



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

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 FAX (434) 951-6325

www.dmme.virginia.gov

COMMUNICATION MEMORANDUM - NO. 01 -16

TO: All Licensed Operators

FROM:

A handwritten signature in cursive script that reads "James P. Skorupa".

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. 01-10

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.



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900 Natural Resources Drive, Ste. 400

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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 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, <http://webdbbsg/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 45.1-161.292.32.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:
<http://www.dmme.virginia.gov/DMM>

- 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.



COMMONWEALTH of VIRGINIA

O. GENE DISHNER
DIRECTOR

BENNY R. WAMPLER
DEPUTY DIRECTOR

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Conrad T. Spangler III, Division Director

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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 experience 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 plans contain any highly invasive species, please work with your local DMM inspector to make the necessary changes to remove these from your revegetation plan.

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 02-04

February 26, 2004

- REFERENCE:** Part II 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.

Attachment

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.

-
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 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**



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 reseeding 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:

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).

O. GENE DISHNER
DIRECTOR

CHARLES M. HALE, JR.
CHIEF DEPUTY DIRECTOR

BENNY R. WAMPLER
DEPUTY DIRECTOR



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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

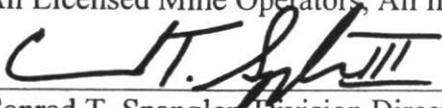
(804) 951-6310

Conrad T. Spangler III, Division Director

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



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 2 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 TWA₈ 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

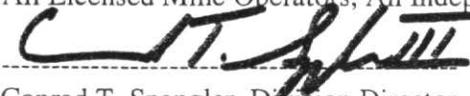
Charlottesville, Virginia 22903-0727

(804) 961-5000

Conrad T. Spangler III, Division Director

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
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 (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

**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.

U. S. DEPT. OF MINES
DIRECTOR
KATHY J. REYNOLDS
ASSISTANT DIRECTOR
FOR ADMINISTRATION
BENNY R. WAMPLER
ASSISTANT DIRECTOR
FOR MINING



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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 *C. 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.