

Virginia Department of Mines, Minerals and Energy  
Board of Surface Mining Review

Minutes of September 21, 2006 Hearing

The Board of Surface Mining Review (“Board”) met at 1:30 p.m., September 21, 2006, to consider an appeal by Nottoway Materials, Inc. (Permit Number 90455AA) of the revocation of its mining permit issued by the Department of Mines, Minerals and Energy’s Division of Mineral Mining. The Board conducted an administrative hearing in the conference room at the Sussex Department of Social Services, 20103 Princeton Road, Sussex, VA. 23884.

Three Board members were present to conduct the administrative hearing: James O. Crook, Chairman, Joyce K. Lewis, and Tom T. Makin.

John Ricciardi appeared on behalf of Nottoway Materials, Inc. David Benner of the Division of Mineral Mining and D. Nelson Daniel, Assistant Attorney General and counsel to the Division of Mineral Mining, appeared on behalf of the DMME.

Chairman Crook opened the hearing by inviting Mr. Daniel to present information supporting the revocation of Permit Number 90455AA issued to Nottoway Materials, Inc. Mr. Daniel reviewed the facts that caused the Director of the Division of Mineral Mining to revoke Nottoway Materials, Inc.’s permit for failure to simultaneously reclaim the mining site as required under Virginia Reclamation Regulations for Mineral Mining section 4VAC 25-31-360.A. Nottoway Materials, Inc. failed to comply with Special Order V71567 issued February 21, 2006 by its March 22, 2006 correction date, and Notice of Non-Compliance V71592 issued March 27, 2006 by its April 27, 2006 compliance due date. On June 20, 2006, the Director of the Division of Mineral Mining revoked for failure to comply with the Notice of Non-compliance. Mr. Daniel submitted proposed findings of fact and conclusions of law for the Board’s consideration.

Mr. Ricciardi presented information on the actions Nottoway Materials, Inc. had taken to reclaim the mine and comply with the Special Order and Notice of Non-compliance. Mr. Daniel then provided photographs of the mine illustrating its condition from the time of its operation to its current state. At the conclusion of Mr. Daniel and Mr. Ricciardi’s remarks, the Board affirmed the permit revocation. A written order will be prepared. The hearing was recorded.

There being no further business, the hearing was adjourned at approximately 2:45 p.m.

Minutes by: Conrad T. Spangler, III  
Secretary to the Board