

**DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINED LAND RECLAMATION**

NOTICE OF REGULATION AMENDMENT

Effective August 9, 2005, the **Virginia Coal Surface Mining Reclamation Regulations** at 4 VAC 25-130-816.11 and 4 VAC 25-130-816.64 have been revised and amended as required by House Bill No. 2573, enacted as emergency legislation in Chapter 3 of the 2005 **Virginia Acts of Assembly**.

The amendments require –

- Coal mine permit boundary markers located on steep slopes above private dwellings or occupied buildings to be made or marked with fluorescent or reflective material, and
- Persons conducting blasting operations on coal mines occurring within 1,000 feet of a private dwelling or occupied building to conduct seismic monitoring of the blasting.

These are being implemented as emergency regulations and are immediately effective. The emergency regulations will remain in effect for one year. The regulations also will be subject to comment through the full regulatory process pursuant to the **Virginia Administrative Process Act**. A Notice of Intended Regulatory Action to make these emergency changes permanent will be published in the Virginia Register of Regulations on September 5, 2005. The regulations have been submitted to the Federal Office of Surface Mining Reclamation and Enforcement with other regulatory amendments of the **Virginia Coal Surface Mining Reclamation Regulations** (notice published in the Federal Register of June 14, 2005 - Vol. 70, No. 113, pages 34431-34435 and Federal Register of June 17, 2005 - Vol. 70, No. 116, pages 35199-35204).

Regulation Amendments –

4 VAC 25-130-816.11. Signs and markers.

(a) Specifications. Signs and markers required under this Part shall--

- (1) Be posted, maintained, and removed by the person who conducts the surface mining activities;
- (2) Be of a uniform design throughout the operation that can be easily seen and read;
- (3) Be made of durable material;
- (4) Be made of or marked with fluorescent or reflective paint or material if the signs are permit boundary markers on areas that are located on steep slopes above private dwellings or other occupied buildings; and**
- (5) Conform to local ordinances and codes.**

(b) Maintenance. Signs and markers shall be maintained during the conduct of all activities to which they pertain.

(c) Mine and permit identification signs.

(1) Identification signs shall be displayed at each point of access to the permit area from public roads.

(2) Signs shall show the name, business address, and telephone number of the permittee and the identification number of the current permit authorizing surface coal mining activities.

(3) Signs shall be retained and maintained until after the release of all bonds for the permit area.

(d) Perimeter markers. The perimeter of a permit area shall be clearly marked prior to the permit review conducted by the division's field enforcement personnel. The perimeter shall be clearly marked by flagging, stakes or signs. All markers shall be easily visible from adjacent markers. The approximate outer perimeter of the solid portion of any pre-existing bench shall be closely marked prior to permit review.

(e) Buffer zone markers. Buffer zones shall be marked along their boundaries, prior to permit review conducted by the division's field enforcement personnel. The boundaries shall be clearly marked by flagging, stakes or signs as required under 4 VAC 25-130-816.57. All markers of the buffer zone shall be easily visible from adjacent markers.

(f) Blasting signs. If blasting is conducted incident to surface mining activities, the person who conducts these activities shall:

(1) Conspicuously place signs reading "Blasting Area" along the edge of any blasting area that comes within 100 feet of any public road right of way, and at the point where any other road provides access to the blasting area; and

(2) At all entrances to the permit area from public roads or highways place conspicuous signs which state "Warning! Explosives In Use" which clearly list and describe the meaning of the audible blast warning and all clear signals that are in use, and which explain the marking of blasting areas and charged holes awaiting firing within the permit area.

(g) Topsoil markers. Where topsoil or other vegetation- supporting material is segregated and stockpiled as required under 4 VAC 25-130-816.22, the stockpiled material shall be clearly marked.

(h) Incremental bonding markers. When the permittee elects to increment the amount of performance bond during the term of the permit, he shall, if required by the division, identify the initial and successive incremental areas for bonding by clearly marking such areas (with markers different from the perimeter markers) prior to disturbing the incremental area(s).

4 VAC 25-130-816.64. Use of explosives; blasting schedule.

(a) General requirements.

(1) The permittee shall conduct blasting operations at times approved by the division and announced in the blasting schedule. The division may limit the area

covered, timing, and sequence of blasting as listed in the schedule, if such limitations are necessary and reasonable in order to protect the public health and safety or welfare.

(2) All blasting shall be conducted during daylight hours. The division may specify more restrictive time periods for blasting.

(3) Unscheduled blasts may be conducted only where public or permittee health and safety so require and for emergency blasting actions. When a permittee conducts an unscheduled blast, the permittee, using audible signals, shall notify residents within ½ mile of the blasting site and document the reason for the unscheduled blast in accordance with 4 VAC 25-130-816.68(p).

(4) Seismic monitoring shall be conducted when blasting operations on coal surface mining operations are conducted within 1,000 feet of a private dwelling or other occupied building.

(b) Blasting schedule publication and distribution.

(1) The permittee shall publish the blasting schedule in a newspaper of general circulation in the locality of the blasting site at least 10 days, but not more than 30 days, before beginning a blasting program.

(2) The permittee shall distribute copies of the schedule to local governments and public utilities and to each local residence within ½ mile of the proposed blasting site described in the schedule.

(3) The permittee shall republish and redistribute the schedule at least every 12 months and revise and republish the schedule at least 10 days, but not more than 30 days, before blasting whenever the area covered by the schedule changes or actual time periods for blasting significantly differ from the prior announcement.

(c) Blasting schedule contents. The blasting schedule shall contain, at a minimum-

(1) Name, address, and telephone number of the permittee;

(2) Identification of the specific areas in which blasting will take place;

(3) Dates and time periods when explosives are to be detonated;

(4) Methods to be used to control access to the blasting area; and

(5) Type and patterns of audible warning and all-clear signals to be used before and after blasting.

Should you have any questions regarding these regulations, please contact the DMLR's Reclamation Services Manager at (276) 523-8197.