

## **Board of Mineral Mining Examiners Meeting**

Summary Minutes

March 17, 2011

Charlottesville, VA

Members Present: Elisha Hall, Andrew Price, Raymond Roeder, David Ryan, Mike Sheets, and Conrad Spangler

Members Not Present: Darrel Haymore, David Johnson, and Virlo Stiltner

DMME Employees Present: Dave Benner, Mike Skiffington, Jeff Stewart, and Chrissi Wood-Smith

Others Present: Sam Hollins, VTCA, and Chris Kearnes, The Frazier Quarry, Inc.

The meeting was called to order at approximately 10:11 a.m. with an opening statement from Mr. Spangler and a brief introduction of the persons in attendance and an overview of the purpose and agenda of the meeting. The purpose of the meeting was for the Board (BMME) to review proposed changes to the Certification Requirements for Mineral Mining (4 VAC 25-35) that will allow for the submittal of certification applications and electronic payment of associated fees.

### **Director's Report**

Mr. Spangler informed the Board of two personnel changes that have occurred within DMME since the Board's last meeting on December 15, 2009: appointment of Mr. Spangler as the Director of DMME and appointment of Dave Benner as Director of DMM. Mr. Spangler noted that the legislative session had recently closed, and though numerous bills were considered, none would have a direct impact to the mineral mining industry and the ability of DMME to continue to provide our services. Mr. Spangler concluded the director's report by asking for any questions or comments and none were received.

### **Comment Period**

A copy of the proposed changes to the Board's certification rules was provided to those attending the meeting. Mr. Sam Hollins and Mr. Chris Kearnes addressed the Board on behalf of the aggregate members of the Virginia Transportation Construction Alliance (VTCA). Mr. Hollins and Mr. Kearnes commented that they are encouraged the Board is considering amending the certification requirements to allow for electronic submittal and processing of certification applications and associated payments. Mr. Kearnes re-iterated the VTCA's interest in an electronic certification process, which was discussed before the Board during the Board's December 15, 2009 meeting.

### **Information Items**

Ms. Chrissi Wood-Smith briefly described DMM's e-Forms system and the current status and proposed capabilities of the system to handle electronic certification applications and payments. The e-Forms system is used by mine operators to file permits, amendments, annual reports, pay permit-related fees, and other reporting requirements, and by independent contractors to handle

registration and annual reporting. The system is designed to process certification applications and associated fees, but it is not fully implemented and requires additional designing and programming. Ms. Wood-Smith next informed the Board that DMM is looking at ways to implement online/electronic training to customers. DMM has placed certification study guides and lists of available training programs on its web store, and is looking for other ways to make training materials and courses more accessible. DMM is also looking into the potential for providing online testing of some of its certifications, though implementation of this capability would be well in the future. Mr. Hollins and Mr. Kearnes commented that the VTCA is interested in the possibility of having the General Mineral Miner certification process as an on-line option. Mr. Stewart indicated that DMM will consider making this a training option as well as other possible on-line training options.

Mr. Mike Skiffington reviewed the standard regulatory process and updated the Board on the current status of their regulatory action. Mr. Skiffington handed out a copy of a flow chart that shows the three stages of the standard regulatory process: the NOIRA stage, the proposed stage, and the final stage. Mr. Skiffington noted that the Board's current regulatory action is at the end of the NOIRA stage. The NOIRA was submitted for executive branch review on July 27, 2010 and the comment period closed on October 27, 2010, with no relevant comments received. The proposed regulation is required to be submitted for executive branch review by April 27, 2011 in accordance with Executive Order 14. Mr. Skiffington will submit the proposed regulation by the April 27, 2011 deadline. Mr. Skiffington noted that from Notice of Intended Regulatory Action to adoption of the final regulations usually takes 18 to 24 months.

### **Action Items**

Mr. Spangler presented the next item of business for the Board: to review, discuss, and consider the proposed changes to BMME Certification Requirements for Mineral Miners (4 VAC 25-35). Mr. Skiffington reviewed the proposed changes to the board's certification requirements for mineral miners. The proposed changes to the requirements reflect the board's recommendations from the last meeting (held in December 15, 2009) and agency comments.

Upon completion of the review, the board voted unanimously to approve the proposed changes and continue with the regulatory approval process. The next stage is to submit the proposed action to the Office of the Attorney General and the Department of Planning and Budget for review and approval, followed by the cabinet secretary and then the governor for their review and approval.

### **Other Business**

The next Board meeting was not scheduled at this time. Mr. Spangler indicated that the next Board meeting likely will be scheduled following executive branch review and subsequent public comment period to review and approve a proposed final regulation.

**There was no further business and the meeting was adjourned at approximately 11:33 a.m.**