

Division of Mining and Reclamation

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The Division of Mining and Reclamation (DMR) oversees all mining activities. This includes reviewing permit applications for surface and underground coal mines, preparation plants, coal loading facilities, haulage ways, and coal-related dams. The Division also reviews permit applications for non-coal quarry operations (sand, gravel, limestone, etc.) and for National Pollutant Discharge Elimination System (NPDES) permits for coal and non-coal mining operations. It enforces compliance through regular inspections and ensures site reclamation through a bonding program.

The DMR is guided by the following laws and rules: W.Va. Code, Chapter 22, Article 3 (Surface Mining and Control Act), Chapter 22, Article 4 (Mining and Reclamation of Minerals Other than Coal); Chapter 22, Article 14 (Dam Control Act); Chapter 22, Article 11 (Water Pollution Control Act); Chapter 22, Article 12 (Ground Water Protection Act); W.Va. Code, Chapter 22B, Article 1. Rules: Title 38 Series 2 and 2B, CSR 47-30, CSR 47-10, CSR 46-1, CSR 38-3, and CSR 46-12. Rules require permit applicants to solicit public comments on proposed permits and permit modifications. Permit revisions may have unique public participation requirements as described.

SURFACE COAL MINING

Purpose:

To ensure the integrity of land and water resources when disturbed by mining operations and related activities.

Who must apply:

Anyone planning to disturb surface land for the following purposes:

- Underground or surface coal mining.
- Haulroad or access roads.
- Preparation plants for coal, tipples, and load outs.
- Coal refuse areas.
- Coal-related dams or impoundments.
- Conveyance systems such as slurry lines, conveyor belts, etc.
- Quarry operations.

Related laws/rules:

Laws

Surface Coal Mining and Reclamation Act - W.Va. Code, Chapter 22, Article 3.

Dam Control Act - W.Va. Code, Chapter 22, Article 14 (if dam meets dam control criteria).

Rules

W.Va. Legislative Rules, Title 38, Series 2.

Length of permit: Permits are valid for five years.

Fees:

<u>APPLICATION TYPE</u>	<u>APPLICATION FEE</u>
NOTICE OF INTENT TO PROSPECT	\$ 2,000.00
NOTICE OF INTENT TO PROSPECT GREATER THAN 250 TONS	\$2,000.00
SURFACE MINING APPLICATION	\$3,500.00
SIGNIFICANT (PERMIT REVISION/INCIDENTAL BOUNDARY REVISION)	\$2,000.00
PERMIT RENEWAL	\$3,000.00
PERMIT AMENDMENT	\$2,550.00
PERMIT TRANSFER	\$1,500.00/per permit
OPERATOR REASSIGNMENT	\$1,500.00 per permit
INACTIVE STATUS	\$2,000.00
COAL REMOVAL FOR CONSTRUCTION PURPOSES – 4C	\$3,500.00

Typical requirements of owner/operator:

- Ownership information of the applicant.
- Owner of both surface land and mineral rights.
- Source of legal right of the applicant to conduct operations.
- Names and addresses of all surface land owners within one hundred feet of the proposed operation as well as notifying those owners.
- Insurance information.
- Bond information.
- Maps and location of operation
- Subsidence control plan and underground abandonment plan for underground mines and auguring.
- Fish and wildlife resource information.
- Parks and historic land information.
- Hydrological data showing seasonal variations.
- Geological information.
- Blasting plan.
- Drainage plan.

Public participation:

Place a public notice (class IV legal advertisement) with a 30-calendar day public comment period in a local newspaper of general circulation in the county where mining activity will be held. Public comment period ends 30 days from the last date of publication. An informal conference will be held on request. Interested parties may appeal the agency’s decision on the permit to the Surface Mine Board.

Renewal period:

Permittee must reapply for a permit at least 120 calendar days before the current permit expires.

Contact:

The regional office to contact depends on the location of the facility. Please see the contact list at the back of this section.

Application processing time:

Application processing time depends on the following:

Administrative review -- Five working days, by law.

Technical review ----- Two months minimum, usually longer. Application review and deficiency notice (corrections required) sent to company within 30 calendar days. This process continues until application satisfies applicable laws, regulations, and policies.

Public participation ----- Two to four calendar months (concurrent with technical review) depending on whether a public hearing is required.

Total time required ----- Two months minimum, usually longer, depending on complexity of the application.

Other approval:

Applicant must obtain a NPDES permit.

Application must obtain approval for its groundwater protection plan.

Applicant may need a dam control permit

Applicant may need a Corps of Engineers 404 Permit and a state 401 certification.

Applicant must be in compliance with federal Department of Labor and state Workers’ Compensation laws.

Applicant may need approval from the State Historic Preservation Officer.

Applicant may need approval from State and Federal Fish and Wildlife agencies

Notice of Intent to Prospect

NOTE: An operator may apply for the following notice of intent to prospect, which provides the operator with the opportunity to evaluate the proposed site.

Length of notice:

Notice of intent to prospect is valid for two years.

Related laws/rules:

Laws

Surface Coal Mining and Reclamation Act - W.Va. Code, Chapter 22, Article 3.

Rules

W.Va. Legislative Rules, Title 38, Series 2.

Fees:

See fee schedule

Bond:

Reclamation bond (\$500 per acre or fraction thereof).

Renewal period:

Notice of intent to prospect is not renewable.

Application processing time:

The agency has 15 calendar days to approve or deny.

SURFACE MINING OF MINERALS – OTHER THAN COAL

Purpose:

To ensure the integrity of the land when it is disturbed from non-coal mining operations and related activities.

Who must apply:

Anyone planning to disturb surface land to mine or quarry minerals (i.e., limestone, flagstone, sandstone, shale, sand, iron ore, gravel, clay, and any other metal/metallurgical ore) and/or establish a preparation/processing plant, storage facility, or haul road. Certain exemptions may apply as per the law.

Related laws/rules:

Laws:

Surface Mining and Reclamation of Minerals other than Coal - W.Va. Code, Chapter 22, Article 4.

Rules:

W.Va. Legislative Rules, Title 38, Series 3

Length of permit:

Permits are valid for five years.

Fees:

Each permit has an application fee and a renewal fee as follows:

New application fee = \$1,000

Permit fee = \$1,000

Renewal fee = \$500

Typical requirements of owner/operator:

Submit an application that includes the following elements:

- Identity of minerals to be extracted and proposed acreage disturbance.
- Names and addresses of all surface land owners within five hundred feet of the proposed operation, as well as notification to these owners.

- Ownership information of the applicant.
- Owner of both surface land and mineral to be mined.
- Source of legal right of the applicant to conduct operations.
- Advertisement of proposed operation.
- Insurance information.
- Bond information excluding operations for limestone, sandstone, and sand.
- Maps and location of operation.
- Hydrological and geological information.
- Reclamation plan.
- Revegetation plan.
- Blasting plan.
- Drainage plan.

Public participation:

Place a public notice (class IV legal advertisement) with a 30-calendar day public comment period in a local newspaper of general circulation in the county where mining activity will be held. Public comment period ends 30 days from the last date of publication. An informal conference will be held on request. Interested parties may appeal the agency’s decision on the permit to the Surface Mine Board.

Renewal period:

Permittee must reapply for a permit at least 120 calendar days before the current permit expires.

Contact:

The regional office to contact depends on the location of the facility. Please see the contact on page M&R-8.

Application processing time:

Application processing time depends on the following:

Technical review - Four to Twelve calendar months, depending on the complexity of the application.

Public participation – Four to Twelve calendar months (concurrent with technical review), depending on whether a public hearing is required.

Total time required: Four to Twelve calendar months.

Other approvals:

Applicant must obtain a NPDES permit. Applicant may also need to receive a State 401 Certification.

Applicant may need approval from the United States Army Corps of Engineers.

Applicant may need approval from the State Historic Preservation Officer.

Applicant may need approval from State and Federal Fish and Wildlife agencies.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

Purpose:

To ensure the integrity of rivers, streams, and other surface water disturbed by discharges from coal, non-coal mining operations, and related activities.

Who must apply:

Anyone planning to construct or operate and/or discharge water from the following coal and non-coal mining operations:

- Surface and/or underground mining.
- Mining or quarrying of other minerals (i.e., limestone, flagstone, sandstone, shale, sand, iron ore, gravel, clay).
- Haul or access roads.
- Preparation Plants and Load Outs.
- Coal refuse areas and coal related dams or impoundments.

Related laws/rules:Laws

Water Pollution Control Act - W.Va. Code, Chapter 22, Article 11.

Rules

W.Va. Legislative Rules (NPDES) – Title 47, Series 10 – non coal; Title 47, Series 30 – coal mines. W.Va. Legislative Rules (water pollution control permit fee) – Title 47, Series 26. Water quality standards – Title 47, Series 2, Title 60, Series 5 Anti-degradation Implementation Procedures.

Length of permit:

Permits may be issued for no more than five years.

Fees:

There are two National Pollutant Discharge Elimination System permits - one for coal (Article 3 permit) and one for non-coal (Article 4 permit). Each permit has an application fee:

Coal:

New application fee = \$1,000

Re-issuance application fee = \$1,000

Annual fee = \$1,000

Modification fee = \$500

Non-coal:

Application fee - site specific - Title 47, Series 26

Annual fee - site specific - Title 47, Series 26

Typical requirements of owner/operator:

Submit an application that includes the following elements:

- Ownership information of the applicant.
- Mining plan.
- Maps and location of operation.
- Abandonment plan for underground mines.
- Hydrological data.
- Geological data.
- Drainage plan.
- Treatment designs and drawings.
- Outlet information.
- Groundwater protection plan.

Public participation:

Place a public notice (class IV legal advertisement) with a 30-calendar day public comment period in a local newspaper of general circulation in the county where mining activity will be held. Public comment period ends 30 days from the last date of publication. An informal conference will be held on request. Interested parties may appeal the agency's decision on the permit to the Environmental Quality Board.

Renewal period:

Coal operations - Permittee must reapply for a permit at least 120 calendar days before the current permit expires.

Non-coal operations - Permittee must reapply for a permit at least 180 calendar days before the current permit expires.

Contact:

The regional office to contact depends on the location of the facility. Please see the contact list in the back of this section.

Application processing time:

Coal operations - Technical review, public participation and the permit decision require 90 calendar days, generally longer, to complete. However, if the U.S. Environmental Protection Agency files an objection, or if there is a public hearing, the process can take longer.

Total time required (under normal circumstances) - 90 calendar days or longer.

Non-coal operations - Application processing time depends on the following:

Technical review - 90 calendar days
Public participation and permit decision - 90 calendar days
Total time required -180 calendar days

Other approvals:

Applicant must receive approval for its groundwater protection plan.

UNDERGROUND INJECTION CONTROL

Purpose:

To ensure that fluids injected underground will not endanger drinking water sources. The Division of Water and Waste Management regulates Class 5 wells. These wells include agriculture drainage wells, improved sinkholes, industrial disposal wells, stormwater wells and septic systems that have the capacity to serve 20 or more people.

Related laws/rules:

Laws

Water Pollution Control Act - W.Va. Code, Chapter 22, Article 11
Groundwater Protection Act - W.Va. Code, Chapter 22, Article 12

Rules

W.Va. Legislative Rules (Underground Injection Control Fee Schedule) - Title 47, Series 9
W.Va. Legislative Rules (Underground Injection Control) - Title 47, Series 13
W.Va. Legislative Rules (Groundwater Protection Act Fee Schedule) - Title 47, Series 55

Fees

Annual fee = Site Specific Title 47, Series 55

GROUNDWATER PROTECTION

Purpose:

To ensure the integrity of groundwater when it is disturbed by coal and non-coal mining operations:

- Surface and/or underground mining.
- Mining or quarrying of other minerals (i.e. limestone, flagstone, sandstone, shale, sand, iron ore, gravel, clay).
- Preparation Plants and load outs.
- Coal refuse areas and coal-related dams or impoundments.
- Underground disposal of wastes.
- Water, slurry, or sledge storage facilities.
- Placement of fill material and/or other impacts on state waters, including wetlands and/or mine bathhouses.

Related laws/rules:

Laws

Water Pollution Control Act - W.Va. Code, Chapter 22, Article 11
Groundwater Protection Act - W.Va. Code, Chapter 22, Article 12

Rules

W.Va. Legislative Rules (groundwater protection-coal mining) - Title 38, Series 2F
W.Va. Legislative Rules (groundwater standards) - Title 46, Series 12
W.Va. Legislative Rules (groundwater protection act fee) - Title 47, Series 56
W.Va. Legislative Rules (groundwater protection - non-coal) - Title 47, Series 58

Length of plan:

Plans are valid for the life of the associated NPDES permit. They are reviewed upon the reissuance of the NPDES permit and updated when alterations occur at the permitted site.

Fees

Annual fee = Site Specific Title 47, Series 55

Typical requirements of owner/operator:

Submit an application that includes the following elements:

- Ownership information of the applicant.
- Maps showing location of operation and location of sites in inventory.
- Groundwater protection plan. (Spill Response Plan)
- Inventory of Manmade Contaminants

Public participation:

Public participation is not required.

Renewal period:

Plans must be updated and approved during the reissuance of the associated NPDES Permit.

Contact:

The regional office to contact depends on the location of the facility. Please see the contact list on DMR website.

Application processing time:

Groundwater protection plan is processed as part of the NPDES permit. See application processing time for that permit.

Other approvals:

Applicant must obtain a coal mining permit (Surface Mine Control and Reclamation Act) and a NPDES permit.

STATE 401 CERTIFICATION**Purpose:**

To ensure that the proposed in stream activity will comply with state water quality standards. A state 401 certification must be obtained whenever a federal permit or license (i.e., US Army Corps of Engineers 404 permit) is issued for activities involving waters of the State.

Who must apply:

Anyone planning activity in jurisdictional waters of the United States, which requires an US Army Corps of Engineers 404 permit. Such as placement of fill material and/or other impacts on state waters, including wetlands.

Related laws/rules:Laws

Water Pollution Control Act -W.Va. Code, Chapter 22, Article 11-7a.

Rules

W.Va. Legislative Rules (state certification) - Title 47, Series 5A

W.Va. Legislative Rules (water quality standards) - Title 47, Series 2.

W.Va. Legislative Rules (Anti degradation Implementation Procedures) Title 60, Series 5.

Length of certificate:

Certificates are valid for the life of the Corps of Engineers 404 Permit. (Nationwide or Individual), unless conditional provision apply.

Typical requirements of owner/operator:

- Ownership information of the applicant
- Maps and location of operation
- Biological data (Benthic only)

- Stream/Wetland Delineation
- No practical alternative demon
- Stream restoration Plan
- Mitigation/ Compensation Agreement

Public participation:

Place a public notice (class IV legal advertisement) with a 30-calendar day public comment period in a local newspaper of general circulation in the county where mining activity will be held. Public comment period ends 30 days from the last date of publication. An informal conference will be held on request. Interested parties may appeal the agency’s decision on the permit to the Environmental Quality Board.

Contact:

The office to contact depends on the location of the facility. Please see the contact list in the back of this section.

Application processing time:

State 401 certification is reviewed concurrently with the NPDES and Article 3 or Article 4 permit. Administrative review – 60 days. Technical review 90 days to one year depending on complexity of the application and whether or not a Corp’s Nationwide permit or Individual permit is required.

Other approvals:

Applicant must receive a coal mining permit (Surface Mine Control and Reclamation Act), or quarry permit, a United States Army Corps of Engineers 404 Permit, and a NPDES permit.

OFFICE OF EXPLOSIVES AND BLASTING

The Office of Explosives and Blasting (OEB) oversee and regulate all blasting activities associated with surface coal mining. This includes reviewing Section T of all new and modified surface mine permit applications for surface and underground coal mines, preparation plants, coal loading facilities, haulage ways, and coal-related dams that propose to conduct surface blasting activities. The Office reviews all site-specific blast plans, as required, when blasting occurs within 1000 feet of any protected structure and reviews all pre-blast surveys conducted by the mining company for owners of structures within prescribed distances of the mining or blasting operations. The Office monitors compliance through regular inspections and investigations, sometimes generated by citizen complaint. Allegations of blasting damage are investigated and, at the complainants request, directed to a "third party" claims administrator for the purpose of determining if blasting caused the alleged damage and, if so, determine a repair or replacement value for the loss.

All permitting requirements, except for site-specific blast plans, are a part of the surface mine permit package and follow the required procedures set forth by the OEB Site-specific blast plans are submitted to the OEB by mining companies as they approach protected structures that are within 1000 feet of proposed blasting.

Pre-blast surveys are not required to be submitted in with the permit application, and are usually conducted after the mining permit is approved. Pre-blast surveys must be completed, and the office given at least 15 calendar days to review, prior to detonation of any explosives on a mining operation. Surveys are submitted directly to the OEB.

Coal mining permit, Section T and site-specific blast plans

Purpose:

To ensure that coal mining operations propose blasting activities that provide for the safety of the public and prevent damage to all structures outside the area disturbed in association with surface mining activities.

Who must apply:

Anyone planning to conduct blasting activities for the following purposes:

- Surface coal mining and the surface disturbance associated with underground mining.
- Coal haul or access roads construction.
- Construction of coal preparation plants, refuse areas, and load outs.

Related laws/rules:*Laws*

Surface Coal Mining and Reclamation Act - W.Va. Code, Chapter 22, Article 3

Office of Explosives and Blasting Act - W.Va. Code, Chapter 22, Article 3A

Explosive Fees, Calculation Requirements- W.Va. Code, Chapter 5b, Article 2A

Rules

W.Va. Legislative rules, Title 199, Series 1

W.Va. Legislative Rules, Title 38, Series 2

Length of permit:

Section T is a part of the mining permit and expires with the permit.

Typical requirements of owner/operator:

Submit a blasting plan (Section T) that includes the following:

- Indicates, by list, all owner/residents of all protected and other structures located within a 0.5 mile radius of the mining permit if a single operation is less than 200 acres or less than 300 acres when contiguous or nearly contiguous with two or more permitted areas; or 0.7 mile radius of the blasting area for all other mining operations.
- Provide a blasting map indicating the specific locations for all protected structures, utilities, gas wells/lines, underground mines within 500 feet, cemeteries, road, etc., and other man made structures within 0.7 or 0.5 miles radius of the permit or blasting area, whichever applies.
- Specifically, identify all structures within 1000 feet and provide estimated time when a site-specific blast plan will be submitted, prior to blasting within 1000 feet of the structure.
- Anticipated drill hole diameter, bench height, highwall alignment and other blast parameters affecting relief, confinement, explosive distribution, and other factors that influence blast vibration.
- Indication of how expected weather patterns, geologic and topographic conditions affect blast design.
- Measures taken to prevent injury to person(s), damage to public and private property, adverse impacts on underground mines, adverse impacts on ground and surface water, and measures taken to reduce dust outside the permit area.
- Explanation of blasting inspection and monitoring program.
- Safety precautions to protect persons working on the mining operation.
- Explanation of how individual blast locations will be identified.

Public participation:

No separate policy from mining program.

Renewal period:

Section T is renewed as part of the mining permit.

Application processing time:

Section T of the permit application is reviewed as part of the mining application and within the estimated time frame provided by the Division of Mining and Reclamation (DMR).

Other Approvals:

The OEB is the only agency responsible to approve section T of the mining application and the only approving authority of site-specific blasting plans.

CONTACT LIST FOR DMR/BLASTING

The office to contact depends on the county in which the permit is located. See the list below for the appropriate office:

Headquarters

601 – 57th Street
Charleston, WV 25304
Phone: (304) 926-0490 Fax: (304) 926—0456

Regions 1 and 2 - Philippi, WV

105 S. Railroad Street
Suite 301 Philippi, WV 26416
Phone: (304) 457-3219 - Fax: (304) 457-5613
Counties served: Barbour, Berkeley, Braxton, Brooke, Calhoun, Clay, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Randolph, Ritchie, Roane, Taylor, Tucker, Tyler, Upshur, Webster, Wetzel, Wirt, and Wood counties.

Region 3 - Oak Hill, WV

254 Industrial Dr.
Oak Hill, WV 25901
Phone: (304) 465-1911 - Fax: (304) 465-0031
Counties served: Fayette, Greenbrier, Kanawha, Nicholas, and Raleigh counties.

Region 4 - Welch, WV

331 Court Street
Welch, WV 24801
Phone: (304) 436-2181 - Fax: (304) 436-6337
Counties served: McDowell, Mercer, Monroe, Summers, and Wyoming counties.

Region 5 - Logan, WV

1101 George Kostas Dr.
Logan, WV 25601
Phone: (304) 792-7250 - Fax: (304) 792-7258
Counties served: Boone, Cabell, Lincoln, Logan, Mason, Mingo, Putnam, and Wayne counties.