

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF MINES, MINERALS AND ENERGY  
DIVISION OF MINERAL MINING  
ADMINISTRATIVE HEARING  
S. MERCER MAJOR SURFACE MINING PERMIT APPLICATION  
MIDDLESEX COUNTY, VIRGINIA**

On January 25, 2006 at 7:00 p.m., a public hearing was held at the Cooks Corner Office Complex. This hearing was held by the Commonwealth of Virginia, Department of Mines, Minerals and Energy, Division of Mineral Mining. This hearing was held in accordance with Chapter 16, Title 45.1, Section 184.1 of the Code of Virginia and the Administrative Process Act, Section 9-6.14:11. This hearing was held at the request of Mr. and Mrs. Richard Erwin, Mr. and Mrs. James Hall, Sr., Ms. Angela Lockley, and Mr. and Mrs. Michael Pausic. Testimony was received and considered as part of the permit application record. The comment period remained opened until February 1, 2006 for the receipt of additional information and comments from the permittee or other concerned individuals.

**STATEMENT OF FINDINGS**

S. Mercer Major applied to the Division of Mineral Mining on October 24, 2005 for a permit to operate a sand and gravel open pit on one (1) acre of land located 1.25 miles east of Stormont on Route 705 in Middlesex County.

Statements received from the complainants indicated that they oppose the issuance of the permit, citing the following reasons:

- Additional heavy equipment traffic on an over-taxed secondary road
- Noise from the proposed operation
- Mining would be inconsistent with the current low density rural zoning
- Adverse impact on existing property values
- Negative impact to the Dragon Run watershed
- Disruption of wildlife habitat; wildlife driven from area by industrial activity
- Possible disruption of development on surrounding land
- Lack of an Environmental Impact Study

**DECISION**

**1. Property devaluation/inconsistent land-use/development disruption:**

By written letter, property owners expressed their concerns that the mine would devalue their property, disrupt other development, and be inconsistent with the rural low density. Chapter 16, Title 45.1 of the Code of Virginia does not grant the Division the authority to regulate land-use. Responsibility for land-use issues rests with local zoning & planning authorities.

**2. Noise and heavy equipment traffic:**

Noise, in general, is regulated as a public health and safety issue, but more specifically when it applies to possible employee hearing loss. Only one acre is being permitted, with the pit being located in the northwest corner. The permit map shows setbacks from the property line of 30 to 350 feet, with the primary access road extending 400 feet from Route 705 to the pit. The location, topography, and vegetation of this site should assist in mitigating noise pollution. Operating equipment is required to be maintained according the manufacturer's specifications, which include mufflers for noise control.

The mining laws of Virginia do not apply to trucks on public highways. Traffic control and operation of motor vehicles on public roadways are under the jurisdiction of the Virginia State Police and local policing authorities. Problems related to traffic should be addressed to the appropriate jurisdictional agency.

**3. Lace of environmental impact study/wildlife disruption /Dragon Run impact:**

Chapter 16, Title 45.1 of the Code of Virginia does not require an environmental impact study to obtain a surface mine permit. Chapter 16, Title 45.1 does require an operations plan / permit application that addresses screening, road construction, storm drainage control, and reclamation of the site, to name a few of the permit requirements. A bond is also required to be submitted by the applicant to the Treasurer of Virginia, and this bond is held until final reclamation is completed. Storm drainage control measures have been incorporated into the mine operations plan to control off-site impacts. No evidence has been presented to show a negative impact on the local wildlife that would be specific to the proposed permitted area.

**CONCLUSION**

The Hearings Officer, after considering the letters submitted, comments made at the public hearing, and reviewing the application submitted to the Division of Mineral Mining, finds that S. Mercer Major qualifies for a Surface Mining Permit under Chapter 16, Title 45.1 of the Code of Virginia.

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Mr. Gary E. Barney  
Hearings Officer