

**VIRGINIA DEPARTMENT OF MINES,
MINERALS AND ENERGY
DIVISION OF MINERAL MINING**

**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 permits.

PUBLIC HEARING PROCESS

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

- Give adjacent landowners and the applicant a forum in which to publicly address any objections or concerns regarding the proposed mining operation.
- Set up 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 addressed in Virginia's Administrative Process Act (APA Section 2.2-4019). The hearing is conducted by a hearing officer and 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 only informational or fact-finding in nature. Questions will be addressed to the hearing 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. However, all issues raised will be addressed in the hearings officer's written recommendation.

Within 30 days following the close of the hearing, the hearing officer will make a written recommendation to the Director of DMM to either issue or deny the permit, or require the applicant to supply additional information prior to making the final permit decision. A copy of the hearings officer's recommendation 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 recommendation.

Based on the recommendation of the hearing officer and any additional information that was requested and received pursuant to the recommendation, the Director of DMM will either issue or deny the permit.

ADMINISTRATIVE APPEALS

The issuance of the permit, or the decision to deny the permit application, represents DMM's final order or case 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 order is appealed, the rules controlling such an appeal are found at Rule 2A, Rules of The Supreme Court of Virginia and Article 4, Court Review, of the Administrative Process Act. Parties with a right to appeal the final order have 30 days from the date of the issuance of the permit to file a notice of appeal under the referenced Rules. You must file a notice of appeal to begin the process. If you receive this notice of final order by mail, three days are added to the 30-day requirement.

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:

- Method of Operation
- Mine Map
- Mine Road Maintenance
- Construction Activities
- Screening of the Mine Operation
- Grading and Seeding
- Citizen and Worker Complaints
- Erosion and Sediment Control
- Operator Insurance Bond
- 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; Zoning
- Traffic on Public Roads
- Property Value
- Hours of Operation
- Life of the Mining Operation

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

PUBLIC HEARINGS INFORMATIONAL BROCHURE



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