

## ***Opportunities for Public Comment and Public Hearings Concerning Mineral Mining Activities Under the Virginia Mineral Mine Reclamation Laws and Regulations***

### ***INTRODUCTION***

The purpose of this brochure is to provide information regarding the public hearing process related to new applications for mineral mining permits. Mineral mines include rock quarries, open pit mines, dredging operations, and underground mines that extract a variety of non-fuel minerals. Mineral mining permits are issued by the Department of Mines, Minerals and Energy's Division of Mineral Mining (DMM) under the Virginia Mineral Mine Reclamation Laws and Regulations.

The public notification requirements for all new permit applicants give adjacent property owners advance notice of the intended mining operation. Public hearings and public comment periods provide these property owners the opportunity to voice their concerns or objections related to the proposed mining operations and reclamation plan.

### ***PUBLIC NOTIFICATION REQUIREMENTS***

The applicant for a mineral mining permit is required to notify adjacent property owners within 1000 feet of the proposed permit

boundary. These property owners have 10 days from receipt of notification to file written objections with the DMM Director and/or request a public hearing concerning the proposed mining operation. Public notification is required for initial or new applications only. No new notice is required for renewal applications or for the addition of acreage to existing mine permits.

### ***PUBLIC HEARING PROCESS***

The public hearing serves as an informal "information gathering" forum. The purpose of the hearing is to:

- Provide adjacent landowners and the applicant a forum in which to publicly address any objections or concerns regarding the proposed mining operation.
- Provide additional information to the public on the proposed mining operation.
- Provide an appeal process for any party aggrieved by the decision of the DMM to either issue or deny the permit.

### ***PUBLIC HEARING PROCESS***

The public hearing procedure is conducted in accordance with the Virginia Administrative Process Act. The hearing is

conducted by a presiding officer and is held in the general vicinity of the proposed mining operation. Persons attending the hearing may present written and/or oral statements, photographs, or other evidence. The hearing is recorded for future review.

The hearing is not an adversarial proceeding. Cross-examination is not permitted, as the hearing is intended to gather additional information for DMM and provide additional information to the public. Questions will be addressed to the presiding officer, who will determine what procedure is best for answering the questions. Due to time constraints, it may not be possible to respond to all questions or concerns at the hearing. An opportunity to provide additional written materials to the presiding officer after the hearing will also be provided. All issues raised will be addressed in the presiding officer's written recommendation.

Within 45 days following the close of the hearing, the presiding officer will make a written recommendation to the Director of DMM to issue the permit, deny the permit, or require the applicant to supply additional information prior to making the final permit decision.

Based on the recommendation of the presiding officer and any additional information that was requested and received pursuant to the recommendation, the Director of

DMM will either issue or deny the mine permit.

A copy of the Director's decision will be mailed to each person that requested the hearing, as well as the permit applicant.

Other participants in the public hearing may also request a copy of the decision.

### ***ADMINISTRATIVE APPEALS***

The issuance or the denial of the mine permit represents DMM's final decision, and as such may be appealed to civil court in the city or county where the mine is to be located. If the final decision is appealed, the procedures governing such an appeal are found in the Rules of The Supreme Court of Virginia and the Virginia Administrative Process Act.

### ***DMM AUTHORITY***

Through its administration of the Virginia Mineral Mine Reclamation Laws and Regulations, the Division of Mineral Mining provides for the safe and environmentally sound exploration and production of Virginia's non-fuel minerals. This is accomplished through the permitting process and regular mine inspections that address such areas as:

- Operation Plans

- Drainage Plans
- Mine Maps
- Mine Road Maintenance
- Construction Activities
- Screening of the Mine Operation
- Dust Control
- Erosion and Sediment Control
- Grading and Seeding
- Citizen and Worker Complaints
- Disturbed Area Bonding
- Blasting Operations
- Final Reclamation and Stabilization of the Site

Common issues of concern which are not covered under the Mining Law and Regulations are listed below:

- Land-Use and Zoning
- Traffic on Public Roads
- Property Values
- Hours of Operation
- Life of the Mining Operation

Please direct any questions to DMM's office in Charlottesville.



## **PUBLIC HEARING INFORMATIONAL BROCHURE**

**Department of Mines, Minerals & Energy  
Division of Mineral Mining  
900 Natural Resources Drive, Suite 400  
Charlottesville, Va. 22903  
Phone: 434-951-6310  
FAX: 434-951-6325**