures and bond/AMP release can be made.

EXPIRED

MEMORANDUM

TO: Mineral Mine Operators and Mineral Mine Contractors

FROM: _____
Conrad T. Spangler, Division Director

SUBJECT: Mineral Mine Safety Act Changes
Mineral Mining Reclamation Act Changes

DATE: April 25, 2003

The 2003 General Assembly revised both the Mineral Mine Safety Act and the Mineral Mining Reclamation Act this year. One change exempts certain people from the comprehensive requirements of the mineral mining safety training program. The other changes increase the cost of licenses and permits issued by the Department of Mines, Minerals and Energy. The changes become effective **July 1, 2003**.

Mineral Mine Safety Training

The revision to § 45.1-161.292:73 exempts scientific workers; delivery workers; customers, including commercial over-the-road truck drivers; vendors; and visitors from the comprehensive training program requirements for miners. The effect of this change is to exclude people in these categories from the full training plan requirements for miners; i.e. the program for training for new miners, training for newly-employed experienced miners, training for miners for new tasks, annual refresher training, and hazard training. These individuals are subject to all other provisions of the Mineral Mine Safety Act, as applied to the type of service they provide. These persons should receive hazard training upon entering the mine. The change is consistent with the federal training requirements at 30 CFR Part 46.

Mineral Mine License and Permit Fees

Mineral mining license and permit fees have been increased to offset general fund reductions at DMME. The Department uses these fees to provide permitting, assistance, training and inspection services to mine operators. Mineral mining permit fees were last increased in 1977 and license fees in 1978. The fees are increased by about 80% of the amount they would have increased due to inflation (based on the change in the consumer price index) over that time. The revision to § 45.1-161.292:31 increases the mineral mine license, renewal or transfer of a license fee from \$75 to \$180. The license fee for persons engaged in mining sand or gravel on an area of five acres or less is increased from \$20 to \$48. In addition, the revisions to §§ 45.1-181 and 45.1-184.2 increase the cost of mine permits issued by the Department. Permit application fees are increased from \$12 per acre to \$31 per acre. Permit renewal fees are increased from \$6 per acre of land affected to \$16 per affected acre. The fee for transferred permits is also increased from \$6 per acre to \$16 per acre. The fees are calculated per each acre or any fraction thereof.

A copy of each of the revised sections of the Code of Virginia is attached. If you have any questions about these changes, please contact your area mine inspector, or this office at (434) 951-6310.

Attachments

CHAPTER 401

An Act to amend and reenact § 45.1-161.292:73 of the Code of Virginia, relating to the mineral mining safety training program.

[H 1623]

Approved March 16, 2003

Be it enacted by the General Assembly of Virginia:

1. That § 45.1-161.292:73 of the Code of Virginia is amended and reenacted as follows:

§ 45.1-161.292:73. Mineral mining safety training program.

A. Each operator shall have a plan containing the following programs: training for new miners, training for newly-employed experienced miners, training for miners for new tasks, annual refresher training, and hazard training. *For the purpose of this section, the definition of miner does not include scientific workers; delivery workers; customers, including commercial over-the-road truck drivers; vendors; or visitors.*

B. The plan shall be available to the Director for review upon request.

CHAPTER 55

An Act to amend and reenact §§ 45.1-161.58, 45.1-161.292:31, 45.1-181, 45.1-184.2, 45.1-235, 45.1-361.29, and 45.1-361.33 of the Code of Virginia, relating to mineral extraction license and permit fees.

EXPIRED

[S 1173]

Approved March 18, 2003

Be it enacted by the General Assembly of Virginia:

1. That §§ 45.1-161.58, 45.1-161.292:31, 45.1-181, 45.1-184.2, 45.1-235, 45.1-361.29, and 45.1-361.33 of the Code of Virginia are amended and reenacted as follows:

§ 45.1-161.292:31. Fee to accompany application for license; fund; disposition of fees.

Each application for a mineral mine license or a renewal or transfer of a license shall be submitted to the Department, accompanied by a fee, payable to the State Treasurer, in the amount of ~~seventy five dollars~~ \$180. However, any person engaged in mining sand or gravel on an area of five acres or less shall be required to pay a fee of ~~twenty dollars~~ \$48. All such fees collected shall be retained by the Department and paid into the state treasury and shall constitute a fund under the control of the Director. Expenditures from this fund may be made by the Department for safety equipment, safety training, safety education or for any expenditure to further the safety program in the mineral mining industry. All expenditures from this fund must be approved by the Director.

§ 45.1-181. Permit required; fee; renewal fee; application; furnishing copy of map, etc., to landowner; approval by Department.

It shall be unlawful for any operator to engage in any mining operation in Virginia, without having first obtained from the Department a permit to engage in such operation and paying a fee therefor of ~~twelve dollars~~ \$31 per acre for every acre of land to be affected by the total operation for which plans have been submitted, which shall be deposited in the state treasury in a special fund to be used by the Director for the administration of this chapter. A permit shall be obtained prior to the start of any mining operation. If within ~~ten~~ 10 days of the anniversary date of the permit the Director, after inspection, is satisfied that the operation is proceeding according to the plan submitted to and approved by him, then the Director shall renew the permit upon payment of a renewal fee by the operator of ~~six dollars~~ \$16 per acre for land to be affected by the total operation in the next ensuing year. The renewal fees shall be deposited in the state treasury in the special fund set out above. If the operator believes changes in his original plan are necessary or if additional land not shown as a part of the approved plan of operation is to be disturbed, he shall submit an amended plan of operation which shall be approved by the Director in the same manner as an original plan and shall be subject to the provisions of this section and §§ 45.1-182.1

and 45.1-183 hereof. A separate permit must be secured for each mining operation conducted. Application for a mining permit shall be made in writing on forms prescribed by the Director and shall be signed and sworn to by the applicant or his duly authorized representative. The application, in addition to such other information as may be reasonably required by the Director shall contain the following information: (1) the common name and geologic title, where applicable, of the mineral to be extracted; (2) a description of the land upon which the applicant proposes to conduct mining operations, which description shall set forth: the name of the county or city in which such land is located; the location of its boundaries and any other description of the land to be disturbed in order that it may be located and distinguished from other lands and easily ascertainable as shown by a map attached thereto showing the amount of land to be disturbed; (3) the name and address of the owner or owners of the surface of the land; (4) the name and address of the owner or owners of the mineral, ore or other solid matter; (5) the source of the operator's legal right to enter and conduct operations on the land to be covered by the permit; (6) the total number of acres of land to be covered by the permit; (7) a reasonable estimate of the number of acres of land that will be disturbed by mining operations on the area to be covered by the permit during the ensuing year; (8) whether any mining permits of any type are now held by the applicant and the number thereof; (9) the name and address of the applicant, if an individual; the names and addresses of all partners, if a partnership; the state of incorporation and the name and address of its registered agent, if a corporation; or the name and address of the trustee, if a trust; and (10) if known, whether the applicant, or any subsidiary or affiliate or any partnership, association, trust or corporation controlled by or under common control with applicant, or any person required to be identified by item (9) above, has ever had a mining permit of any type issued under the laws of this or any other state revoked or has ever had a mining or other bond, or security deposited in lieu of bond, forfeited.

The application for a permit shall be accompanied by two copies of an accurate map or aerial photograph or plan and meeting the following requirements:

- (a) Be prepared by a licensed engineer or licensed land surveyor or issued by a standard mapping service or in such a manner as to be acceptable to the Director;
- (b) Identify the area to correspond with the land described in the application;
- (c) Show adjacent deep mining, if any, and the boundaries of surface properties, with the names of owners of the affected area which lie within 100 feet of any part of the affected area;
- (d) Be drawn to a scale of 400 feet to the inch or better;
- (e) Show the names and location of all streams, creeks or other bodies of public water, roads, buildings, cemeteries, oil and gas wells, and utility lines on the area affected and within 500 feet of such area;
- (f) Show by appropriate markings the boundaries of the area of land affected, the outcrop of the seam at the surface or deposit to be mined, and the total number of acres involved in the area of land affected;

(g) Show the date on which the map was prepared, the north arrow and the quadrangle name;

(h) Show the drainage plan and way from the area of land affected, including the directional flow of water, constructed drainways, natural waterways used for drainage and the streams or tributaries receiving the discharge.

Upon receipt of a written request by any landowner on whose property a sand and gravel operation is permitted pursuant to this section, the operator of the sand and gravel operation shall provide a copy of the map, photograph or plan to the landowner.

No permit shall be issued by the Department until the Director has approved the plan of operation required in this section and § 45.1-182.1 and the bond from the applicant as required in § 45.1-183.

§ 45.1-184.2. Succession of one operator by another at uncompleted project.

Where one operator succeeds another at any uncompleted operation, whether by sale, assignment, lease, merger, or otherwise, the Director may release the first operator from all liability under this chapter as to that particular operation and transfer the permit to the successor operator; provided, however, that the successor operator has complied with the requirements of this chapter, and the successor operator assumes as part of his obligation under this chapter, all liability for the reclamation of the area of land affected by the first operator. No fee, or any portion thereof, paid by the first operator shall be returned to either operator. The permit fee for the successor operator for the area of land permitted by the first operator shall be ~~six dollars~~ \$16 per acre, except as provided by § 45.1-180.4. The mining permit for the successor operator shall be valid for one year from the date of issuance and shall be renewed thereafter in accordance with the provisions of this chapter.

O. GENE DISHNER
DIRECTOR

CHARLES M. HALE, JR.
CHIEF DEPUTY DIRECTOR

LENNY R. WAMPLER
DEPUTY DIRECTOR



DIVISIONS
ENERGY
GAS AND OIL
MINED LAND RECLAMATION
MINERAL MINING
MINERAL RESOURCES
MINES
ADMINISTRATION

COMMONWEALTH OF VIRGINIA

Department of Mines, Minerals and Energy

Division of Mineral Mining

P.O. Box 3727

Charlottesville, Virginia 22903-0727

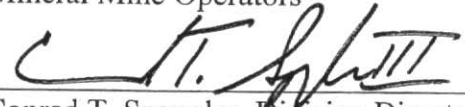
(434) 951-6310

Conrad T. Spangler III, Division Director

EXPIRED

MEMORANDUM

TO: Mineral Mine Operators

FROM: 
Conrad T. Spangler, Division Director

SUBJECT: Permit/License Renewal Procedures

DATE: April 17, 2002

The Mineral Mining Law of Virginia, Section 45.1-181 and the Mineral Mine Safety Laws of Virginia, Section 45.1-161.292:32 of the Code of Virginia, require that each mine operator renew the permit/license for their mine site on the anniversary date of the permit/license. Currently, the Division of Mineral Mining sends your permit/license renewal materials to you 30-days prior to the anniversary date and requests that you submit the completed documents to the Division's Charlottesville office by the stated anniversary date.

In May 2002 this procedure will change. Beginning with permit/licenses that become due in August 2002, you will receive a renewal notification and renewal materials 90-days prior to the anniversary date. The renewal notice will instruct you to send the completed renewal documents to your DMM Mine Inspector 60-days prior to the anniversary date. Your mine inspector will review the materials and make a renewal inspection of the permit area. Upon completion of his review and inspection, the mine inspector will return your renewal materials to you, and will note any corrections that are needed. When all corrections are made, you should submit the renewal documents to the DMM Charlottesville office by the anniversary date, along with the appropriate bond and renewal fees.

We anticipate that these changes to the renewal procedure will allow for greater accuracy in the information you submit to the Division and will help minimize delays in processing permit/license renewals. These changes also will afford you greater opportunities to accompany the inspector on his general inspection and to have your questions answered regarding the permit renewal process.

These changes in procedure will begin for those permit/licenses with August 2002 anniversary dates. Mine operators with August anniversary dates will begin receiving their renewal notifications and materials with new instructions in May 2002. Mine operators with April, May, June, and July 2002 anniversary dates will continue to follow the current procedure. If you have any questions concerning these changes, you may contact your mine inspector or the DMM Charlottesville office at 434-951-6310.

EXPIRED

MEMORANDUM

To: Mineral Mine Operators

From: _____
Conrad T. Spangler, Division Director

Subject: Annual Tonnage Reports

Date: December 29, 2000

The Mineral Mine Safety Laws of Virginia, Section 45.1-161.292:35 of the Code of Virginia requires that every licensed operator shall provide an annual report to the Department of Mines, Minerals and Energy, Division of Mineral Mining no later than February 15 of each year. This report shall be for the preceding 12-month period ending December 31. The report must provide the following information for office and production workers (of the licensed operator): total production, work hours, wages, and number of employees/miners by work category.

The Mineral Mining Annual Report (form DMM-146) is enclosed to assist you in providing this information. All production must be reported in tons with the exception of precious metals and gemstones, which may be reported in ounces or pounds. This report must be filed even if there was no production at the mine. If there was no production or employment, then you must enter zeros. If your mine was operated by an independent contractor or contractors, then you are still responsible for reporting production and submitting the attached tonnage report. In this situation, the independent contractor is responsible for reporting wages and worker data (not production) on the Mineral Mining Annual Report For Contractors ('DMM-146C).

If a mine owner operated the pit himself, with or without other employees, then the owner must consider himself a worker and provide the required production, work hours, wage and employee information for himself. Many owners do not pay themselves a specific salary from the profits of mineral sales. Owners in this category must estimate when they would consider a reasonable wage for the hours they worked at the mine.

Because these tonnage reports provide valuable information, you should ensure that the information is accurate and complete. Keeping accurate records of production and employment throughout the year will help in completing future annual reports. By submitting the information requested on the form, you will comply with the annual production reporting requirements of the Mineral Mine Safety Laws of Virginia.

The Virginia General Assembly enacted a law in 2000 that requires individual employer's wage information collected on the annual report to be kept confidential. DMM will not release individual employer data. The Division only will release wage information when it is aggregated in such a manner that it does not reveal information on any individual employer.

If you have any questions on completion of the tonnage report, please contact Jamie Dunivan at (434) 951-6314.



COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF MINES, MINERALS AND ENERGY
 DIVISION OF MINERAL MINING
 900 Natural Resources Drive
 P. O. Box 721
 Charlottesville, VA 22903
 (34) 251-6310

EXPIRED

MINERAL MINING ANNUAL TONNAGE REPORT

REPORT FOR CALENDAR YEAR _____

1. COMPANY NAME _____ PERMIT NO. _____
2. TOTAL TONS PRODUCED _____
3. WORKERS—Include the number of full or part-time persons who worked for any part of the period covered by this report. Include all owners, officers, clerical help, engineers and others who worked at the mine.

NUMBER OFFICE WORKERS	OFFICE HOURS	OFFICE WAGES	NUMBER PRODUCTION WORKERS PIT/PLANT	PRODUCTION HOURS	TOTAL PRODUCTION WAGES

REPORT REQUIRED BY LAW—Code of Virginia, Title 45.1, Chapter 14.4:1, Section 45.1-161.292:35.A requires this form to be filled out and returned to this office by the 15th day of February. Operations that do not submit tonnage reports may be subject to closure.

I, the undersigned, hereby certify that all information provided on this report is true and accurate to the best of my knowledge and belief. I further certify that all occupational injuries occurring on the mine site have been reported for calendar year _____.

SIGNED _____ TITLE _____ DATE _____

PLEASE PRINT YOUR NAME _____

EXPIRED

MEMORANDUM

To: Independent Contractors

From: _____
Conrad T. Spangler, Division Director

Subject: Annual Report

Date: December 29, 2000

The Mineral Mine Safety Laws of Virginia, Section 45.1-161.292:35.B. of the Code of Virginia requires that each independent contractor in the following categories, who has worked at a mine, provide an annual report to the Division of Mineral Mining (DMM) no later than February 15 of each year:

- **Extraction and Processing** (drillers, blasters, portable crushers, stripping and land clearing contractors, etc.)
- **Maintenance and Repair of Mobile and Stationary Equipment** (welders, mechanics, painters, electricians, etc.)
- **Mine Construction** (plant construction, repair and maintenance, electricians, concrete fabricators, equipment erectors, etc.)

This report shall be for the preceding 12-month period ending December 31 and must provide the following information:

- Independent contractor's name and Department (Division of Mineral Mining) identification number;
- The total number of independent contractor's employees who worked at each mine, listed by company name and Virginia DMM permit number.
- The total number of the independent contractor's employee hours worked at each mine, listed by company name and Virginia DMM permit number;
- The lump sum amount of wages paid by the independent contractor at each mine, if such amount is above \$1,000, listed by company name and Virginia DMM permit number.

A Mineral Mining Annual Report form is enclosed to assist you in providing this information. This report must be filed even if there was no employment at a mine. If there was no employment, then you must enter zeros.

In addition to the above, if you are an independent contractor and you perform all of the mining functions, i.e., you are a contract miner and are actually responsible for the mine production, then you will need to provide your production information (quantity of minerals mined) to the licensed mine operator for his tonnage report.

Because these annual reports provide valuable information that address safety and economic impacts, you should ensure that the information is accurate and complete. Keeping accurate records of employment throughout the year will help in completing future annual reports. By submitting the information requested on the form, you will comply with the annual reporting requirements of the Mineral Mine Safety Laws of Virginia.

The Virginia General Assembly enacted a law in 2000 that requires individual employer's wage information collected on the annual report to be kept confidential. DMM will not release individual employer data. The Division only will release wage information when it is aggregated in such a manner that it does not reveal information on any individual employer.

If you have any questions on completion of the tonnage report, please contact Jamie Dunivan at 434-951-6314.

O. GENE DASHNER
DIRECTOR

CHARLES M. HALE, JR.
CHIEF DEPUTY DIRECTOR

BENNY R. WAMPLER
DEPUTY DIRECTOR



DIVISIONS
ENERGY
GAS AND OIL
MINED LAND RECLAMATION
MINERAL MINING
MINERAL RESOURCES
MINES
ADMINISTRATION

COMMONWEALTH OF VIRGINIA

Department of Mines, Minerals and Energy

Division of Mineral Mining

P. O. Box 3727

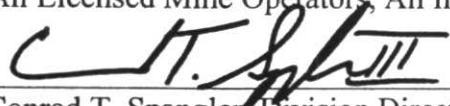
Charlottesville, Virginia 22903-0727

(804) 951-6310

Conrad T. Spangler III, Division Director

EXPIRED

MEMORANDUM

TO: All Licensed Mine Operators; All Independent Contractors
FROM: 
Conrad T. Spangler, Division Director
SUBJECT: Employee Exposure To Noise Limits
DATE: November 3, 2000

The Mineral Mine Safety Laws of Virginia and the Safety and Health Regulations for Mineral Mining require that all mine operators, including independent contractors, provide hearing protection for their employees.

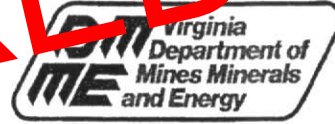
Communication Memorandum 10-00 is enclosed and provides information on how the Division of Mineral Mining will apply 4 VAC 25-40-770 of the Safety and Health Regulations. This regulation is related to the federal limit on noise exposure as outlined in 30 CFR (Code of Federal Regulations), Part 62.

The Division of Mineral Mining staff will be inspecting for compliance on all mines that the Federal Mine Safety and Health Administration (MSHA) does not inspect as regular inspections are conducted. Operator assistance will be provided on a limited basis to all sites as requested.

If you have any questions on occupational noise exposure or Communication Memorandum 10-00, you may contact your site mine inspector, Ron Mullins, or me at 804-951-6310.

DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING

EXPIRED



COMMUNICATIONS MEMORANDUM 10-00

September 13, 2000

REFERENCE: 4 VAC 25-40-770 Employee Exposure to Noise Limits

“Except for surface mines which are inspected by (Federal Mine Safety and Health Administration) MSHA, employee exposure to noise shall not exceed the federal limit adopted for mineral mines. If exposure exceeds the federal limit, the director may require the mine operator to employ feasible engineering and administrative control measures. Operators shall provide hearing protection upon request.”

The following definitions are found in the Safety and Health Regulations for Mineral Mining, in Section 4 VAC 25-40-10:

“**Acceptable**” means tested and found to be appropriate for a specific purpose by a nationally recognized agency.

“**Suitable**” means that which fits and has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

The following definitions are from the federal MSHA Rules and are found in 30 CFR 62.101:

Dual Hearing Protection Level – A TWA_8 of 105 dBA, or equivalently, a dose of 800% of that permitted by the standard, integrating all sound levels from 90 dBA to at least 140 dBA.

Exchange Rate – The amount of increase in sound level, in decibels, which would require halving of the allowable exposure time to maintain the same noise dose. For the purposes of this part, the exchange rate is 5 decibels (5 dB).

Permissible Exposure Level – A TWA_8 of 90 dBA or equivalently a dose of 100% of that permitted by the standard, integrating all sound levels from 90 dBA to at least 140 dBA.

Sound Level – The sound pressure level in decibels measured using the A-weighting network and a slow response, expressed in the unit dBA.

Time-Weighted Average-8 hour (TWA_8) – The sound level which, if constant over 8 hours, would result in the same noise dose as is measured.

- Permissible Exposure Level – The permissible exposure level is based on a 100% dose (90 dBA for 8 hrs.) and can be adjusted for duration of exposure utilizing *Table 62-1* as enclosed.

(example: @100 dBA exposure can be no longer than 8 hours)

- Both state and federal regulations require implementation of feasible engineering and administrative controls for exposures above the Permissible Exposure Level.
- Part 62 requires posting of administrative procedures and providing copies of this procedure to affected miners. (Consider posting on bulletin board and/or on specific machinery or work areas.)
- Part 62 establishes 115 dBA as the maximum exposure level for all miners.
- The DMM Director may approve a variance for the maximum exposure level of 115 dBA after feasible engineering and administrative control measures have been implemented.
- Part 62 requires dual hearing protection (ear plugs and ear muffs) be provided, and used, whenever employee noise exposure exceeds a TWA_8 of 105 dBA.
- DMM Safety and Health Regulation 4 VAC 25-40-770 requires all operators to provide hearing protection to their employees upon request, regardless of their noise exposure level.

DIVISION

DIRECTIVE: DMM has reviewed 30CFR Part 62, and will apply the following requirements under safety and health regulation 4 VAC 25-40-770:

- Non-MSHA inspected mines must comply with the following noise exposure levels, and associated remedies:
 - When employee exposure exceeds the permissible exposure level (PEL), operators must use all feasible engineering and administrative controls to reduce the exposure to acceptable levels. If administrative controls are utilized to reduce exposure they must be in writing, posted in a prominent place convenient to miners, and a copy given to each affected miner.
 - At no time shall employees be exposed to noise levels exceeding 115 dBA. However, if it is not feasible to reduce the exposure to a level below 115 dBA an operator may petition the DMM Director for a variance detailing the actions taken to reduce noise exposures to as low a level as feasible.
 - Miners exposed to levels exceeding the dual hearing level (105 dBA) must be provided with acceptable and suitable earplugs and earmuffs. The two hearing protective devices must be worn simultaneously.



COMMONWEALTH of VIRGINIA

Department of Mines, Minerals and Energy

Division of Mineral Mining

P.O. Box 3727

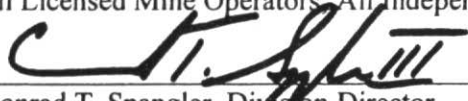
Charlottesville, Virginia 22903-0727

(804) 961-5000

Conrad T. Spangler III, Division Director

EXPIREDMEMORANDUM

To: All Licensed Mine Operators; All Independent Contractors

From: 
Conrad T. Spangler, Division Director

Subject: Reporting of Independent Contractor Information

Date: July 16, 1999

The Mineral Mine Safety Laws of Virginia require that licensed mine operators report information about independent contractors working on the mine site. This information is necessary before a mine license can be issued. Contractor information is also required in order for the Department of Mines, Minerals and Energy, Division of Mineral Mining (DMM) to be able to perform a risk assessment for contractors as required by the mining laws.

DMM has received inquiries from mine operators and contractors regarding the information that must be submitted. We have developed Communication Memorandums 02-99 and 03-99 to assist the licensed operator in data collection and reporting and to inform independent contractors of the information they will need to make available to the mine operator.

If you have any questions on contractor data collection and reporting or on Communication Memorandum 02-99 or 03-99, you may contact your site mine inspector, Gary Potter or me at 804-961-5000.

Enclosures

DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING



COMMUNICATION MEMORANDUM No. 00-99 July 16, 1999

EXPIRED

REFERENCE: Mineral Mine Safety Laws of Virginia 1998 Edition - Section 45.1-161.292:2. Definitions.

"Independent contractor" means any person that contracts to perform services or construction at a mine.

Mineral Mine Safety Laws of Virginia 1998 Edition - Section 45.1-161.292:32.A.3. Application for license.

No application for a mine license or a renewal shall be complete unless it contains information about each independent contractor working at the mine: (i) the independent contractor's trade name, business address and business telephone number; (ii) a description of the nature of the work to be performed by the independent contractor and where at the mine the work is to be performed; (iii) the independent contractor's MSHA identification number, if any; (iv) the independent contractor's address of record for service of citations and other documents; (v) the names and addresses of persons with overall responsibility for operating decisions; and (vi) the names and addresses of persons with overall responsibility for the health and safety of employees;

Mineral Mine Safety Laws of Virginia 1998 Edition - Section 45.1-161.292:32.C. Application for license.

Within thirty days after the occurrence of any change in the information required by subsection A, the licensed operator shall notify the Department, in writing, of such change.

INQUIRY: Mineral mine operators have asked questions regarding which contractors must be reported as part of the mine license application, what information must be reported, who must report contractor information and when the information must be reported.

REVIEW: The law requires that information on all independent contractors be reported.

An independent contractor is any person that contracts to perform services or construction at a mine.

A wide variety of vendors provide totally mine related services, while others provide general services not specific to mining.

The law is very specific with regard to the information that must be reported. Only the information specified in the law is requested by DMM.

A mine license application or renewal is incomplete and cannot be issued unless all contractor information is provided.

An application for a mine license shall be submitted by the person who will be the licensed operator of the mine. Contractor information is an integral part of the mine license application or license renewal application.

CONTRACTOR IDENTIFICATION FORM

Section 45.1-161.292:32 of the Mineral Mine Safety Laws of Virginia requires that the applicant for a mine license include information about contractors working at the mine and keep the information current by reporting any change within 30 days. This sheet may be attached to the License Renewal Application in response to Question 4.

EXPIRED

Licensed Operator Information

COMPANY _____ PERMIT # _____

Location at mine where work is to be done _____

Date contractor began work on the mine _____

Date contractor information provided to Division of Mineral Mining in writing _____

Person who provided the information _____

Has production, worker and wage information been collected for reporting to Division of Mineral Mining on the Annual Tonnage Report at the end of the year? **This information must be reported on the annual report or the Mine License cannot be renewed.** The Production/Worker/Wage Information Collection Form can be used to collect the information from contractor(s).

SIGNATURE OF LICENSED MINE OPERATOR DATE

Contractor Information

Contractor's Trade Name _____

Business Address _____

Business Telephone Number _____ Contractor's MSHA Identification # _____

DMM Contractor # _____

Address of Record for Service of Citations and Other Documents _____

List services to be provided to the mining company:

Contractor person with responsibility for operating decisions:

Name

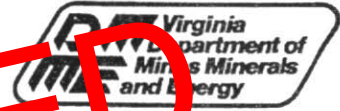
Address

Contractor person responsible for health and safety of employees:

Name

Address

DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING



COMMUNICATION MEMORANDUM NO. 03-99

July 16, 1999

REFERENCE: Mineral Mine Safety Laws of Virginia 1998 Edition - Section 45.1-161.292:2.
Definitions.

"Independent contractor" means any person that contracts to perform services or construction at a mine.

Mineral Mine Safety Laws of Virginia 1998 Edition - Section 45.1-161.292:32.A.5.
Application for license.

No application for a license or a renewal thereof shall be complete unless it contains "Such information required by the Department that is relevant to an assessment of the safety and health risks likely to be associated with the operation of the mine ..".

Mineral Mine Safety Laws of Virginia 1998 Edition - Section 45.1-161.292:55.
Evaluation of risks at mines.

For the purpose of allocating the resources of the Department to be used for conducting additional inspections, the Department shall develop a procedural policy of scheduling such inspections based on an assessment, to be made not less frequently than annually, of the comparative risks at each underground mineral mine and those surface mineral mines which are not inspected by the Mine Safety and Health Administration. The Department's procedural policy shall be prepared with the assistance of working groups consisting of persons knowledgeable in mine safety issues. The issuance of the procedural policy shall be exempt from Article 2 (§9-6.14:7.1 et seq.) of the Administrative Process Act. Variables to be included in the risk assessment measures shall include, but not be limited to: (i) fatality and serious accident rates at the mine; (ii) the rates of issuance of closure orders and notices of violations of the mine safety laws of the Commonwealth at the mine; and (iii) the frequency rates for non-serious accidents or nonfatal days lost. Risk assessments shall be developed for both independent contractors and individual mine sites.

INQUIRY: DMM has received questions from mineral mine operators regarding the contractor information to be reported on the Mineral Mining Annual Tonnage Report. These questions deal with which contractors are to be reported, whether contractor wages have to be reported, and how operators can find the DMM Contractor Number for a specific contractor.

REVIEW: The Mineral Mine Safety Laws of Virginia require that DMM implement a risk assessment for contractors working on mineral mine sites. These laws further direct DMM to develop the contractor risk assessment process with the assistance of industry work groups. In compliance with these laws, a work group of mineral mining industry and DMM officials met in June of 1998 to determine the process of assessing risk for mineral mine contractors.

Once a contractor is first reported to DMM, the division issues a unique contractor identification number to the contractor. Contractors or mine operators may contact DMM to get DMM Contractor Numbers. Operators may also request a list of the contractors associated with a particular mine permit. DMM is currently working to establish an Internet web site. Once that site is operational, contractor lists with DMM Contractor Numbers will be available on the Internet. DMM will notify operators when the web site is operational. Contact Patsy Meacham (804-961-5007) or Cary Potte (804-961-5006) for information on contractor numbers.

NOTE:

Accidents and injuries involving contractor employees as well as mine employees must be reported to the Division of Mineral Mining. See Communication Memorandum No. 01-99 for information on reporting non-serious and non fatal injuries.

ATTACH-
MENT:

Mineral Mining Annual Tonnage Report (DMM-146)



COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF MINES, MINERALS AND ENERGY
 DIVISION OF MINERAL MINING

900 Natural Resources Drive
 P. O. Box 3727
 Charlottesville, VA 22903
 (804) 961-5000

MINERAL MINING ANNUAL TONNAGE REPORT
 REPORT FOR CALENDAR YEAR _____

EXPIRED

1. COMPANY NAME _____ PERMIT NO. _____
2. TOTAL TONS PRODUCED _____
3. WORKERS - Include the number of full or part-time persons who worked for any part of the period covered by this report. Include all owners, officers, clerical help, engineers and others who worked at the mine.

LICENSED OPERATOR

NUMBER OFFICE WORKERS	OFFICE HOURS	OFFICE WAGES	NUMBER PRODUCTION WORKERS PIT/PLANT	PRODUCTION HOURS	TOTAL PRODUCTION WAGES

CONTRACTOR(S)

(Use additional sheets as necessary)

CONTRACTOR NAME	DMM CONTRACTOR NUMBER	NUMBER WORKERS	HOURS WORKED	TOTAL WAGES
TOTAL FOR MINE				

REPORT REQUIRED BY LAW - Code of Virginia, Title 45.1, Chapter 14.4:1, Section 45.1-161.292:35.A requires this form to be filled out and returned to this office by the 15th day of February. Operations that do not submit tonnage reports may be subject to closure.

I, the undersigned, hereby certify that all information provided on this report is true and accurate to the best of my knowledge and belief. I further certify that all occupational injuries occurring on the mine site have been reported for calendar year _____.

SIGNED _____ TITLE _____ DATE _____



COMMONWEALTH of VIRGINIA

Department of Mines, Minerals and Energy

Division of Mineral Mining

P.O. Box 3727

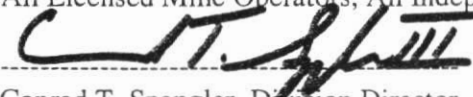
Charlottesville, Virginia 22903-0727

(804) 961-5000

Conrad T. Spangler III, Division Director

MEMORANDUM

TO: All Licensed Mine Operators; All Independent Contractors

FROM: 
Conrad T. Spangler, Division Director

SUBJECT: Reporting Non-serious and Non-fatal Injuries

DATE: June 14, 1999

The Mineral Mine Safety Laws of Virginia and the Safety and Health Regulations for Mineral Mining, 1998 require that all mine operators, including independent contractors, maintain a record of accidents and occupational injuries, and make that information available to state and federal mine inspectors. The Mineral Mine Safety Laws also require the Division of Mineral Mining (DMM) to perform a risk assessment for each mineral mine and for all independent contractors.

One element of the risk assessment involves the calculation of the injury frequency rate for each mine and for each independent contractor. This calculation is performed for each mine and for each contractor based on the accident reports and production information provided by the licensed mine operator. In the past, operators have filed their injury reports when the mine Permit/License Renewal was filed. This method of reporting injuries with the Permit/License Renewal can delay the reporting of some accidents for nearly a year. This delay can affect the risk calculation in that DMM may perform the calculation using incomplete data.

To correct this problem, DMM, in consultation with the Risk Assessment Advisory Committee, has evaluated the accident reporting and risk assessment process, and determined the best solution is for mine operators to report accidents and occupational injuries as they occur at the mine.

By July 9, 1999, licensed mine operators must submit to DMM any accident information that has not been previously reported. From July 9, 1999 forward, all accidents must be reported to DMM as the accidents occur. Reports must be for **all** accidents that occur at the mine, whether the person is employed at the mine or not or whether the person is an employee of the licensed operator or the employee of an independent contractor. Filing accident reports for employees of independent contractors is the responsibility of the licensed operator of the mine where the accident occurred, but the contractor who employed the miner may file the report directly with DMM.

Communication Memorandum 01-99 is enclosed and provides information on the definition of occupational injury and acceptable reporting forms. A copy of the DMM Accident Report Form (Form DMM-104c) is also enclosed for use at your discretion. You may copy the form as needed.

Reporting accidents in accordance with the guidance provided in this memorandum and Communication Memorandum 01-99 will enhance the consistency and value of the accident information that is reported. This will also help keep DMM's database of mine injuries up to date.

If you have any questions on accident reporting or Communication Memorandum 01-99, you may contact your site mine inspector, Gary Potter, Ron Mullins or me at 804-961-5000.

Enclosures

DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING



COMMUNICATION MEMORANDUM NO. 01-99

June 14, 1999

REFERENCE: Mineral Mine Safety Laws of Virginia, 1998 Edition - Section 45.1-161.292:52. Reports of other accidents and injuries.

A. Each miner employed at a mine shall promptly notify his supervisor of any injury received during the course of his employment.

B. Each operator shall keep on file a report of each accident including any accident which does not result in a lost-time injury. Copies of such report shall be given to the person injured or to his designated representative to review the accident report and verify its accuracy prior to filing such report for the review of state or federal mine inspectors.

Safety and Health Regulations for Mineral Mining 1998 - Section 4VAC 25-40-10 - Definitions.

"Occupational injury" means any injury to a miner which occurs at a mine for which medical treatment is administered, or which results in death or loss of consciousness, inability to perform all job duties on any day after an injury, temporary assignment to other duties, or transfer to another job as specified in the 30 CFR Part 50.2.

Safety and Health Regulations for Mineral Mining 1998 - 4VAC 25-40-50 - Duties of mine operators.

Reporting of accidents and injuries by the operator:

1. Report any accident involving serious personal injury or death to any person on the mine property. The report shall be made to the division by the quickest available means, and the scene of the accident shall not be disturbed until an investigation is conducted by the division. For accidents where the injured person is transported to a hospital, but confinement is not expected, the operator may either preserve the scene or collect relevant physical data and photographs as specified by the division. The division shall be notified immediately upon learning that the injured person has been admitted to the hospital for medical treatment. Head injuries that result in loss of consciousness at the site shall be reported immediately.
2. Keep on file a report of all accidents and occupational injuries occurring on the mine property for review by the division mine inspector. Such records shall be kept for five years.

INQUIRY: Mineral mine operators have posed questions regarding the accidents and injuries that must be reported and when and how these "other accidents and injuries" may be reported. **It should be noted that this memorandum applies only to non-serious and non-fatal personal injuries. Serious and fatal personal injuries must be reported to DMM immediately by the quickest available means. Communication Memorandum No. 1-98 provides information on reporting serious injuries.**

Medical treatment injuries must be reported to DMM as the accident reports are completed. This represents a departure from the current practice of providing accident reports with the Permit/License Renewal.

Medical treatment accidents may be reported to DMM on any of the various forms already used by operators to report injuries to other agencies. The Mine Accident Injury and Illness Report (MSHA Form 7000-1), the Employer's First Report of Accident (VWC Form No. 3) and the DMM Accident Report (DMM-104c) are acceptable forms for reporting medical treatment injuries. An operator may choose to develop and use his own form for reporting medical treatment injuries to DMM. Such a custom form should include, at a minimum, the following information:

- * Mine company name and mining permit number.
- * If the injured party is an employee of an independent contractor, the contract company's name, DMM contractor number, and address and telephone number.
- * The injured party's name, social security number and age.
- * The date and time of the injury.
- * The injured party's regular occupation and the years of experience at that occupation.
- * The occupation the injured party was doing at the time of the injury.
- * The injured party's years of experience with the employer.
- * The injured party's total years of mining experience.
- * Location at the mine where the injury occurred (ex. pit 1, mine shop, plant, etc.).
- * Equipment involved in the injury.
- * Parts of the body injured (ex. right arm, hand, head, back, etc.).
- * The number of workdays lost as a result of the injury.
- * Provide a brief description of the accident that led to the injury and describe the injury. Did an unsafe act or an unsafe condition cause the accident?

You are not required to report **first aid injuries** to DMM. First aid injuries are generally defined as injuries that require only limited nonprofessional treatment such as for minor cuts, scratches, abrasions, burns, and splinters, which do not ordinarily require medical care nor result in lost workdays.

**ATTACH-
MENT:**

- *30 CFR Part 50 Section 50.20-3
- *DMM Accident Report Form (DMM104c)

30 CFR § 50.20-3 - Criteria--Differences between medical treatment and first aid.

(a) Medical treatment includes, but is not limited to, the suturing of any wound, treatment of fractures, application of a cast or other professional means of immobilizing an injured part of the body, treatment of infection arising out of an injury, treatment of bruise by the drainage of blood, surgical removal of dead or damaged skin (debridement), amputation or permanent loss of use of any part of the body, treatment of second and third degree burns. Procedures which are diagnostic in nature are not considered by themselves to constitute medical treatments. Visits to a physician, physical examinations, X-ray examinations, and hospitalization for observations, where no evidence of injury or illness is found and no medical treatment given, do not in themselves constitute medical treatment. Procedures which are preventive in nature also are not considered by themselves to constitute medical treatment. Tetanus and flu shots are considered preventative in nature. First aid includes any one-time treatment, and follow-up visit for the purpose of observation, of minor injuries such as, cuts, scratches, first degree burns and splinters. Ointments, salves, antiseptics, and dressings to minor injuries are considered to be first aid.

(1) Abrasion. (i) First aid treatment is limited to cleaning a wound, soaking, applying antiseptic and nonprescription medication and bandages on the first visit and follow-up visits limited to observation including changing dressing and bandages. Additional cleaning and application of antiseptic constitutes first aid where it is required by work duties that soil the bandage.

(ii) Medical treatment includes examination for removal of imbedded foreign material, multiple soakings, whirlpool treatment, treatment of infection, or other professional treatments and any treatment involving more than a minor spot-type injury. Treatment of abrasions occurring to greater than full skin depth is considered medical treatment.

(2) Bruises. (i) First aid treatment is limited to a single soaking or application of cold compresses, and follow-up visits if they are limited only to observation.

(ii) Medical treatment includes multiple soakings, draining of collected blood, or other treatment beyond observation.

(3) Burns, Thermal and Chemical (resulting in destruction of tissue by direct contact). (i) First aid treatment is limited to cleaning or flushing the surface, soaking, applying cold compresses, antiseptics or nonprescription medications, and bandaging on the first visit, and follow-up visits restricted to observation, changing bandages, or additional cleaning. Most first degree burns are amenable to first aid treatment.

(ii) Medical treatment includes a series of treatments including soaks, whirlpool, skin grafts, and surgical debridement (cutting away dead skin). Most second and third degree burns require medical treatment.

(4) Cuts and Lacerations. (i) First aid treatment is the same as for abrasions except the application of butterfly closures for cosmetic purposes only can be considered first aid.

(ii) Medical treatment includes the application of butterfly closures for non-cosmetic purposes, sutures, (stitches), surgical debridement, treatment of infection, or other professional treatment.

(5) Eye Injuries. (i) First aid treatment is limited to irrigation, removal of foreign material not imbedded in eye, and application of nonprescription medications. A precautionary visit (special examination) to a physician is considered as first aid if treatment is limited to above items, and follow-up visits if they are limited to observation only.



COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF MINES, MINERALS AND ENERGY
 DIVISION OF MINERAL MINING
 900 Natural Resources Drive
 P.O. Box 3727
 Charlottesville, VA 22903
 (804) 961-5000

ACCIDENT REPORT

Company Name _____ Permit No. _____

Accident Date _____ Time _____ Shift _____

County _____ Telephone No. _____

Contractor Employee: Yes No

Contractor Name _____ Contractor No. _____

Address _____ Telephone No. _____

Type: Medical Treatment Serious Injury Fatal

Name of Injured _____ SSN _____

Regular Occupation _____ Total Experience _____

Occupation at Time of Accident _____ Experience _____

Location of Accident: Mine/Pit Crushing/Processing Shop
 Loadout/Stockpiles Other (specify) _____

Type of Equipment Involved: Mobile Equipment Mine Drill
 Crushing Screening Conveyors Bins/Hoppers
 Walkways/Platforms/Ladders Welding/Cutting Handtools
 Other (specify) _____

Body Part Injured: Eyes Head Hand Arm Foot
 Leg Back Other (specify) _____

Nature of Injury _____

Brief Description of Accident _____

Preventive Measures Taken _____

 Mine Inspector Completing Form

 Date Form Completed and Mailed



COMMONWEALTH of VIRGINIA

Department of Mines, Minerals and Energy

Division of Mineral Mining

P.O. Box 3727

Charlottesville, Virginia 22903-0727

(804) 961-5000

Conrad T. Spangler III, Division Director

MEMORANDUM

To: Contractors Who Work On Mineral Mines

From: 
Conrad T. Spangler, Division Director

Subject: Contractor Information Provided To The Division Of Mineral Mining (DMM)

Date: November 5, 1998

Recent changes to the Mineral Mine safety laws of Virginia require that licensed mineral mine operators provide the Division of Mineral Mining with information about contractors working on the mine site. Section 45.1-161.2:2-3 of the law specifies the information that must be provided.

In order to assist operators and contractors to provide the required information DMM has created the Contractor Identification Form for collection and submittal of the data. Use of the enclosed Contractor Identification Form is optional. Contractors or operators may develop and use their own form as long as the required information is provided. A copy of a Contractor Identification Form with information currently on file at DMM for your company is enclosed for your review.

Please note your "DMM Contractor #" that is shown on the form. This is your unique state Contractor Identification Number that should be used when contacting DMM with questions, updates or corrections to the contractor information maintained in the DMM database. As a contractor you may provide information about your company directly to DMM for inclusion in the database.

We are requesting your assistance in completing and updating your current records at DMM. By completing the process outlined below you will assist DMM in maintaining a current record. You will also develop an information sheet that you can use to provide a licensed mine operator with part of the required information that he must have in order for a contractor to legally work on a mine site.

- Please review the Contractor Identification Form that contains information about your organization. Cross through and correct any errors or incomplete information.

- Finish filling out the Contractor Identification Form by providing all of the remaining information to complete the "Contractor Information " portion of the form.
- Photocopy the completed form or copy your information onto the blank Contractor Identification Form that is provided in this mailing or you may use your own company form. Give a copy of the completed form to the licensed mineral mine operator when you begin a project on any mineral mine site. The licensed mine operator will complete the remainder of the form and submit it to DMM.
- Finally, mail a copy of the Contractor Identification Form that shows complete and accurate information to DMM so that your record can be updated. The copy of the form that you reviewed, corrected and finished filling in is acceptable for submittal to DMM. Mail to the DMM at the address shown on the letterhead.

Thank you for your help in updating your record with us.

Attachments:

Contractor Identification Form with available information.

Blank Contractor Identification Form

EXPIRED

32

CONTRACTOR IDENTIFICATION FORM

Section 45.1-161.292.3 of the Mineral Mine Safety Laws of Virginia requires that the applicant for a mine license include information about contractors working at the mine and to keep the information current by reporting any change within 30 days. This sheet may be attached to the License Renewal Application in response to Question 4.

Licensed Operator Information

COMPANY _____ PERMIT # _____

Location at mine where work is to be done _____

Date contractor began work on the mine _____

Date contractor information provided to Division of Mineral Mining in writing _____

Person who provided the information _____

Has production, worker and wage information been collected for reporting to Division of Mineral Mining on the Annual Tonnage Report at the end of the year? **This information must be reported on the annual report or the Mine License cannot be renewed.**

SIGNATURE OF LICENSED MINE OPERATOR _____ DATE _____

EXPIRED

Contractor information

Contractor's Trade Name _____

Business Address _____

Business Telephone Number _____ Contractor's MSHA Identification # _____

DMM Contractor # _____

Address of Record for Service of Citations and Other Documents _____

List services to be provided to the mining company:

Contractor person with responsibility for operating decisions:

Name

Address

Contractor person responsible for health and safety of employees:

Name

Address

O. GENE DICKNER
DIRECTOR

BENNY R. WAMPLER
DEPUTY DIRECTOR



C.M.H.
6/23/98

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Department of Mines, Minerals and Energy

Division of Mineral Mining

P.O. Box 3727

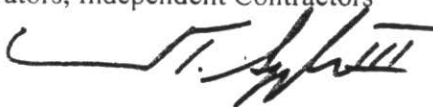
Charlottesville, Virginia 22903-0727

(804) 961-5000

Conrad T. Spangler III, Division Director

MEMORANDUM

TO: All Mineral Mine Operators, Independent Contractors

FROM: Conrad T. Spangler 

SUBJECT: Changes to the Mineral Mine Safety Act, and the Safety and Health Regulations for Mineral Mining

DATE: June 12, 1998

Mineral Mine Safety Act

EXPIRED

The 1998 General Assembly revised Virginia's Mineral Mine Safety Act to clarify the responsibilities of licensed mine operators and independent contractors. The revisions, contained in House Bill 1175, are effective **July 1, 1998**. A copy of HB1175 is attached.

HB1175 adds independent contractor members to the mineral mining certification board; eliminates the requirement for contractors to employ certified foremen unless the contractor is extracting or processing minerals; establishes a registry for contractors; creates a risk assessment procedure for contractors so that the Department of Mines, Minerals and Energy can better allocate resources and safety assistance; and requires mine operators and contractors to design a plan for training new and experienced miners and mine visitors about mine site safety.

Safety and Health Regulations for Mineral Mining

The Department of Mines, Minerals and Energy has amended its safety and health requirements to better protect the safety of persons on mineral mine sites, and the public and property in the vicinity of mineral mines. The amended regulation was published in the *Virginia Register of Regulations*, Volume 14, Issue 17 on May 11, 1998, and are effective **July 1, 1998**. A copy of the amended regulation is also attached.

The amendments incorporate new requirements added to the Mineral Mine Safety Act in 1994 and 1997; superseding previous communication memorandums issued by the Director of the Division of Mineral Mining; and incorporating changes recommended by the Regulatory Review Committee. The regulation provides operators with options for compliance which can reduce costs. It also improves the accountability for both operators and miners in areas such as training

(Over)

and inspecting equipment. The amendments include numerous changes, addressing general safety requirements at surface and underground mines, ground control, fire prevention and control, air quality and physical agents, explosives, mobile equipment, personal protection, travelways, electricity, materials handling, guards, mining near gas and oil wells, and reporting requirements.

Because the regulation addresses issues covered in Communication Memorandums No. 1-90, 2-90, 3-90, 4-90, and 1-91, the memorandums are no longer necessary and are rescinded, effective **July 1, 1998**.

Informational Meetings

Public informational meetings will be held in June and July, 1998 at various locations throughout Virginia to provide information on these changes to the Mineral Mine Safety Act and the Safety and Health Regulations for Mineral Mining. A notice of the locations, dates and times of those meetings is attached.

If you have any questions on this, or need information about the public meetings, please contact your state mine inspector, or this office at the address and phone number listed on the letterhead.

Attachments

EXPIRED

VIRGINIA DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING
P.O. BOX 3727
CHARLOTTESVILLE, VIRGINIA 22903
Telephone: (804) 961-5000

NOTICE OF PUBLIC INFORMATIONAL MEETING

ON

CHANGES IN VIRGINIA'S MINERAL MINING SAFETY & HEALTH REGULATIONS

AND

1998 MINE SAFETY ACT LEGISLATION (INDEPENDENT CONTRACTORS)

The Virginia Department of Mines, Minerals and Energy's, Division of Mineral Mining will hold public meetings at various locations to provide information on changes to the Mineral Mining Safety Laws of Virginia. These laws and regulations govern mine operators and independent contractors doing business on mine property in Virginia. The revised law and regulations will take effect July 1, 1998.

The public meetings will be held as listed below

		<u>DATE</u>	<u>TIME</u>
Wytheville, Va.	Municipal Building Meeting Room	6/30/98	8 a.m. - 12 noon
Suffolk, Va.	Virginia Dept. Of Transportation District Office	6/30/98	9 a.m. - 1 p.m.
Charlottesville, Va.	Department Of Forestry Office Bldg. main floor training room	7/07/98	8 a.m. - 12 noon
Loudoun, Va.	Loudoun Fire & Rescue Station/ Training Center	7/07/98	8:30 a.m. - 12:30 p.m.
Thornburg, Va.	Virginia Dept. Of Transportation Maintenance Training Academy	7/09/98	8 a.m. - 12 noon

The meeting rooms are accessible to the handicapped. Anyone needing special accommodations for a disability should contact the Department of Mines, Minerals and Energy by calling the Virginia Relay Center TTY/TTD 1-800-828-1120 or 1140 or the Division of Mineral Mining at (804) 961-5000 at least 7 days prior to the meeting.

VIRGINIA DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING

**DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING**

COMMUNICATION MEMORANDUM NO. 1-98

REFERENCE: 4 VAC 25-40-50—Duties of Mine Operators:

Reporting of accidents and injuries by the operator:

1. Report any accident involving serious personal injury or death to any person on mine property. The report shall be made to the division by the quickest available means, and the scene of the accident shall not be disturbed until the division conducts an investigation. For accidents where the injured person is transported to a hospital, but confinement **is not** expected, the operator may either preserve the scene, or collect relevant physical data and photographs as specified by the division. The division shall be notified immediately upon learning that the injured person has been admitted to the hospital for medical treatment. Head injuries that result in loss of consciousness at the site shall be reported immediately.
2. Keep on file a report of all accidents and occupational injuries occurring on the mine property for review by the division mine inspector. Such records shall be kept for five years.

INQUIRY: What specific physical data should be collected by the operator to comply with 4 VAC 25-40-50?

REVIEW: The Safety & Health Regulations for Mineral Mining, 1998 allow the mine operator to continue operating in an area where an accident has occurred if the accident was not fatal or is not anticipated to be classified as a "serious personal injury" as defined in the Virginia Mineral Mine Safety Act. In such cases, the operator assumes the responsibility to collect physical evidence and photographs in case the accident later results in a fatality or a serious personal injury.

INQUIRY

RESPONSE: In order to comply with Regulation 4 VAC 25-40-50, the operator or his agent is to collect the following information regarding an accident where hospitalization **is not** anticipated and the Division of Mineral Mining is not contacted. If the operator or his agent cannot collect this information, then he must contact the Division of Mineral Mining by the quickest available means to determine what relevant data and photos are to be collected.

- The date and time of the accident;
- The name, address, and telephone number of the injured person;
- Polaroid or 35 mm pictures of the accident site and equipment involved. Pictures should be documented with date, time name or photographer, and brief description of the photo taken;
- Any physical evidence which may be relevant to the accident;
- Identification of any equipment involved in the accident, including serial and model numbers, maintenance & inspection records;

- Accurate measurement of the accident scene and a scale drawing where such documentation would assist in the evaluation of the accident;
- Documentation that equipment or machinery involved in the accident has been reinspected after the accident by a competent person and documented by the certified foreman before being put back into service;
- List of witnesses with addresses and telephone numbers; and
- Name, address and telephone number of the employer if other than the licensed mine operator.

O. GENE DISHNER
DIRECTOR
BENNY R. WAMPLER
DEPUTY DIRECTOR



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Department of Mines, Minerals and Energy

Division of Mineral Mining


P.O. Box 3727

Charlottesville, Virginia 22903-0727

(804) 961-5000

Conrad T. Spangler III, Division Director

MEMORANDUM

To: Mineral Mine Operators
From: Conrad Spangler, Director 
Subject: Transferability of Mineral Mining Permits
Date: June 28, 1996

During the 1996 session of the General Assembly, Section 5.1-181 of Chapter 16, Title 45.1, Code of Virginia was changed to allow mineral mining permits to be transferred. This change was enacted to expedite and simplify the requirements for transferring permits from one permittee to another.

The law change will become effective on July 1, 1996. To assist you in requesting a permit transfer we have enclosed a copy of the revised law section, information outlining the transfer process, and copies of the forms that must be completed to initiate a permit transfer.

If you have any questions regarding permit transferability or the transfer process you may contact me or Gary Potter at this office.

GEP/CTS/pwm

Enclosures

DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING
P.O. BOX 3727
CHARLOTTESVILLE, VIRGINIA 22903
(804) 961-5000

TRANSFER PROCESS FOR MINERAL MINING PERMITS

Effective July 1, 1996 the mining laws of Virginia were changed to allow mineral mining permits to be transferred.

Applicability

The permit transfer process may be used to transfer a mineral mining permit from a permittee to another qualified permittee in the event of certain actions such as the sale of the operation, dissolution of a partnership or corporation, or to settle the estate of a deceased permittee. To use the transfer process the succeeding permittee must accept the entire permit area with all the current terms, amendments, and mine operating conditions as established by law or regulation and approved by the Division of Mineral Mining.

Process

The transferring permittee must prepare a Relinquishment of Mining Permit (DMM-112) and a Mineral Mining Annual Tonnage Report (DMM-146) covering the period from January 1 in the year of the transfer to the date the transfer agreement was finalized. These completed forms must be submitted with the permit transfer application.

The succeeding permittee must prepare a transfer application package which contains a completed Permit Transfer Acceptance (DMM-161), a completed License Renewal Application (DMM-157), a description or copy of the document that grants the right to enter and mine the property, and the Relinquishment form and Tonnage Report form that were completed by the transferring permittee.

These materials must be submitted in duplicate to the site Mine Inspector for review and approval. After processing by the Mine Inspector, the transfer application will be forwarded to the Division of Mineral Mining office in Charlottesville for final processing. The final processing will include a determination of eligibility of the succeeding permittee to hold a permit/license, Minerals Reclamation Fund eligibility and final review of the transfer documents and information.

Once the transfer application is determined to be complete and ready for approval, the succeeding permittee will be billed for bond, permit transfer fees and license fees. Upon receipt of the appropriate fees, the permit transfer will be completed, the permittees will be notified of the approval, and any bond refunds to the transferring permittee will be processed.

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 45.1-181 and 45.1-184.2 of the Code of Virginia, relating to the*
 3 *transfer of mineral mining permits.*

4 [H 1159]

5 Approved

6 Be it enacted by the General Assembly of Virginia:

7 1. That §§ 45.1-181 and 45.1-184.2 of the Code of Virginia are amended and reenacted as
 8 follows:

9 § 45.1-181. Permit required; fee; renewal fee; application; furnishing copy of map, etc., to
 10 landowner; approval by Department.

11 It shall be unlawful for any operator to engage in any mining operation in Virginia, without
 12 having first obtained from the Department a permit to engage in such operation and paying a fee
 13 therefor of twelve dollars per acre for every acre of land to be affected by the total operation for
 14 which plans have been submitted, which shall be deposited in the state treasury in a special fund to
 15 be used by the Director for the administration of this chapter. Such permits shall not be transferable.
 16 A permit shall be obtained prior to the start of any mining operation. If within ten days of the
 17 anniversary date of the permit the Director, after inspection, is satisfied that the operation is
 18 proceeding according to the plan submitted to and approved by him, then the Director shall renew the
 19 permit upon payment of a renewal fee by the operator of six dollars per acre for land to be affected
 20 by the total operation in the next ensuing year. The renewal fees shall be deposited in the state
 21 treasury in the special fund set out above. If the operator believes changes in his original plan are
 22 necessary or if additional land not therein as a part of the approved plan of operation is to be
 23 disturbed, he shall submit an amended plan of operation which shall be approved by the Director in
 24 the same manner as an original plan and shall be subject to the provisions of this section and
 25 §§ 45.1-182.1 and 45.1-183 hereof. A separate permit must be secured for each mining operation
 26 conducted. Application for a mining permit shall be made in writing on forms prescribed by the
 27 Director and shall be signed and sworn to by the applicant or his duly authorized representative. The
 28 application, in addition to such other information as may be reasonably required by the Director shall
 29 contain the following information: (1) the common name and geologic title, where applicable, of the
 30 mineral to be extracted; (2) a description of the land upon which the applicant proposes to conduct
 31 mining operations, which description shall set forth: the name of the county or city in which such
 32 land is located; the location of its boundaries and any other description of the land to be disturbed in
 33 order that it may be located and distinguished from other lands and easily ascertainable as shown by
 34 a map attached thereto showing the amount of land to be disturbed; (3) the name and address of the
 35 owner or owners of the surface of the land; (4) the name and address of the owner or owners of the
 36 mineral, ore or other solid matter; (5) the source of the operator's legal right to enter and conduct
 37 operations on the land to be covered by the permit; (6) the total number of acres of land to be
 38 covered by the permit; (7) a reasonable estimate of the number of acres of land that will be disturbed
 39 by mining operations on the area to be covered by the permit during the ensuing year; (8) whether
 40 any mining permits of any type are now held by the applicant and the number thereof; (9) the name
 41 and address of the applicant, if an individual; the names and addresses of all partners, if a
 42 partnership; the state of incorporation and the name and address of its registered agent, if a
 43 corporation; or the name and address of the trustee, if a trust, and (10) if known, whether the
 44 applicant, or any subsidiary or affiliate or any partnership, association, trust or corporation controlled
 45 by or under common control with applicant, or any person required to be identified by item (9)
 46 above, has ever had a mining permit of any type issued under the laws of this or any other state
 47 revoked or has ever had a mining or other bond, or security deposited in lieu of bond, forfeited.

48 The application for a permit shall be accompanied by two copies of an accurate map or aerial
 49 photograph or plan and meeting the following requirements:

50 (a) Be prepared by a licensed engineer or licensed land surveyor or issued by a standard mapping
 51 service or in such a manner as to be acceptable to the Director;

1 (b) Identify the area to correspond with the land described in the application;

2 (c) Show adjacent deep mining, if any, and the boundaries of surface properties, with the names of
3 owners of the affected area which lie within 100 feet of any part of the affected area;

4 (d) Be drawn to a scale of 400 feet to the inch or better;

5 (e) Show the names and location of all streams, creeks or other bodies of public water, roads,
6 buildings, cemeteries, oil and gas wells, and utility lines on the area affected and within 500 feet of
7 such area;

8 (f) Show by appropriate markings the boundaries of the area of land affected, the outcrop of the
9 seam at the surface or deposit to be mined, and the total number of acres involved in the area of land
10 affected;

11 (g) Show the date on which the map was prepared, the north arrow and the quadrangle name;

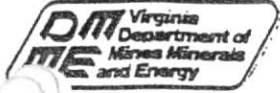
12 (h) Show the drainage plan on and away from the area of land affected, including the directional
13 flow of water, constructed drainways, natural waterways used for drainage and the streams or
14 tributaries receiving the discharge.

15 Upon receipt of a written request by any landowner on whose property a sand and gravel
16 operation is permitted pursuant to this section, the operator of the sand and gravel operation shall
17 provide a copy of the map, photograph or plan to the landowner.

18 No permit shall be issued by the Department until the Director has approved the plan of operation
19 required in this section and § 45.1-182.1 and the bond from the applicant as required in § 45.1-183.

20 § 45.1-184.2. Succession of one operator by another at uncompleted project.

21 Where one operator succeeds another at any uncompleted operation, whether by sale, assignment,
22 lease, merger, or otherwise, the Director may release the first operator from all liability under this
23 chapter as to that particular operation *and transfer the permit to the successor operator*; provided,
24 however, that the successor operator has been issued a permit and has otherwise complied with the
25 requirements of this chapter, and the successor operator assumes as part of his obligation under this
26 chapter, all liability for the reclamation of the area of land affected by the first operator. No fee, or
27 any portion thereof, shall be charged by the first operator or shall be returned to either operator. The permit fee for
28 the successor operator for the area of land permitted by the first operator shall be six dollars per acre,
29 except as provided by § 45.1-184.4. The mining permit for the successor operator shall be valid for
30 one year from the date of issuance and shall be renewed thereafter in accordance with the provisions
31 of this chapter.



COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF MINES, MINERALS, AND ENERGY
 DIVISION OF MINERAL MINING
 900 Natural Resources Drive
 P. O. Box 3727
 Charlottesville, Virginia 22903
 (804) 961-5000

RELINQUISHMENT OF MINING PERMIT

I, _____ of _____,
 (company official) (company)

hereby relinquish my permit rights to Mineral Mining Permit No. _____

issued under Chapter 16, Title 45.1, Code of Virginia for _____ acres at _____

_____ said area to be permitted to (other company or individual) _____

EXPIRED

Signed: _____

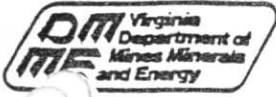
Title: _____

Company: _____

Sworn to and subscribed before me this _____ day of _____, 19____.

 Notary Public

My commission expires _____



COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF MINES, MINERALS AND ENERGY
 DIVISION OF MINERAL MINING
 900 Natural Resources Drive
 P. O. Box 3727
 Charlottesville, VA 22903
 (804) 961-5000

MINERAL MINING ANNUAL TONNAGE REPORT

REPORT FOR PERIOD BEGINNING _____, 19__ AND ENDING _____, 19__.

1. COMPANY NAME _____ PERMIT NO. _____
2. MINE NAME/NUMBER _____ COUNTY _____
3. MINERAL PRODUCED _____ TOTAL TONNAGE _____
4. WORKERS - Include the number of full or part-time employees who worked for any part of the period covered by this report. Include any owners, officers, clerical help, engineers and others who worked at the mine.

WORKER INFORMATION

TOTAL NUMBER	TOTAL HOURS WORKED	TOTAL DAYS OPERATED	TOTAL WAGES
-----------------	-----------------------	------------------------	----------------

EXPIRED

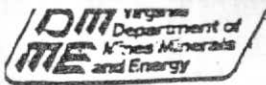
OFFICE _____
 QUARRY _____
 PLANT _____

NOTICE FOR WAIVERED OPERATIONS: IS THIS OPERATION COMPLETE?
 () Yes () No

REPORT REQUIRED BY LAW - Code of Virginia, Title 45.1, Chapter 14.2, Section 45.1-161.62A requires this form to be filled out and returned to this office by the 15th day of February.
Operations which do not submit tonnage reports may be subject to closure.

I, the undersigned, hereby certify that all information provided on this report is true and accurate to the best of my knowledge and belief.

DATE _____ SIGNED _____
 TELEPHONE _____ TITLE _____



COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF MINES, MINERALS & ENERGY
 DIVISION OF MINERAL MINING
 P. O. Box 3727
 Charlottesville, Virginia 22903
 (804) 961-5000

LICENSE RENEWAL APPLICATION

Ownership Information

1. Name of Applicant _____ Permit No. _____
2. Mailing Address _____
3. Office Telephone No. _____
4. Please complete any information that has changed since your original license application or since your last renewal.

Type of Organization:

- () Sole Proprietorship - Complete questions A,B,C,D,E,F,G,I
- () Corporation - Complete questions A,B,C,D,E,F,G,H,I,J,K,L,M,N
- () Partnership - Complete questions A,B,C,D,E,F,G,H,I
- () Other - Complete questions A,B,C,D,E,F,G,H,I

Specify: _____

- (A) Mine name, address and telephone number _____

- (B) MSHA ID number of the mine _____
- (C) Person with overall responsibility for operating decisions at the mine
 Name/Title _____
 Address _____
 Telephone No. _____
- (D) Person to be contacted in the event of an accident or emergency
 Name _____
 Address _____
 Telephone No. _____
- (E) Person with overall responsibility for health and safety at the mine
 Name _____
 Address _____
 Telephone No. _____
- (F) Person responsible for business operation of the mine
 Name _____
 Address _____
 Telephone No. _____
- (G) Applicant's Federal Tax ID Number _____
- (H) List all individuals having any ownership interest in the organization
 Name/Title _____
 Address _____
 Telephone No. _____

EXPIRED

(I) Trade name, address and telephone number for sole proprietors/partnerships

(J) Principal organization officials, corporate officers, directors and members

Name/Title _____

Address _____

Telephone No. _____

(K) Corporation name, address and telephone number if different than applicant

(L) State of Incorporation _____

(M) Registered Agent _____

Address _____

Telephone No. _____

(N) If a subsidiary, provide:

Parent Organization Name _____

Address _____

Telephone No. _____ State of Incorporation _____

5. Name, address and telephone number of person(s) authorized to sign Permit/License Documents _____

EXPIRED

6. Have any of the persons listed above or companies of which they are wholly or in part, by said persons, had a mining permit issued by Virginia or any other state revoked? () Yes () No

If yes, give a brief statement of action.

7. Have any of the persons listed above been convicted of violating any of the following sections: 45.1-161.60, 45.1-161.177, 45.1-161.178, and 45.1-161.233 as related to smoking in underground coal mines or tampering with methane detection equipment in underground coal mines? () Yes () No

If yes, give a brief statement of action.

8. List any other mining permits or MSHA Federal Identification Numbers issued to the applicant, members of the organization, or any person having 20% or greater ownership interest in the organization.

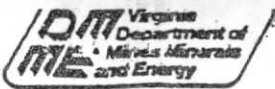
Issuing Authority	Permit No./Identification No.	Status
_____	_____	_____
_____	_____	_____

9. Attach to this License Renewal Application the name, address, telephone number and contact person of any contractors who will perform mining activities on the mine site in the next 12 months.

10. Attach to this License Renewal Application a report of each accident that has occurred on the mine site in the past 12 months. Check if none ()

I, _____ hereby certify that to the best of my knowledge, the information provided in this License Renewal Application is accurate and complete.

Operating Official Date



COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF MINES, MINERALS, AND ENERGY
 DIVISION OF MINERAL MINING
 900 Natural Resources Drive
 P.O. Box 3727
 Charlottesville, Virginia 22903
 (804) 961-5000

PERMIT TRANSFER ACCEPTANCE

I, _____ of _____
 (company official) (company)

hereby accept the transfer of Mineral Mining Permit No. _____ from

 (transferring company)

I agree to abide by the terms and conditions of Mineral Mining Permit No. _____
 issued under Chapter 16, Title 45.1, Code of Virginia until such time as the permit terms and
 conditions have been modified through the appropriate procedure and approved by the
 Division of Mineral Mining.

EXPIRED

Signed: _____

Title: _____

Company: _____

Sworn and subscribed before me this _____ day of _____, 19____.

 Notary Public

My commission expires, _____.



COMMONWEALTH of VIRGINIA

Department of Mines, Minerals and Energy

Division of Mineral Mining

P.O. Box 3727

Charlottesville, Virginia 22903-0727

(804) 961-5000

Conrad T. Spangler III, Division Director

MEMORANDUM

To: Mineral Mine Operators

From:


Conrad T. Spangler, Division Director

Subject: Mine Maps

Date: October 11, 1995

During the 1995 Session of the General Assembly, Section 45.1-161.64 of the Mine Safety Act was modified to clarify which operations are required to submit mine safety maps, the content of such maps and the time frames for submittal of the maps. Due to these changes, this memorandum supercedes a previous memorandum on mine maps which was dated December 9, 1994.

The changes to the map requirements are as follows:

Surface Mine Safety Maps

- shall not be required for surface mines unless they may intersect underground workings or the workings of underground auger, thin seam or highwall miners;
- shall be required to show the location of permanent explosive magazines and permanent fuel storage facilities;
- shall not be required to show "other relevant information" nor the inclination of the coal or mineral strata;
- shall be submitted annually coincident with the mine permit anniversary date;
- shall not be required in any annual period where there have been no changes in the information required.

Underground Mine Safety Maps

- shall be required to show the permanent explosive magazines, permanent fuel storage facilities and the general inclination of the coal or mineral strata;
- shall be submitted on a 6 month basis with the first submittal being coincident with the mine permit anniversary and subsequent maps being due every 6 months thereafter;

October 11, 1995

- shall not be required in any 6 month period where there are no changes in the required map information.

A copy of the revised Section 45.1-161.64 is enclosed for your review.

For those surface and underground mines that are required to submit mine safety maps the following guidelines may be used:

- 1) Operators have the flexibility either to submit separate safety and reclamation maps, or combine the requirements of the Virginia Mine Safety Act and the Mineral Mining Reclamation law in one map.
- 2) The Virginia Mine Safety Act provides that, with limited exceptions, mine safety maps are to be held confidential (subsection 45.1-161.64.B). There are no confidentiality provisions for reclamation maps. If an operator elects to submit one map to satisfy both the mine safety and reclamation map requirements, then DMME cannot hold the combined map confidential. The operator will be deemed to have waived his right to map confidentiality by virtue of his election to make the joint map submittal. If an operator submits separate mine safety and reclamation maps, then DMME can hold the safety map confidential. Such mine safety maps should be clearly marked "Mine Safety Map -- Confidential".
- 3) To assist operators in meeting the map requirements, DMM has drafted the attached lists of features to be included (i) on a mine map submitted for the Mine Safety Act requirements only, or (ii) on a mine map submitted for both mine safety and reclamation requirements.

If you have any questions please contact Gary Potter at (804) 961-5006.

CTS/GEP:pwm

Enclosures

INFORMATION FOR MINE SAFETY MAPS
CODE OF VIRGINIA SECTION 45.1-161.64.B

Surface Mineral Mine (Quarries)

- A. Location of pits, openings and excavations
- B. Location of permanent explosive storage areas
- C. Location of permanent fuel storage areas and containment structures
- D. Map scale to be 100 to 400 feet to the inch and stated on the map
- E. North arrow
- F. Date map was prepared
- G. Property lines of the tract being mined that are within 1000 feet of any part of the mine workings
- H. Outcrop of the mineral where applicable on the tract being mined that are within 1000 feet of any part of the mine workings.

Surface - Open pit mineral mines (sand and gravel, etc.)

- A. Location of pits, openings and excavations
- B. Location of permanent fuel storage areas and containment structures
- C. Map scale to be 100 to 400 feet to the inch and stated on the map
- D. North arrow
- E. Date map was prepared
- F. Property lines of the tract being mined that are within 1000 feet of any part of the mine workings
- G. Outcrop of the mineral where applicable on the tract being mined that are within 1000 feet of any part of the mine workings

Underground Mineral Mine

- A. Location of all openings, excavations, shafts, slopes and entries
- B. Location of main travelways, headings, rooms, pillars and airways with darts or arrows to show direction of air flow
- C. Location of abandoned, collapsed, filled or flooded areas of the underground workings
- D. General inclination of rock strata where applicable
- E. Location of permanent explosive storage areas
- F. Location of property lines of the tract being mined that are within 1000 feet of any part of the mine workings
- G. Map scale to be 100 to 400 feet to the inch and stated on the map
- H. Map legend to be provided and affixed to the map
- I. North arrow
- J. Date map was prepared
- K. Outcrop of the mineral where applicable on the tract being mined that are within 1000 feet of any part of the mine workings
- L. Location of permanent fuel storage areas and containment structures

INFORMATION FOR COMBINED SAFETY/RECLAMATION MAP
CODE OF VIRGINIA SECTIONS 45.1-161.64 and 45.1.-181; AND
SECTION 4 OF THE MINERAL MINING RECLAMATION REGULATIONS

Surface Mineral Mine (Quarries)

- A. Location of pits, permit boundaries, property lines and the names of property owners within 100 feet of the affected area
- B. Area to be mined, total number of acres involved in the affected area
- C. Drainage plan, including direction of flow, constructed drainways and sediment control structures, natural waterways used for drainage, and streams and tributaries receiving the discharge unless shown on a separate drainage map
- D. Typical cross-section of active walls showing height and width of benches
- E. Location of permanent explosive storage areas
- F. Location of permanent fuel storage areas and fuel containment structures
- G. Location of access roads and haul roads
- H. Location of water impoundments
- I. Location and names of all streams, creeks and other bodies of public water on the affected area and within 500 feet
- J. Location and names of roads, buildings, cemeteries, oil and gas wells and utility lines on the affected area and within 500 feet
- K. General location map
- L. Map scale to be 100 to 400 feet to the inch and stated on the map
- M. Identify the USGS quadrangle
- N. Date map was prepared
- O. Prescribed map legend to be firmly affixed
- P. Prescribed color code
- Q. North arrow
- R. Property lines of the tract being mined that are within 1000 feet of any part of the mine workings
- S. Outcrop of the mineral where applicable on the tract being mined that are within 1000 feet of any part of the mine workings

Surface Mineral Mines (Open pit sand and gravel, etc.)

- A. Location of pits, permit boundaries, property lines and the names of property owners within 100 feet of the affected area
- B. Area to be mined, total number of acres involved in the affected area
- C. Drainage plan, including direction of flow, constructed drainways and sediment control structures, natural waterways used for drainage, and streams and tributaries receiving the discharge unless shown on a separate drainage map
- D. Maximum height of active faces in the pit
- E. Location of permanent fuel storage areas and fuel containment structures
- F. Location of access roads and haul roads
- G. Location of water impoundments

Mineral Mining Safety/Reclamation Maps
Page 2

- H. Location and names of all streams, creeks and other bodies of public water on the affected area and within 500 feet
- I. Location and names of roads, buildings, cemeteries, oil and gas wells, and utility lines on the affected area and within 500 feet
- J. General location map
- K. Map scale to be 100 to 400 feet to the inch and stated on the map
- L. Identify the USGS quadrangle
- M. Date map was prepared
- N. Prescribed map legend to be firmly affixed
- O. Prescribed color code
- P. North arrow
- Q. Property lines of the tract being mined that are within 1000 feet of any part of the mine workings
- R. Outcrop of the mineral where applicable on the tract being mined that are within 1000 feet of any part of the mine workings

Underground Mineral Mine

- A. Location of all openings, shafts, slopes, entries, property lines and the names of property owners within 100 feet of the affected surface area
- B. Location of all main travelways, headings, rooms, pillars and airways with darts showing the direction of air flow
- C. Location of abandoned, collapsed, filled or flooded areas of the underground mine workings
- D. Surface area to be affected, total number of acres involved in the affected area
- E. Drainage plan, including direction of flow, constructed drainways and sediment control structures, natural waterways used for drainage, and streams and tributaries receiving the discharge unless shown on a separate drainage map
- F. General inclination of rock strata where applicable
- G. Location of permanent explosive storage areas
- H. Location of permanent fuel storage areas and fuel containment structures
- I. Location of access roads and haul roads
- J. Location of water impoundments
- K. Location and names of all streams, creeks and other bodies of public water on the affected area and within 500 feet
- L. Location and names of roads, buildings, cemeteries, oil and gas wells, and utility lines on the affected area and within 500 feet
- M. General location map
- N. Map scale to be 100 to 400 feet to the inch and stated on the map
- O. Identify the USGS quadrangle
- P. Date map was prepared
- Q. Prescribed map legend to be firmly affixed

- R. Prescribed color code
- S. North arrow
- T. Property lines of the tract being mined that are within 1000 feet of any part of the mine workings
- U. Outcrop of the mineral where applicable on the tract of land being mined that are within 1000 feet of any part of the mine workings

The Virginia Mine Safety Act provides that, with limited exceptions, mine safety maps are to be held confidential (subsections 45.1-161.64.B). There are no confidentiality provisions for reclamation maps.

If a mineral mine operator elects to submit one map to satisfy both the mine safety and reclamation map requirements, then DMME cannot hold the combined map confidential. The operator will be deemed to have waived his right to map confidentiality by virtue of his election to make the joint map submittal.

If an operator submits separate mine safety and reclamation maps, then DMME can hold the safety map confidential. Such mine safety maps should be clearly marked "Mine Safety Map - Confidential".

EXPIRED

SENATE BILL NO. 865

Senate Amendments in [] — February 1, 1995

A BILL to amend and reenact § 45.1-161.64 of the Code of Virginia, relating to mine maps.

Patrons—Reasor, Cross, Holland, R.J., Martin, Maxwell, Nolen, Norment, Potts, Waddell and
Wampler; Delegates: Abbitt, Barlow, Hargrove, Kidd, Mims, O'Brien, Shuler and Stump

Referred to the Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 45.1-161.64 of the Code of Virginia is amended and reenacted as follows:

§ 45.1-161.64. Maps of mines required to be made; contents; extension and preservation; use by Department; release; posting of map.

A. The operator of a mine, or his agent, shall make, or cause to be made, unless already made and filed, an accurate map of such mine, on a scale to be stated thereon of 100 to 400 feet to the inch. Such map shall show the openings or excavations, the shafts, slopes, entries and airways, with darts or arrows showing direction of air currents, headings, rooms, pillars and other relevant information, permanent explosive magazines, permanent fuel storage facilities, and such portions of such mine or mines as may have been abandoned, the general inclination of the coal or mineral strata, and so much of the property lines and the outcrop of the coal or mineral of the tract of land on which the mine is located, as may be within 1,000 feet of any part of the workings of such mine, and for underground mines only, the general inclination of the coal or mineral strata.

B. The operator of any surface coal or surface mineral mine, or his agent, shall not be required to submit a map of such mine to the Department for consideration for obtaining a mine license unless the mine may intersect (i) underground workings or (ii) workings of underground, thin seam, or highwall [coal mining mines]. The operator of either mines, or his agent, shall deliver a true copy of the mine map to the Department. The map shall be filed and preserved among the records of the Department and made available at a reasonable cost to all persons owning, leasing, or residing on or having an equitable interest in surface areas or coal or mineral interests within 1,000 feet of such mining operation upon written proof satisfactory to the Director and upon sworn affidavit that such person requesting a map has a proper legal or equitable interest; however, the Director shall provide to the person requesting a map only that portion of the map which abuts or is contiguous to the property in which such requesting party has a legal or equitable interest. In no case shall any copy of the same be made for any other person without the consent of the operator or his agent. The Director shall promptly deliver notice of such request to the operator of such mining operation.

C. The original map, or a true copy thereof, shall be kept by such operator at the active mine, open at all reasonable times for the examination and use of the mine inspector. Such operator shall twice within every twelve months, between December 1 and February 1, and between June 1 and August 1 of each year, while the mine is in operation, cause such mine to be surveyed and the map thereof extended so as to accurately show the progress of the workings, the property lines and outcrop as before described, and shall forward the same to the Department, to be kept on record, subject to the conditions stated herein. The Department shall assign a Mine Index number to the mine. The operator of an underground mine shall show such Mine Index number on the map at or near the portal.

D. The operator of a coal mine shall, twice within every twelve months, between December 1 and February 1 and between June 1 and August 1 of each year, while the mine is in operation, cause such mine to be surveyed and the map thereof extended so as to accurately show the progress of the workings, and the property lines and outcrop as described in subsection A, and shall forward the same to the Department to be kept on record, subject to the conditions stated in subsection B. If there are no changes in the information required by this section, an updated map shall not be required to be submitted to the Department.

E. The operator of an underground mineral mine shall, beginning on the anniversary date of the mine permit issued pursuant to Chapter 16 (§ 45.1-180 et seq.) of Title 45.1 and every six months

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thereafter, while the mine is in operation, cause such mine to be surveyed and the map thereof extended so as to accurately show the progress of the workings, and the property lines and outcrop as described in subsection A, and shall forward the same to the Department to be kept on record, subject to the conditions stated in subsection B. If there are no changes in the information required by this section, an updated map shall not be required to be submitted to the Department.

⊃ F. The operator of a surface mineral mine shall annually, beginning on the anniversary date of the mine permit issued pursuant to Chapter 16 (§ 45.1-180 et seq.) of Title 45.1, while the mine is still in operation, cause such mine to be surveyed and the map thereof extended so as to accurately show the progress of the workings, and the property lines and outcrop as described in subsection A, and shall forward the same to the Department to be kept on record, subject to the conditions stated in subsection B. If there are no changes in the information required by this section, an updated map shall not be required to be submitted to the department.

⊃ G. Such maps may be used by the Department for the evaluation of the coal resources of the Commonwealth

⊃ H. Copies of such maps shall be made available at a reasonable cost to the governing body of any county, city or town in which the mine is located upon written request; however, such copies shall be provided on the condition that they not be released to any person who does not have a legal or equitable interest in surface areas or mineral interests within 1,000 feet of the mining operation without the written consent of the operator or his agent. The governing body shall promptly deliver notice of any request for a copy of such a map to the operator or his agent.

I. At underground coal mines, an accurate map of the mine showing clearly all avenues of ingress and egress in case of fire shall be posted in a place accessible to all miners.

EXPIRED

Official Use By Clerks	
<p style="text-align: center;">Passed By The Senate</p> <p>without amendment <input type="checkbox"/></p> <p>with amendment <input type="checkbox"/></p> <p>substitute <input type="checkbox"/></p> <p>substitute w/amdt <input type="checkbox"/></p>	<p style="text-align: center;">Passed By The House of Delegates</p> <p>without amendment <input type="checkbox"/></p> <p>with amendment <input type="checkbox"/></p> <p>substitute <input type="checkbox"/></p> <p>substitute w/amdt <input type="checkbox"/></p>
Date: _____	Date: _____
_____ Clerk of the Senate	_____ Clerk of the House of Delegates



COMMONWEALTH of VIRGINIA

Department of Mines, Minerals and Energy

Division of Mineral Mining

P.O. Box 3727


Charlottesville, Virginia 22903-0727

(804) 961-5000

Conrad T. Spangler III, Division Director

MEMORANDUM

To: All Mineral Mine Operators

From: Conrad Spangler 

Subject: Mine License Information Required by the 1994 Mine Safety Act

Date: June 1, 1995

The 1994 Virginia Mine Safety Act requires mine operators to provide information about their mine and their business when applying for a mineral mine license. These requirements are found at Section 45.1-161.59 of the Code of Virginia. The Division of Mineral Mining is providing the enclosed License Renewal Application (DMM-157) to help operators comply with these requirements. Please use additional pages as necessary. If you previously have completed this form, then you may submit a copy of the previous submittal, with any changes noted, and attach the contractor and accident information to that copy.

The License Renewal Application asks for information about independent contractors who will be performing mining activities on the site. If you believe that any person is an independent contractor, then you should provide the information on the independent contractor. Independent contractors normally are those contractors responsible for the work they perform on the mine site. They typically use their own staff to inspect their work area and supervise their work. Other contractors who are under supervision or direction of the mine operator's staff do not need to be reported.

The License Renewal Application also asks for accident information. Operators should provide information on workers' compensation and MSHA reportable accidents as well as any other medical treatment accidents that occurred at the mine during calendar year 1994. You may submit copies of workers' compensation reports, MSHA accident reports, or use the enclosed Division of Mineral Mining Accident Report (DMM-104c).

Please submit the required information to the Division of Mineral Mining office in Charlottesville no later than June 22, 1995. If you have any questions regarding the forms or the information to be provided, please contact Gary Potter at (804) 961-5006.

Enclosures



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS & ENERGY
DIVISION OF MINERAL MINING
P. O. Box 3727
Charlottesville, Virginia 22903
(804) 961-5000

LICENSE RENEWAL APPLICATION

Ownership Information

1. Name of Applicant _____ Permit No. _____
2. Mailing Address _____
3. Office Telephone No. _____
4. Please complete any information that has changed since your original license application or since your last renewal.

Type of Organization:

- () Sole Proprietorship - Complete questions A,B,C,D,E,F,G,I
- () Corporation - Complete questions A,B,C,D,E,F,G,J,K,L,M,N
- () Partnership - Complete questions A,B,C,D,E,F,G,H,I
- () Other - Complete questions A,B,C,D,E,F,G,H,J

Specify: _____

(A) Name and address of the Mine _____

(B) MSHA ID number of the Mine _____

(C) Person at the mine with overall responsibility for operating decisions
Name/Title _____
Address _____
Telephone No. _____

(D) Person to be contacted in the event of an accident or emergency
Name _____
Address _____
Telephone No. _____

(E) Person at the mine with overall responsibility for health and safety
Name _____
Address _____
Telephone No. _____

(F) Person responsible for business operation of the Mine
Name _____
Address _____
Telephone No. _____

(G) Federal Tax ID Number of Applicant _____

(H) List all individuals having any ownership interest in the organization
Name/Title _____
Address _____
Telephone No. _____

EXPIRED



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS & ENERGY

DIVISION OF MINERAL MINING
P.O. BOX 3727
CHARLOTTESVILLE, VA 22903-0727

ACCIDENT REPORT

Company Name _____ Permit No. _____

Accident Date _____ Time _____ Shift _____

County _____ Telephone No. () _____

Type: [] Medical Treatment [] Lost-time [] Serious Injury [] Fatal
[] Illness/Disease specify _____

Name of Injured _____ SSN _____

Family Status [] Married [] Single [] No. of Dependents _____

Regular Occupation _____ Total Experience _____

Occupation at Time of Accident _____ Experience _____

Location of Accident: [] Mine/Pit [] Crushing/Processing
[] Loadout/Stockpiles [] Shop [] Other (specify) _____

Type of Equipment Involved: [] Mobile Equipment [] Mine Drill
[] Crushing [] Screening [] Conveyors [] Bins/Hoppers
[] Walkaway/Platforms/Ladders [] Welding/Cutting [] Handtools
[] Other (specify) _____

Body Part Injured: [] Eyes [] Head [] Hand [] Arm [] Foot
[] Leg [] Back [] Other (specify) _____

Nature of Injury _____

Brief Description of Accident _____

Preventive Measures Taken _____

Mine Inspector Completing Form

Date Form Completed and Mailed





COMMONWEALTH of VIRGINIA

Department of Mines, Minerals and Energy

Division of Mineral Mining

P.O. Box 3727

Charlottesville, Virginia 22903-0727

(804) 961-5000

Conrad T. Spangler III, Division Director

MEMORANDUM

To: Mineral Mine Operators

From: 
Conrad T. Spangler

Subject: Mine Maps

Date: December 9, 1994

The Virginia Mine Safety Act requires each mineral mine operator make an accurate scale map of the mine workings. The original map must be kept by the mine operator, with a copy furnished to the Division of Mineral Mining. The mine safety map requirements are found at Section 45.1-161.64 of the Code of Virginia. These requirements are in addition to the reclamation map requirements at Section 45.1-161 of the Code of Virginia and part IV of the reclamation regulations.

In order to minimize burden on operators, mine safety maps will only need to be furnished to DMM with annual permit/license renewal documents. Updates will be required every 6 months thereafter only if there are changes in the information that must be shown on the map.

Operators also have the flexibility either to submit separate safety and reclamation maps, or combine the requirements of the Virginia Mine Safety Act and the Mineral Mining Reclamation law in one map.

The Virginia Mine Safety Act provides that, with limited exceptions, mine safety maps are to be held confidential (subsections 45.1-161.64 B and E). There are no confidentiality provisions for reclamation maps. If an operator elects to submit one map to satisfy both the mine safety and reclamation map requirements, then DMME cannot hold the combined map confidential. The operator will be deemed to have waived his right to map confidentiality by virtue of his election to make the joint map submittal. If an operator submits separate mine safety and reclamation maps, then DMME can hold the safety map confidential. Such mine safety maps should be clearly marked "Mine Safety Map -- Confidential."

To assist operators in meeting the map requirements, DMM has drafted the attached lists of features to be included (i) on a mine map submitted for the Mine Safety Act requirements only, or (ii) on a mine map submitted for both mine safety and reclamation requirements.

If you have any questions please contact Gary Potter at (804) 961-5006.

attachments

Surface Mineral Mine (Quarries):

- A. Location of pits, permit boundaries, property lines and the names of property owners within 100 feet of the affected area
- B. Area to be mined, total number of acres involved in the affected area
- C. Drainage plan, including direction of flow, constructed drainways and sediment control structures, natural waterways used for drainage, and stream and tributaries receiving the discharge unless shown as a separate drainage map
- D. Typical cross-section of active walls showing height and width of benches
- E. General inclination of rock strata where applicable
- F. Location of explosive storage areas
- G. Location of fuel storage areas and fuel containment structures
- H. Location of access and haulroads
- I. Location of water impoundments
- J. Location and names of all streams, creeks and other bodies of public water on the affected area and within 500 feet
- K. Location and names of roads, buildings, cemeteries, oil and gas wells, and utility lines on the affected area and within 500 feet
- L. General location map
- M. Map scale to be 100 to 400 feet to the inch and stated on the map
- N. Identify the USGS quadrangle
- O. Date map was prepared
- P. Prescribed map legend to be firmly affixed
- Q. Prescribed color code
- R. North arrow
- S. Location of electrical substations
- T. Property lines of the tract being mined that are within 1000 feet of any part of the mine workings
- U. Outcrop of the mineral where applicable on the tract being mined that are within 1000 feet of any part of the mine workings

Surface Mineral Mines (Open Pit Sand & Gravel, etc.)

- A. Location of pits, permit boundaries, property lines and the names of property owners within 100 feet of the affected area
- B. Area to be mined, total number of acres involved in the affected area
- C. Drainage plan, including direction of flow, constructed drainways and sediment control structures, natural waterways used for drainage, and streams and tributaries receiving the discharge unless shown as a separate drainage map
- D. Maximum height of active faces in the pit
- E. Location of fuel storage areas and fuel containment structures
- F. Location of access and haulroads
- G. Location of water impoundments
- H. Location and names of all streams, creeks and other bodies of public water on the affected area and within 500 feet
- I. Location and names of roads, buildings, cemeteries, oil and gas wells, and utility lines on the affected area and within 500 feet
- J. General location map
- K. Map scale to be 100 to 400 feet to the inch and stated on the map
- L. Identify the USGS quadrangle
- M. Date map was prepared
- N. Prescribed map legend to be firmly affixed
- O. Prescribed color code
- P. North arrow
- Q. Location of electrical substations
- R. Property lines of the tract being mined that are within 1000 feet of any part of the mine workings
- S. Outcrop of the mineral where applicable on the tract being mined that are within 1000 feet of any part of the mine workings

O. GENE DISHNER
DIRECTOR
KATHY J. REYNOLDS
ASSISTANT DIRECTOR
FOR ADMINISTRATION
PENNY R. WAMPLER
ASSISTANT DIRECTOR
FOR MINING



DIVISIONS
ENERGY
GAS AND OIL
MINED LAND RECLAMATION
MINERAL MINING
MINERAL RESOURCES
MINES
ADMINISTRATION

COMMONWEALTH of VIRGINIA

Department of Mines, Minerals and Energy

Division of Mineral Mining

P.O. Box 4499

Lynchburg, Virginia 24502

(804) 239-0602

Conrad T. Spangler III, Division Director

MEMORANDUM NO. 02-93

TO: Mineral Mine Operators
FROM: Conrad T. Spangler III
Conrad Spangler, Division Director
SUBJECT: Temporary Cessation of Mining
DATE: May 12, 1993

Repealed by
1-04
7/26/04

REPLACED

Mining operations may be idled and reopened for extended periods of time due to many factors, often beyond a miner's control. Virginia's regulatory requirements governing temporary cessation of a mineral mining operation are prescribed by Mineral Mining Regulation Section 7.7.B.

The Department of Mines, Minerals and Energy, Division of Mineral Mining, has developed a procedure for temporary cessation to ensure consistent statewide application of regulation Section 7.7.B. Communication Memorandum 02-93 outlines the procedure mineral mine operators should use to apply for temporary cessation status on operations that have been or will be idle for a period of twelve months or more.

Communication Memorandum 02-93 will become effective on **July 1, 1993** to allow operators time to prepare the necessary documents to apply for temporary cessation. DMM Mine Inspectors will contact operators with sites which have had no production within the past year to review and discuss the temporary cessation requirements.

If you have any questions about Communication Memorandum 02-93, please contact Gary Potter at (804) 239-0602.

GEP:tlt:jar

Attachment:
Communication Memorandum No. 02-93

REFERENCE: Section 7.7.B, Mineral Mining Regulations, (page 16 of 22)

At the option of the operator and with the Director's concurrence, an operation can remain under permit for an indefinite period during which no mineral or overburden is removed if the following conditions are complied with:

1. All disturbed areas are reclaimed to prevent erosion and sedimentation as directed by the Director.
2. All drainage structures such as culverts, ditches, etc., are maintained to the Director's satisfaction.
3. All vegetation is maintained (reseeded as necessary) to the Director's satisfaction.
4. All improvements on site, including machinery and equipment, are to be maintained to a reasonable state of repair and condition.

If the above conditions are not met, the permit may be revoked by the Director in accordance with Section 45.1-186.1 of the Code of Virginia.

INQUIRY: Clarification was requested to outline the procedures necessary to place an operation in a state of temporary cessation. Such a procedure would ensure consistent enforcement statewide as well as provide guidance to operators applying for temporary cessation.

REVIEW: Section 7.7 of the Mineral Mining Regulations deals with completion of mining and the activities that must occur as a result of that completion.

Section 7.7.A declares that a mineral mine which has had no production in the past 12 months will be declared complete and total reclamation must begin.

Realizing that other circumstances may cause inactivity for periods greater than 12 months, Section 7.7.B establishes an alternative to mine closure and immediate reclamation. This alternative is a state of temporary cessation which is subject to the Director's discretion and certain specific conditions.

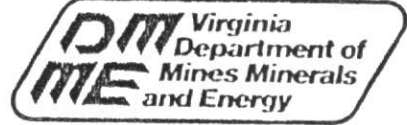
DIVISION

DIRECTIVE: Operators may comply with Section 7.7.B and request temporary cessation through the following procedure:

1. The operator, upon determining that the mine will be inactive for a period in excess of 12 months, should contact the Mine Inspector to conduct a site visit. During the site visit, measures and activities needed to comply with 7.7.B.1 through 4 should be discussed. Specific time frames for implementation of these measures should also be discussed.
2. The operator must submit a written request for temporary cessation. The written request must include the following:
 - A. A completed Request for Amendment (Form No. DMM-113).
 - B. A statement of the reasons for temporary cessation instead of final reclamation and closure.
 - C. The date the mine last operated.
 - D. The anticipated date that operations will resume. This is the requested duration of the temporary cessation; not to exceed one (1) year.
 - E. Narrative detailing what measures will be taken to comply with Section 7.7.B.1 through 4 and the time frame for completion of these measures.
 - F. A certification statement to the effect that

"I hereby certify that the information provided herein and all attachments submitted herewith are true to the best of my knowledge and belief. I understand that this temporary cessation does not relieve any of my obligations under Title 4.1 of the Code of Virginia or provisions of the approved permit. I will notify DMM in writing 10 days prior to resumption of mining activities. I realize that this notice will expire on (the date shown in response to item D above)."

3. There will be no bond release nor reduction on areas to be redisturbed once mining resumes.
4. The temporary cessation will be subject to review and renewal or denial at the end of the temporary cessation period. Renewal of temporary cessation will be in accordance with the procedures outlined above.
5. The site Mine Inspector and the Mine Inspector Supervisor will review the requests for temporary cessation and grant approval, denial or request additional information. The Mine Inspector Supervisor will have responsibility for final approval or denial and will indicate such by completing the bottom "office use" portion of the Request for Amendment (Form No. DMM-113).



MARCH 10, 1993

REFERENCE: Section 3.6.4a Reclamation Schedule - Mineral Mining Regulations, page 6 of 22

Reclamation Schedule. Shall include a statement of the planned land use to which the disturbed land will be returned through reclamation and the proposed actions to assure suitable reclamation. The method of grading, removal of metal, lumber, and debris, including processing equipment, buildings, and other equipment relative to the mining operation, seeding, fertilizing, and liming shall be specified.

INQUIRY: Mineral mining operators are interested in on-site disposal of on-site generated mineral mine wastes. A simplified procedure for such disposal has been developed through cooperative efforts of the Department of Waste Management and the Department of Mines, Minerals and Energy.

REVIEW: Regulation 3.6.4a requires detail disposal and handling and buildings, or in other w amation Plan is, equipment tes.

Some of these waste items exempted from the Department regulations, and accordingly involved placement in a DWM app en clearly ent (DWM) basically

The Department of Waste Management has promulgated new regulations which will become effective on March 8, 1993. These new regulations provide for a DWM exemption for certain on-site generated mine wastes and allow for on-site disposal, provided the disposal is authorized by the DMM mining permit.

These wastes include:

- | | |
|------------------|----------------------------------|
| Drill steel | Tree stumps/land clearing debris |
| Crusher liners | Large off the road (OTR) tires |
| Conveyor belting | Scrap metal/wood |
| Steel cable | Steel reinforced air hoses |
| Screen cloth | Broken concrete/block |
| Punch plate | V-belts |

REPLACED
Replaced by
2-04
2/26/04

GUIDELINES FOR ON-SITE DISPOSAL OF ON-SITE GENERATED SOLID WASTES

General

- 1) Existing permits must be amended prior to on-site disposal of on-site generated bulky mineral mining wastes as enumerated below. New applications for permits should detail any on-site disposal so future amendments will not be necessary.
- 2) There must be compliance with all existing operating and permit requirements.
- 3) Operators should recycle wastes to the maximum extent feasible and possible.
- 4) No garbage or common wastes such as empty oil containers, filters, liquids, etc. should be placed in the on-site disposal area. These materials should be placed in a permitted off-site waste disposal facility.
- 5) The disposal site should be properly maintained. All waste materials should be strategically placed to maximize storage volume and to provide special handling as required by the different waste categories.
- 6) The operator should clearly designate the area to be used for on-site disposal. In addition, the operator should comply with the following conditions:
 - a) The disposal area should be shown on the permit map.
 - b) The disposal site should be in an area that will not be further disturbed by mining.
 - c) The disposal site should be in an area that is not likely to be disturbed during implementation of the post-mining land use as designated in the approved reclamation plan.
 - d) The disposal area should be located as far from streams, water bodies, wells, etc. as possible, but in no case should be less than 100 feet from a surface body of water, less than 200 feet from a well, spring or other groundwater source of drinking water, or less than 50 feet from any public road right-of-way.
 - e) The disposal area should be located in the most impervious rock or soils available.
 - f) All disposal areas should be on permitted property and should be properly bonded.

- g) All completed disposal areas should be reclaimed in accordance with applicable mining standards as well as with any additional standards set forth in these guidelines.
- 7) The operator should submit detailed narratives and plans that include the following:
- a) Specific procedures for placement of wastes. This should include any measures taken to prepare the waste for disposal, the material on which the waste is to be placed, the depth of cover to be placed over the waste, the thickness of waste layer prior to covering, the time schedule for covering waste, and the type and source of material used for a cover.
 - b) The specific wastes to be placed in the disposal area. Disposal of wastes prior to approval by the Division of Mineral Mining (DMM) will result in enforcement action requiring removal of the unapproved wastes. Only on-site generated wastes are eligible for on-site disposal. Disposal of any off-site generated wastes require Department of Waste Management (DWM) approval.
 - c) Specific drainage and sediment control plans for the disposal area.
 - d) Specific procedures for final closure and reclamation of the disposal area.

Metals

Any metals to be disposed of on-site should be on-site generated wastes with little or no recycling potential. These metals may include drill steel, screen cloth, punch plates, crusher liners, steel cable and other non-recyclable scrap metals.

- 1) All materials that are large enough to protrude from the disposal area or into the cover layer should be cut, crushed or otherwise reduced to a size that can be accommodated by the site disposal area.
- 2) Steel cables should be wound onto spools and disposed of on the spool. Where spools are not available, cable may be coiled and secured with wire ties. Steel cables may also be cut into short segments for disposal. Segment lengths could vary depending on disposal site size and method of placement in the disposal area.

Rubber

The waste rubber products to be disposed of on-site could include non-recyclable conveyor belting, V-belts, air hoses and large, heavy equipment tires.

- 1) Conveyor belting should be rolled prior to placement in the disposal area. Short segments of belt may be placed on flat surfaces in the disposal area, i.e., pit floor or flat soil surface created on a covered waste lift. Lengths of segments disposed of in this manner could vary depending on the disposal area configuration.
- 2) V-belts may be buried in the on-site disposal area. Longer V-belts may be cut or coiled and tied prior to disposal.
- 3) Air hoses, generally steel-reinforced, should be coiled and bound with wire ties or cut into shorter lengths, suitable for the waste area, prior to disposal.
- 4) Large off-road tires ideally should be split prior to disposal. Because this is impractical in many cases, consideration should be given to sufficient cover to prevent any possible flotation. Depth of cover may be decreased by using a layer of boulders or stone rubble as part of the covering. Filling of the tire void with sand, fine crushed stone, or other suitable material may also reduce cover depth.
- 5) Only off-road tires with an outside diameter of 36 inches or greater should be placed in the on-site disposal area.

Demolition Waste

- 1) Demolition waste consisting of broken concrete, asphalt, brick, cinder blocks and stone is generally considered inert. Broken concrete, brick and block may be used for rip-rap in diversion ditches and pond outlets where suitable and approved in mine operating plans.
- 2) Excess demolition debris may be placed in the disposal area as a lower layer of the cover material. The heavier concrete material may be well-suited to covering the off-road tires disposed of on-site.
- 3) Demolition debris may also be used to backfill slopes to grades acceptable for reclamation and revegetation. Allowable slopes should not exceed 2 horizontal to 1 vertical.
- 4) All demolition debris used as outlined in Sections 1-3 above should be free of wood and other building materials. Wood may be handled as described in "Trees, Stumps, and Land Clearing Debris" below.

- 5) This section applies only to disposal of on-site generated demolition debris. Debris from off-site sources cannot be brought onto the mine site for use or recycling without prior written DMM approval.
- 6) Demolition waste containing paper or other construction materials should not be placed in the on-site disposal area but should be properly disposed of in a permitted off-site waste disposal facility.

Trees, Stumps, and Land Clearing Debris

- 1) Trees, stumps, and land clearing debris generated by mining activity may be disposed of on-site. However, every effort should be made to reduce the quantities of these materials. These efforts may include the following:
 - a) Limited quantities of suitable materials may be used to construct brush barriers for sediment control purposes subject to DMM approval.
 - b) If possible, trees should be sold to sawmills for pulp or sold for firewood.
 - c) Trees may be chipped and the chips used or sold as mulch. Some businesses have large portable chippers and will perform chipping on-site and then remove the chips for sale.
- 2) Land clearing debris or wood from on-site building demolition may be burned on-site when in compliance with local ordinances and Department of Air Pollution Control regulations. Areas may be designated for storage of these materials while awaiting favorable conditions for burning.
- 3) Stumps and heavier tree trunks may be buried in mined-out pits or backfill associated with slope reduction on highwalls. In these cases the debris should be placed in the deepest part of the fill and as far from any face slopes as possible. Vegetative debris should not be buried in the structural portion of any fill, berm, or embankment, and should not be placed in any embankment constructed to dam or retain water, slurries or tailings.
- 4) Vegetative debris to be buried should be covered with the most impervious soil material available to a depth equal to or greater than 1/2 the thickness of the material layer being buried. Minimum cover should not be less than 4 feet. Depth-of-cover standards should be maintained on top and on all sides of the waste material.

U. GENE BISHNER
DIRECTOR
KATHY J. REYNOLDS
ASSISTANT DIRECTOR
FOR ADMINISTRATION
BENNY R. WAMPLER
ASSISTANT DIRECTOR
FOR MINING



DIVISIONS
ENERGY
GAS AND OIL
MINED LAND RECLAMATION
MINERAL MINING
MINERAL RESOURCES
MINES

COMMONWEALTH of VIRGINIA

DEPARTMENT OF MINES, MINERALS AND ENERGY

Division of Mineral Mining
P. O. BOX 4409, 7705 Timberlake Road
Lynchburg, Virginia 24502
Telephone (804) 239-0602

Conrad T. Spangler, Division Director

MEMORANDUM

TO: MINERAL MINE OPERATORS

FROM: CONRAD SPANGLER *Conrad T. Spangler*

SUBJECT: WASTE MATERIALS BROUGHT ONTO MINE SITES

DATE: JANUARY 25, 1993

Recently we have received several inquiries concerning waste and other materials being brought onto mine sites for reuse, recycle, storage or disposal. These wastes range from clean soil or topsoil from a building site to regulated material such as contaminated soils, stumps and fly ash.

As you are aware, the operator of each permitted mine site must receive approval of the mine's Operations Plan which details handling, storage, disposal and reclamation of any topsoil, overburden and waste. Therefore, bringing any outside materials onto the mine site without prior mining permit approval is a violation of the Operations Plan. Such violation will result in appropriate enforcement actions, which can include cessation of the activity and removal of the material from the mine site to a proper disposal area.

The permit information you must submit to the Division of Mineral Mining to apply to undertake these activities depends on the material being handled. If you plan to bring any outside material onto a mine site you must describe the activity in the initial permit application, or for existing permits, in a request for amendment. Generally, the information required in the application or amendment request must include: (1) a physical and chemical description of the material; (2) a specific material handling plan which details use, storage, placement, drainage control, closure and specific location affected; (3) a copy of the site specific permits, plans and correspondence from other state, federal, or local agencies having jurisdiction e.g. Department of Waste Management, State Water Control Board, and county or city government.

Anyone considering an activity which brings outside material onto a mine site must contact the Division of Mineral Mining (DMM) and obtain approval in their permit prior to initiation of the activity. Inquiries may be directed to your DMM Mine Inspector or to Gary Potter at 804-239-0602.

CTS:GEP/tlt

INSPECTOR'S GUIDELINES FOR MATERIALS BROUGHT ONTO MINE SITES

General

1. Existing permits must be amended to identify all minerals, wastes, and bulk materials currently being brought onto the permitted mine sites for the proposed use of recycling, reprocessing, manufacturing, trans-shipment, resale, or reclamation purposes.
2. Operators must obtain an amendment prior to commencing new operations involving the import of minerals, wastes, and other bulk materials onto their permitted mine sites for the proposed recycling, reprocessing, manufacturing, trans-shipment, resale, or reclamation purposes.
3. Materials, which do not require an amendment, include mineral, which is packaged or confined to bulk containers on site. Fuels, including coal and coke, do not require permit amendments. Materials bought for specific uses such as building construction or road maintenance, do not require permit amendments.
4. Materials such as non-contaminated soils and minerals, concrete, and asphalt, which are not regulated by the Department of Waste Management, may be field approved by the Mine Inspector/Supervisor for import onto the permit area. Materials, which require additional permits from other agencies (DWM, SWCB; APC), should be referred to the DMM Permitting Section for review and approval.
5. No garbage or other common wastes, such as tires, tree stumps, oils, metal, or contaminated soil and mineral product shall be brought on to the permitted area at anytime. Metal extracted from pre-stressed concrete waste must be segregated from the concrete and removed from the permitted area to an approved "off-site" disposal facility.
6. All storage, recycling or reprocessing operations shall be confined to areas currently identified as disturbed or areas to be disturbed within the next twelve months on the permit map. All operations taking place within the permit area must be currently under bond. Any amendment application for the storage, manufacturing, reprocessing, resale, or trans-shipment activity, which are proposed for areas currently undisturbed and non-bonded, must be reviewed and approved by the DMM Permit Section.

Specific Requirements

Soils

The mine operator shall state that all soil material brought on the mine site for recycling, storage, or reclamation is free of contamination from hazardous materials. Soil materials include topsoil, composts, overburden, and mineral soils such as sand and clay.

Recycling:

The operator shall specify the approximate maximum volume of material to be stored on the mine site. Any screening or processing of soils should be identified, and the disposal of screenings or processing waste shall be addressed. The disposal plan shall also

include reference to periodic removal waste material from the permitted area. Provisions shall be made for the stabilization of stockpiles by temporary vegetative cover, when long-term storage is necessary. The operator shall insure that the storage area conforms with the site drainage control plan.

Reclamation:

The operator shall describe the timing and placement of soil material used in the reclamation phase of the mining operation. Temporary storage of the material shall be addressed as to compliance with the site drainage and soil erosion control plans.

Concrete/Brick

The mine operator shall insure that all concrete brought onto the mine site shall be free of excess metal reinforcement, or shall address the method of removal of the excess metal from the concrete and its proper disposal. The disposal process must also include reference to periodic removal of this material from the permitted site.

Recycling:

The operator shall provide a general statement identifying the proposed use, market, and demand for the recycled product. He shall also describe any recycling processes to be performed on the mine site and what equipment shall be required to perform these processes. Anticipated maximum storage volumes to be maintained on the site shall be addressed as well as a description of the storage method and description of location. All process and storage activities shall conform with the site drainage control plan.

Reclamation:

The operator shall describe the timing and placement of concrete and brick to be used in the reclamation phase of the mining process. Temporary storage of the material must be addressed as to compliance with the site drainage control plan. Where adequate revegetation may be hampered, the depth of soil cover to be placed over the fill material shall be addressed. Use of used concrete or brick for "rip-rap" and road materials shall also be identified in the amendment application.

Asphalt

Recycling:

The operator shall provide a general statement identifying the proposed use, market, and demand for recycled asphalt. He shall also describe any recycling processes to be performed on the mine site and what equipment shall be required to perform these processes. Anticipated maximum storage volumes to be maintained on the site shall be addressed as well as a description of the storage method and description of location. All process and storage activities shall conform with the site drainage control plan. Use of asphalt for road maintenance shall also be identified in the amendment application where material is stockpiled for multiple uses.

Reclamation:

The operator shall describe the timing and placement of asphalt and paving materials to be used in the reclamation phase of the mining process. It should be recommended that asphalt not be used as bulk fill material at or below the water table. Temporary storage of the material must be addressed as to compliance with the site drainage control plan. Where adequate revegetation may be hampered, the depth of soil cover to be placed over the fill material shall be addressed. Use of used asphalt as "rip-rap" should not be recommended. Use of asphalt and paving materials for use as road materials shall also be identified in the amendment application.

Trans-shipment Activities

The mine operator shall identify those mineral commodities, which are transported to the mine site from other mineral mining operations for trans-shipment by other means of transportation. He need only identify the minerals being trans-shipped; describe how they will be stored, indicate the storage locations, and insure that the storage area conforms with the site drainage control plan.

Resale Activities

The mine operator shall identify those mineral commodities, which are transported to the mine site from other mineral mining operations for resale. He need only identify the minerals being inventoried for resale, indicate the location of the sales area, and insure that the storage area conforms with the site drainage control plan.

**On-Site Disposal of Certain Site-Generated Mineral Mining
Wastes: Issue Paper**

*Office of Policy Analysis
August 1992*

Department of Mines, Minerals and Energy
**On-Site Disposal of Certain Site-Generated Mineral Mining
Wastes: Issue Paper**

Background

The Virginia Aggregates Association (VAA) has requested that the Department of Mines, Minerals and Energy (DMME) consider allowing the on-site disposal of certain site-generated mineral mining wastes on a case-by-case basis. Under the VAA's proposal, the mining wastes to be disposed of on-site could include the following: drill steel, screen cloth, punch plates, crusher liners, conveyor belting, steel cable, v-belts, steel-reinforced air hoses, tree stumps/land clearing debris, broken concrete/block, large off-the-road (OTR) tires, and scrap metal/wood.

In recent years, there has been an increased awareness of the need to reduce the amount of waste materials generated and disposed of in landfills. This has led to many special disposal conditions and fees and some prohibitions on the disposal of certain bulky materials, making off-site disposal of bulky non-mineral wastes increasingly difficult for mineral mine operators.

Regulatory Authority

Disposal of mining wastes is regulated by DMME under Section 3.6.4.A. of the Minerals Other Than Coal Surface Mining Regulations, VR 480-03-16, and by the Department of Waste Management (DWM) under the Solid Waste Management Regulations, VR 672-20-10. There are, however, a number of exclusions from the Solid Waste Management Regulations, including the following:

- Land application by surface spreading or incorporation into soil of wastes regulated by the State Board of Health, the State Water Control Board, or any other state agency with such authority (Section 2.4.C.2.);
- Mining overburden returned to the mine site (Section 3.2.A.7.);

- Solid waste from the extraction, beneficiation and processing of ores and minerals, including coal (Section 3.2.B.2.);
- Open burning of land clearing debris provided that permits required by the State Air Pollution Control Board and any applicable local authorities have been obtained (Section 4.1.G.2.); and
- Material consisting only of bricks, broken concrete, broken pavement, mortar, dirt or rock, which contains no paper, metal, or wood (Section 7.0.D.2.).

Issue

There is a proposal to allow on-site disposal of certain site-generated mineral mining wastes. The issue is whether the wastes should continue to be disposed of off-site in approved landfills, or whether the wastes can be disposed of on-site in a safe and environmentally sound manner.

Options

1. Continue to require that mineral mining wastes not now exempted be disposed of off-site in waste disposal facilities permitted to receive the specific waste materials, as under current regulations.

Pros:

- Would not result in increased administrative burden for DMME, i.e., new guidelines would not need to be developed, there would be no increased work associated with operational plan reviews, and the inspection program would not have to be adapted to ensure compliance with new guidelines; and
- Mineral mining operators would not have to comply with new guidelines issued by DMME.

Cons:

- Would not reduce the amount of waste materials disposed of in landfills;
- Many special disposal conditions and fees and some prohibitions on the disposal of certain bulky materials make off-site disposal of bulky non-mineral wastes increasingly difficult for mineral mine operators;

- Would be more expensive than on-site disposal for mineral mining operators;
- Wastes usually must be buried at a shallower depth off-site than on-site, resulting in less effective cover and increased risks of flotation and future need for re-excavation and re-burial;
- Would continue to be a duplication of regulation by DWM and DMME; and
- Would not be responsive to VAA's request.

2. Allow certain site-generated mineral mining wastes to be disposed of on-site under DMME guidelines and regulations.

Pros:

- Would reduce the amount of waste materials disposed of in landfills;
- Many special disposal conditions and fees and some prohibitions on the disposal of certain bulky materials make off-site disposal of bulky non-mineral wastes increasingly difficult for mineral mine operators;
- Would not reduce environmental protection provided for disposal of inert and similar wastes;
- Requirements for disposal of land clearing debris meet or exceed standards already approved for Virginia Department of Transportation projects;
- Would be less expensive than off-site disposal for mineral mining operators;
- Wastes usually can be buried at a greater depth on-site than off-site, resulting in more effective cover and reduced risks of flotation and future need for re-excavation and re-burial;
- Would reduce duplication of regulation by DWM and DMME; and
- Would be responsive to VAA's request.

Cons:

- Would result in increased administrative burden for DMME, i.e., new guidelines would need to be developed, there would be

increased work associated with operational plan reviews, and the inspection program would have to be adapted to ensure compliance with the new guidelines; and

- Mineral mining operators would have to comply with new guidelines issued by DMME.

Staff Recommendation

DMME recommends allowing on-site disposal of certain site-generated mineral mining wastes on a case-by-case basis in accordance with the attached guidelines. Any on-site disposal would be strictly limited to the specific waste materials listed in the guidelines. Liquids and other solid wastes could not be disposed of on-site. All waste materials not specifically listed in the guidelines would have to be properly disposed of in waste disposal facilities permitted to receive the specific waste materials.

DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING

COMMUNICATION MEMORANDUM NO. 01-91



REFERENCE: Section 6.1.C.10, Safety and Health Regulations for Mineral Mining, 1989.

"Explosive magazines shall be used exclusively for storage of explosives or detonators and kept free of all extraneous materials."

INQUIRY: Informal and formal hearings under the Virginia Administrative Process Act have been held to review violations cited under this regulation. Clarification is needed to provide guidance on what materials, in addition to explosives may be kept in the explosive magazine. Such guidance will assist the industry to comply as well as provide for consistent enforcement by DMM Mine Inspectors.

REVIEW: The purpose of limiting the types of material that can be stored in an explosive magazine is to provide for safety, prevent unplanned detonations, contamination of explosives, and fire hazards. Magazines are critical structures for the safe storage of explosives and require special handling.

DIVISION DIRECTIVE: Section 6.1.C.10 does not clearly state what materials are considered extraneous and therefore not allowed in an explosive magazine. The mine operator can meet the requirements of 6.1.C.10 by implementing the following:

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6/17/98

- A. Notifying the state mine inspector prior to making any change in the storage of materials in an explosive magazine.
- B. Storing only the following items: unused roll and cut plastic sleeving; nonsparking loading poles and punches; legwire; and plastic tubing for gas initiation systems. Other materials not approved by the Director will be considered extraneous.
- C. Keeping the magazine neat and orderly; separately stacking explosives, blasting supplies and related materials in a stable manner; and avoiding overcrowding of supplies to allow for rotation, inspection, and maintenance of inventory.
- D. Complying with related laws and regulations.

BA
6/18/91

GUIDELINES FOR DMM EMERGENCY RESPONSE ON MINE SITE

Attorney Mike Lepchitz made recommendations to DMM of what action we should take and clarify roles and responsibilities on mine sites during an incident. These recommendations were made in response to a written request from Tom Carroll, president of Virginia Aggregates Association.

After considerable research, discussion, and final interpretation, guidelines and conclusions have been drawn.

NOTE: This is an internal DMM document, drafted for the purpose of information and discussion based on findings from rulings. This is for informational purposes only for clarification of DMM's role at a mine emergency. A formal and final draft will be drawn and distributed at a later date.

Title 45.1 (Mining Laws of Virginia) and Title 27 (Fire Protection) have been thoroughly reviewed, with these findings:

45.1-1.9 states that the Department functions as the lead agency "for the enforcement of the provisions of the permit." In other words, the only time the phrase "lead agency" is used in the code is to address who is responsible for inspections and issuance of permits for mine sites in Virginia. This does not apply to all mine-related emergencies in which dual authorization or "conflict of law" may exist. Further explanation follows.

45.1-5(E) states "the mine inspector shall proceed immediately to the scene of any mine under his jurisdiction that results in loss of life or serious personal injury, and to the scene of any mine fire or explosion regardless of whether there is loss of life or personal injury. [WHY?] ... to make such investigation and suggestions and render such assistance as he deems necessary for the future safety of the employees [mitigation], and make a complete report ... as soon as practicable..." It further states that all costs of the investigation are to be paid by the county in which the accident occurred.

45.1-5(F) is clarified by the ruling given by Mike Lepchitz that concerns DMM's role on the scene of an incident. It states, "the mine inspector shall take charge of mine rescue and recovery operations whenever a mine fire, mine explosion, or other serious accident occurs, and shall supervise the reopening of all mines or sections thereof that have been sealed or abandoned on account of fire or any other cause."

Response from the AG's office states that we should give a narrow interpretation to the phrase, "take charge of mine rescue and recovery operations," to mean only those activities designed to rescue trapped miners and recover deceased miners. It does NOT mean any and all activities at a mine site related to an accident. The only additional activity DMM has legal authority for at an incident is to conduct investigations and make suggestions for mitigating the incident (45.1-5(E)). This allows the inspector to be freed from trivial details, such as traffic control, etc and enable him to concentrate specifically on the rescue and recovery function. It is in this capacity that the inspector may be part of a committee, or command structure, in which he would function as an advisor on that

It continues to state, "Any person or persons refusing to obey the orders of the fire chief or his deputies or other officer in charge at that time shall be guilty of a Class 4 misdemeanor. The chief or other officer in charge shall have the power to make arrests for violation of the provisions of this section. The authority granted under the provisions of this section may not be exercised to inhibit or obstruct members of law enforcement agencies or rescue squads from performing their normal duties when operating at such emergency incident, nor to conflict with or diminish the lawful authority, duties, and responsibilities of forest wardens, including but not limited to the provisions of Chapter 4, Title 10. PERSONNEL FROM THE NEWS MEDIA ... when gathering the news may enter AT THEIR OWN RISK into the incident area only when the officer in charge has deemed the area safe and only into those areas of the incident that do not, in the opinion of the officer in charge, interfere with the fire department or rescue workers dealing with such emergencies, in which case the chief or other officer in charge may order such person from the scene of the emergency incident."

In this case, it is up to the fire official to determine whether the media can enter a scene for the purpose of obtaining news, providing they remain in an area deemed safe and do not interfere with rescue activities. This is applicable, however, at only those times when the fire chief has the responsibility and authority at a scene - fire, explosion, or hazmat spill or release.

DMM does not and should not allow or deny media entry to a site. As long as the scene or media area is safe, whether they are allowed or denied entry is up to the owner/operator, media, and/or fire official, if present and in charge. Any dispute between the owner/operator and media should be handled by the local law enforcement agency for that jurisdiction. DMM should not be placed in the middle between the owner/operator and the media. This would go beyond the scope of our legal authority.

It is up to DMM to work responsibly with other emergency response personnel during an incident at a mine site. Under rescue/recovery operations, DMM is clearly the agency responsible and with the authority to take charge. For any other associated activity with the rescue/recovery - whether traffic and crowd control, media entry/denial, directing responding fire fighting personnel and equipment, etc., DMM does not have the authority. We do, however, have the responsibility to function on a command-team and advise other rescue and emergency response personnel of specific dangers that may be present on the mine site. DMM has the authority to clear sections of the mine that are dangerous to any person in that area.

DMM must inform other agencies and mining companies what its action and authority is in an emergency to ensure an open line of communication, a clear understanding of authority and responsibility of all responding agencies and officials, and professional teamwork toward the one common goal: reducing and mitigating risk to life, property, and environment. Such cooperation and pre-planning will result in smoother operation on everyone's part while at a multi-agency response scene. There will be plenty of activity for everyone to have authority over their respective areas of responsibility as well as opportunity to work together as a team.

DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING

COMMUNICATION MEMORANDUM NO. 4-90



REFERENCE: Section 4.20 Escapeways - Safety and Health Regulations for Mineral Mining, 1989.

"At least two exits or escapeways shall be provided in surface buildings and structures where personnel work or congregate."

INQUIRY: Recently, questions were raised as to the practicability of requiring two doorways in stationary cranes and control towers. Applying this regulation to surge tunnels was also mentioned as a concern since they are not places people congregate.

REVIEW: The intent of the regulation is to provide more than one avenue of escape in an emergency situation. Due to the broad scope of the mining industry, a specific enumeration of the areas where "escapeways" or emergency exits would be required is impractical. Areas where escapeways are required are those areas where the potential for entrapment of employees is possible. These areas include working places where there is a possibility of fire, explosion, inundation and other life threatening emergencies. "Working place" is defined under Title 45.1-2, Definitions, of the Code of Virginia as being "any place within the mine where men work or travel." Surge tunnels fall in this category and should be provided with two escapeways.

An evaluation of any situation other than surge tunnels must include common sense judgement as well as practical application. Cabs and control towers, where only one doorway is located, and the facility is situated in such a way that a doorway would not be impaired from escaping, would not be practical to have another door as escapeway.

DIVISION DIRECTIVE: Current enforcement of Section 4.20 requires that two "escapeways" be incorporated in surge tunnels now under construction.

Additional escapeways must be incorporated in existing surge tunnels where only one exists at the earliest convenient time during any reconstruction, repair, or when stockpiles are depleted to a point where construction could be implemented. Escapeway construction in many instances may serve a dual purpose of providing for drainage of the surge tunnel.

In structures and facilities other than surge tunnels, the mine inspector and the operator will evaluate the situation if additional escapeways are required.

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Racine
6/12/98

DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING

COMMUNICATION MEMORANDUM NO. 3-90

REFERENCE: Section 4.19 Safety and Health Regulations for Mineral Mining, 1989.

"Fire extinguishers shall be provided in all mobile equipment with an enclosed cab."

INQUIRY: We have been asked for clarification as to placement and type of fire extinguisher to satisfy requirements of Section 4.19.

REVIEW: The purpose of the fire extinguisher being placed inside the cab of mobile equipment is for protection of the operator should he/she be trapped and fire occur.

DIVISION
DIRECTIVE:

The mine operator can meet this requirement by attaching an extinguisher of choice inside the cab as long as the device meets the requirements of Section 4.13 below:

"Equipment and devices used for detection, warning, and extinguishing fires shall be:

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- A. suitable for the type of fire hazard that may be encountered;
 - B. maintained in fire-ready condition as specified by manufacturer;
 - C. strategically located, readily accessible, and plainly identified;
 - D. of the type, size and quantity that can extinguish fires of any class that may occur at the mine;
 - E. inspected at least monthly to ensure fire-ready condition.

If the operator so desires, and the requirements of Section 4.13 are met, the extinguisher may be located in the cab for protecting the mobile equipment.

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DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING

COMMUNICATION MEMORANDUM NO. 2-90

REFERENCE: Section 6.14. A - C Seismic Testing and Evaluation, Safety and Health Regulations for Mineral Mining, 1989.

Seismic testing and evaluation to determine compliance with blasting regulations shall:

- A. utilize approved instrumentation which measures both ground vibration and air blast;
- B. be conducted and analyzed by a qualified seismologist; and
- C. be conducted whenever directed by the Division.

INQUIRY: The division was asked if seismic monitoring and analysis had to be conducted by a qualified seismologist every time a seismograph was used to monitor a blast.

DIVISION DIRECTIVE: The requirement that seismographs be utilized to monitor each blast only applies should an operator apply for and obtain approval to use an alternative blasting schedule such as Table 3-B rather than the scaled distance formula.

The requirement that seismic testing and evaluation be conducted by a "qualified seismologist" only applies should the Division of Mineral Mining have reason to believe that current blasting practices are not in compliance with approved blasting regulations, or when seismograph data requires analysis to determine the blast vibration frequency and the peak particle velocity.

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DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING

COMMUNICATION MEMORANDUM NO. 1-90

REFERENCE: Section 1.1 Definitions - "Blasting Area" - Safety and Health Regulations for Mineral Mining, 1989.

"Blasting area" - means the area of mine in which concussion or flying material can reasonably be expected to cause injury, but in no case less than four times the depth of boreholes.

INQUIRY: The definition of "blasting area," as defined in Section 1.1 of the Safety and Health Regulations for Mineral Mining, 1989, has been reviewed for clarification and interpretation in answering questions received by our division.

REVIEW: Section 45.1-48g (12) of the Mining Law of Virginia states that "boreholes shall not be charged while any other work is being done at the face, and the shot or shots shall be fired before any other work is done in the zone of danger from blasting except that which is necessary to safeguard the employees." The zone of danger is understood to mean the area of the mine in which concussion or flying material can reasonably be expected to cause injury.

Section 56.2 of 30 CFR (MSA) defines blasting areas as "the area near blasting operations in which concussion or flying material can reasonably be expected to cause injury."

In the two references above, it appears that the "zone of danger" and "blasting area" have generally been used interchangeably and with the same intent.

Section 1.1 of the Safety and Health Regulations for Mineral Mining defines "blasting area" as the area of the mine in which concussion or flying material can reasonably be expected to cause injury, but in no case less than four times the depth of boreholes.

The opinion here is that the last part of the definition is intended as a 'rule of thumb' to represent a reasonably safe distance from the blast site during loading operations and was not intended to restrict activities in areas outside the "zone of danger." The statement relating four times the borehole depth to the blasting area resulted from questions in training classes as to "How far is a safe distance?"

Even though Title 45.1 Section 48G (12) refers to workers being removed from the face while boreholes are loaded, one would assume the "blasting area" or "zone of danger" to be defined as the 180-degree area in front of the loaded holes; however, there may be situations where the zone of danger encompasses the full 360-degree area.

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Section 6.3 Use: G (4) of the Safety and Health Regulations for Mineral Mining, 1989, states that prior to bringing explosives and detonators to blast site all personnel and equipment, except those used for loading the shot, shall be removed from the blasting area.

DIVISION
DIRECTIVE:

It is the responsibility of the mine operator and certified blaster to remove personnel and equipment to a reasonably safe distance from the blast site prior to loading holes.

The objective of the Division of Mineral Mining is to enforce the regulations consistent with the mining laws of Virginia. Therefore, "blasting area" will be evaluated by the mine inspector based on the possible danger involved in performing activities while blast hole loading is taking place and not solely on an arbitrary distance.

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MEMORANDUM

To: MINERAL MINING OPERATORS
From: William O. Roller, Mineral Mining Division Director
Re: DIVISION OF MINERAL MINING NOTES

DIVISION OF MINERAL MINING INTRODUCES NEW PERSONNEL:

Many of you have had the opportunity to meet some ^{of} DMM's new employees. Gary E. Potter, is DMM's new Environmental Engineer Consultant. Gary will review permit applications to ensure that applicable regulations are addressed and all required information is included in the application. He is also available to operators to discuss any concerns or problems relating to sediment structure design, reclamation, or other environmental issues.

Randy DeVaul, Mine Training and Research Supervisor, coordinates the certification and safety training programs and is available to the operators to discuss and solve the training needs both on-and off-site. Randy maintains the video library and provides video to the operators on a loan basis for on-site review.

Dave Benner is the DMM Eastern Mine Inspector Supervisor. He will be responsible for overseeing the mine inspectors in the eastern half of the Commonwealth and will respond to on-site serious and fatal accidents. Dave will reside in the Richmond area.

Paul Grizzle is the new Mine Inspector for the Essex County area. Paul will conduct training for operators in addition to his inspection responsibilities in safety and reclamation.

David Cress is the Mine Inspector for the Winchester area. David will also conduct training for operators in addition to his inspection responsibilities in safety and reclamation.

We are glad to have these people on board as we continue to provide the mineral mining industry with the best assistance possible in environmental, health and safety, and consistent interpretation of the laws and regulations.

ACCIDENT ABSTRACTS:

For the fourth quarter of 1989, there were no fatalities. There were, however, two serious accidents.

The first accident occurred as a railroad brakeman was attaching a connecting air line between a locomotive and an empty rail car. During this process, he was struck by another slow-moving locomotive on the adjacent track. The accident occurred because the brakeman failed to remain clear of the moving railroad equipment. The victim sustained multiple contusions to his head and body.

The second accident occurred while an employee attempted to secure drill rods on the rod storage rack with a come-a-long. The come-a-long slipped, causing the employee to lose his balance. He fell from the platform where he was working and over the 55-foot quarry highwall. There was no railing safeguard on the platform from which he was working and the safety line that was provided was not being worn. The employee sustained a fractured pelvis.

SAFETY AND HEALTH REGULATIONS:

All certified foreman and blasters should review the revised regulations that have been distributed by the Division of Mineral Mining. The new regulations implement the requirements of Title 45.1 Mining Laws by combining the revised 1977 Rules and Regulations, Governing the Mining of Metal and Non-Metallic Minerals and the 1985 Rules and Regulations Governing Blasting in Surface Mining Operations.

Changes include the deletion of outdated provisions and the rewording of some regulations in order to clarify their intent. All regulations relating only to "underground mines" were moved to Part 15. Parts 1-14 are applicable to both surface and underground mines unless otherwise stated. These changes will help facilitate industry compliance and aid personnel who are preparing for certification exams by combining all safety and health regulations into one comprehensive manual.

ALL CERTIFIED BLASTERS - PLEASE NOTE!:

As of January 1, 1990, a new law went into effect under the Virginia Fire Prevention Code, involving all blasters that function in a non-mining environment. Code Section F-2600.23 Certification of Blaster, states: "It shall be a violation of this code for any person to handle fire explosive materials unless the person, or his on-site supervisor, is a certified blaster." To be a certified blaster, the applicant shall successfully complete the blaster certification program of the Department of Housing and Community Development (DHCD). An applicant for this blaster's certification shall meet the following criteria:

- a. be at least 21 years of age;
- b. be able to understand and give written and oral instructions in the English language;
- c. have worked at least one year under the direct supervision of a blaster certified by the Commonwealth of Virginia or under the supervision of a blaster certified by another authority recognized by the Department of Housing and Community Development as being equivalent;
- d. have a working knowledge of federal, state, and local laws and regulations pertaining to explosive materials.

A temporary certificate may be issued to any person who meets the applicant criteria listed above if the person was employed as a blaster prior to filing the application for the temporary certificate.

For clarification, this means that a person currently blasting in a industry other than mining will be required to hold certification from the Department of Housing and Community Development (DHCD). If blasting is limited to mines only, certification is required through the Division of Mineral Mining. Should one be blasting in both types of industry, dual certification is required.

The temporary certificate application being distributed by DHCD is blue in color and is to be returned to the address on the application ONLY if a person will be blasting for an industry other than mining.

Should you have any questions, please give us a call at 804-239-0602.

SIGNATURE BY QUALIFIED PERSONNEL REQUIRED ON PERMIT APPLICATIONS:

All DMM permit applications and amendments must be signed by the owner or a principal corporate officer. The person signing these forms must be one of those listed in the first part of question number 6 on the Application/Operation Plan (Form DMM-101).

Signature by persons other than the owner or principal corporate officer will require proof that the person signing the form has legal authority to act on behalf of the company. Such proof may be submitted in the form of power-of-attorney or a written statement which specifies authority and is signed by the owner or principal corporate officer and notarized.

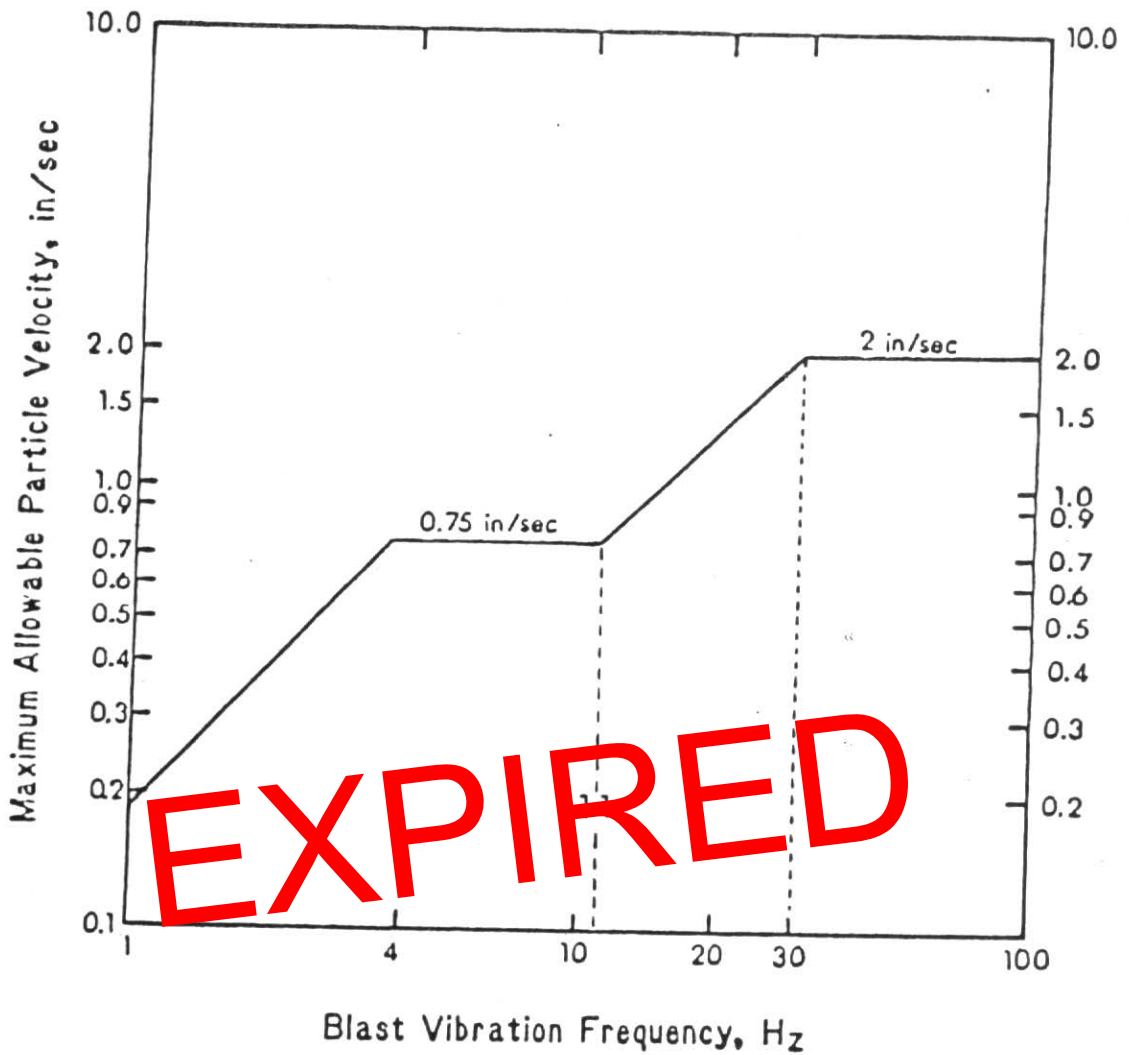
The company official in charge of the mine operation of the certified mine for a month on site may continue to sign the notices of non-compliance and receive copies of inspection reports.

ALTERNATIVE BLASTING CRITERIA:

Sections 6.11 and 6.12 of the Safety and Health Regulations for Mineral Mining, 1989, establish specific limits for ground vibration and air blast which occur as a result of blasting. Sections 6.11 and 6.12 also make provisions for alternate limitations. Operators may request the alternate limits by writing the Division of Mineral Mining. Approval must be granted by the Division in writing before alternate limitations will be allowed.

The enclosed tables represent alternate blasting level criteria which may be approved by the Division.

Enclosure - Tables



(From Bureau of Mines R 8507)

AIRBLAST LIMITS

Lower Frequency Limit of Measuring system, in Hz.	Max. Level in dB (± 3 dB)
1 Hz or lower--flat response<1>.....	134 peak
2 Hz or lower--flat response... (1).....	133 peak
6 Hz or lower--flat response.....	129 peak
C-weighted --slow response<1>.....	105 peak dBC

<1> Only when approved by the regulatory authority.