

<b>DIVISION OF MINED LAND RECLAMATION</b>		<b>PROCEDURE NO.</b>	3.3.06
<b>PROCEDURES MANUAL</b>		<b>ISSUE DATE</b>	04/10/15
<b>SUBJECT</b>	Coal Exploration	<b>Section</b>	Reclamation Services
		<b>Last Revised</b>	8/18/00

**OBJECTIVE AND INTENT:**

To ensure the proper permitting, inspection, and monitoring of coal exploration operations.

**GENERAL:**

Pursuant to 4 VAC 25-130-772.11(a), a **coal exploration notice E-Form (DMLR-PT-051)** must be submitted to the Field Inspector **PRIOR TO** commencing coal exploration which plans to remove **250 tons or less** of coal from lands outside a permit area that will disturb the land surface. Such exploration which commences prior to submittal of the E-Form shall be subject to appropriate enforcement action per 4 VAC 25-130-843. Generally, if coal exploration activities are conducted by the permittee within their permit area, a field approved revision to the plans is required and no coal exploration notice is required. However, if a different company or individual plans to conduct coal exploration activities within a permitted area, a coal exploration notice is required for that company or individual. Consult your Supervisor regarding specific situations not addressed herein.

Pursuant to 4 VAC 25-130-772.12(a), a **coal exploration permit application (DMLR-PT-062)** must be submitted to the Field Inspector and issued by the Division **PRIOR TO** commencing coal exploration intending to remove **more than 250 tons** of coal from lands outside a permit area, or, which will take place in areas designated as unsuitable for mining under 4 VAC 25-130-761.11 and as below. Such coal exploration which commences prior to obtaining a coal exploration permit shall be subject to appropriate enforcement action per 4 VAC 25-130-843.

The Inspector shall review either of the above in a timely manner per their respective Review sections of this procedure.

If coal exploration is proposed for an area that is designated as unsuitable for mining (4 VAC 25-130-761.11 and 45.1-252D of the **Code of Virginia**), and the applicant does not have valid existing rights, the Division must ensure that the applicant submits:

- documentation of consent from the appropriate agencies having jurisdiction over the area, and/or a written waiver(s), for areas where mining is limited under 4 VAC 25-130-761.11(b), (c), and/or (e). The consent documentation and/or waiver(s) must be included in the coal exploration notice E-Form or permit application. (Note: If the applicant does not have the required waiver(s) set forth in 4 VAC 25-130-761.11(e)(1), a coal exploration permit must be obtained.)
- required documentation regarding public roads where coal exploration is proposed within 100 feet, measured horizontally, of the outside right-of-way line of any public road under 4 VAC 25-130-761.11(d).
- a coal exploration permit application (**DMLR-PT-062**) for areas where mining is prohibited (4 VAC 25-130-761.11(a), (f), (g), and/or (h)).

Except as provided for testing purposes under 4 VAC 25-130-772.14(b), any person who intends to commercially use or sell coal extracted during coal exploration operations shall first obtain a permit to

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conduct surface coal mining operations for those operations from the division under Parts 773 through 785.

**PROCEDURES** :

**Coal Exploration Notice:**

Review/Approval:

The Inspector will receive an e-mail from the DMLR E-Forms center stating that a Coal Exploration E-Form (**DMLR-PT-051**) has been submitted for their review. If such a meeting has not already occurred, the Inspector should meet with the applicant at the proposed exploration site to review the exploration notice E-Form and the existing site conditions. The Inspector shall inform the operator during this meeting that a **Coal Exploration Completion E-Form (DMLR-PT-051C)** **MUST** be submitted upon completion of exploration/reclamation. Digital photographs should be taken by the Inspector to document the proposed site’s existing features prior to the commencement of exploration activities (also see **PHOTOS** section below).

If the proposed exploration operation will NOT relocate or close a public road, or affect the area within 100 feet of a public road, the Inspector will ensure that all required information is included/attached on the E-Form. If all required information is NOT included/attached, the Inspector will document deficiencies in the “Comments” section and click the ‘Inspector Reject’ button 

When all required information is included/attached, the Inspector will document any necessary comments, upload any necessary attachments (i.e. - photos from the field review **in .pdf format only**), and click the ‘Get Next CEN’ button  followed by clicking the ‘Inspector Approve’ button 

If the proposed exploration operation will relocate or close a public road or affect the area within 100 feet of a public road, the exploration notice E-Form must include the public notice required at 4 VAC 25-130-761.11(d)(2)(i) (an example is included herein) and consent documentation from the appropriate public road authority (County and/or State). The Inspector shall review the proposed public notice to ensure it is acceptable. Upon approval of the public notice, the Inspector shall assign it a publication number and instruct the applicant to publish it **once** in a newspaper of general circulation in the locality of the proposed exploration area. One week after the date of the publication (provided no hearing requests have been made), the Inspector may approve the coal exploration notice (using the approval process outlined above) and inform the applicant that exploration operations may begin.

Inspections:

Each exploration notice shall be inspected completely at least once per calendar quarter, and additionally as necessary, to ensure compliance with the measures specified in the notice and at 4 VAC 25-130-772.

Should an inspection determine that exploration activities have substantially disturbed the land surface (*for purposes of coal exploration, substantially disturb means to significantly impact land or*

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water resources by blasting; by removal of vegetation, topsoil, or overburden; by construction of roads or other access routes; by placement of excavated earth or waste material on the natural land surface or by other such activities; or to remove more than 250 tons of coal), the Inspector will ensure compliance with any applicable performance standards at 4 VAC 25-130-815.

The Inspector shall:

- document inspection findings, including necessary photos, on the Inspection Report form (**DMLR-ENF-044S**);
- forward a copy of each inspection report to the exploration operator;
- issue appropriate enforcement action per 4 VAC 25-130-843 if a violation of 4 VAC 25-130-772 or 4 VAC 25-130-815 is observed; and,
- conduct an inspection of the site within 30 days after the notice expiration date, unless the exploration notice was closed on a previous inspection.

Extensions/Modifications:

Should the operator wish to extend the expiration date of an approved exploration notice, or modify an approved exploration notice (example: add/re-locate core holes, extend outcropping lengths, etc.), the operator must submit a **Coal Exploration Notice Modification E-Form (DMLR-PT-051M)** to the Inspector prior to the notice expiration date or prior to conducting any modified exploration. The Inspector will receive an e-mail from the DMLR E-Forms center stating that a Coal Exploration Notice Modification E-Form (**DMLR-PT-051M**) has been submitted for review and shall follow applicable parts of the Review/Approval procedures above.

If an operator has not conducted planned exploration prior to an approved notice’s expiration date, and has not submitted a Coal Exploration Notice Modification E-Form (**DMLR-PT-051M**) requesting an extension of the approved expiration date, or has in fact completed all exploration activities, the Inspector shall require the operator to submit a **Coal Exploration Completion E-Form (DMLR-PT-051C)** for close out.

Failure to complete reclamation of exploration disturbance prior to a approved notice’s expiration date or, conducting exploration not planned under the approved notice, shall subject the operator to appropriate enforcement action per 4 VAC 25-130-843.

Closeout:

When the Inspector receives an e-mail from the DMLR E-Forms center stating that a **Coal Exploration Completion E-Form (DMLR-PT-051C)** has been submitted for review, the Inspector must visit the exploration site and determine whether all exploration activity has been completed **and** whether adequate vegetation has been established on the site to stabilize the soil and protect against erosion. If the Inspector determines that the site is suitable for closeout, the Inspector will document such in the Comments section of the Completion E-Form, attach photos and documentation as necessary **in .pdf format ONLY**, and approve the E-Form by clicking the ‘Inspector Approve’ button



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**\*\* AN INSPECTION REPORT IS NOT REQUIRED TO CLOSE OUT AN EXPLORATION NOTICE.\*\***

If the site is not suitable for closeout, the Inspector will continue required inspections of the site until such time as all reclamation is complete and document such in Inspection Reports. The operator is NOT required to re-submit a Completion E-Form (**DMLR-PT-051C**) upon completion of the remaining reclamation. The Inspector will continue to receive e-mails from the DMLR E-Forms center stating that the original Completion E-Form has not yet been approved. This provides continuing notification that an exploration notice has not been closed out and therefore requires continued inspection. Once all reclamation is complete, the Inspector will approve the Completion E-Form as outlined above.

Should the operator ultimately fail to reclaim the area to the required standards, the Inspector shall take appropriate enforcement action.

**Coal Exploration Permit:**

Field Review:

The field review of a **coal exploration permit application (DMLR-PT-062** and supporting information) and proposed exploration site shall be handled in the same manner as a Chapter 19 mining permit application (see Procedure #2.2.01).

The Inspector shall ensure the electronic exploration permit application contains the information required by 4 VAC 25-130-772.12(b).

Once the Inspector determines that the coal exploration permit application is complete, the Inspector shall assign a publication number and instruct the applicant to publish the notice as required by 4 VAC 25-130-772.12(c).

The Inspector shall instruct the applicant to submit the original coal exploration permit application package to the Division’s Big Stone Gap office.

The permit term, bond, and necessary permit conditions shall be set by the Reclamation Program Manager-Permitting after the application is reviewed and approved per 4 VAC 25-130-772.12(d).

Inspections:

For each active exploration permit, the Inspector shall perform a complete inspection and two partial inspections each calendar quarter. An inactive exploration permit site shall be inspected completely once each calendar quarter, with additional inspections conducted as necessary.

The Inspector shall:

- document the inspection findings on the Inspection Report form (**DMLR-ENF-044S**);
- forward a copy of each inspection report to the coal exploration permit operator; and,

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- issue appropriate enforcement action per 4 VAC 25-130-843 if a violation of permit conditions and/or applicable regulations is observed.

Extensions/Modifications:

Exploration permits cannot be extended beyond the permit term set by the Division. The Inspector shall take proper enforcement action to immediately halt any coal exploration activity conducted on an expired exploration permit.

Release:

Once an exploration permit is satisfactorily reclaimed per the approved detailed plans (with adequate vegetation to prevent erosion and stabilize the soil), the permit shall be released by the Inspector as follows:

- the release shall be documented in an inspection report;
- the inspection report shall be labeled Inspection Type **FI** (Final Inspection) **and** Operation Status **NI (Not Inspectable)**; and,
- the Inspector shall attach a memo to the final inspection report instructing the Reclamation Services Office Services Specialist to forward a copy of the report to the Reclamation Program Manager-Permitting.

**PHOTOS:**

Photos of a coal exploration notice not included in an Inspection Report, or not included in the Attachment section of an E-Form, must be placed in the notice’s “Supplemental” folder on the server. The “Supplemental” folder of a coal exploration notice will be available on the server upon final processing of the E-Form by the Reclamation Services-Enforcement Office Services Specialists. You may then create a folder for your photos within the “Supplemental” folder.

Photos not included in an Inspection Report of a coal exploration permit must be placed in the “Supplemental” folder of the permit on the server. The “Supplemental” folder of a coal exploration permit will be made available on the server by the Reclamation Services-Permitting Office Services Specialists upon issuance of the permit. You may then create a folder for your photos within the “Supplemental” folder.

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**BASIC PUBLIC NOTICE FORMAT (1 week/7 day comment)**

**EXAMPLE – Exploration Within 100 feet of Public Road**

**PUBLIC NOTICE**

APPLICATION FOR  
COAL EXPLORATION NOTICE/PERMIT  
UNDER CHAPTER 19, TITLE 45.1 OF THE CODE OF VIRGINIA

PUBLICATION NUMBER: \_\_\_\_\_

Pursuant to 4 VAC 25-130-761.11(d) of the **Virginia Coal Surface Mining Reclamation Regulations**, \_\_\_\_\_ (Company Name and Business Address) \_\_\_\_\_ is applying for an Exploration Notice/Permit located in \_\_\_\_\_ County \_\_\_\_\_ (Precise Location) \_\_\_\_\_ to conduct coal exploration and reclamation operations within 100 feet, measured horizontally, of the outside right of way line of (Identify the specific public road) .

A copy of the application materials is available for public inspection and comment at the Division of Mined Land Reclamation’s office. Any person whose interests are or may be adversely affected by the proposed application, or an Officer, or Head of any Federal, State, or local government agency or authority may within 7 days of **(DATE OF PUBLICATION)** submit written comments or objections to the Division of Mined Land Reclamation concerning the proposed application; and may also request, in writing, that the Division hold an Informal Conference concerning the application. A request for an informal conference shall follow the requirements of 4 VAC 25-130-773.13(c) of the **Virginia Coal Surface Mining Reclamation Regulations**.

All correspondence concerning the application should be submitted to the Division of Mined Land Reclamation, P. O. Drawer 900, Big Stone Gap, Virginia 24219, Telephone: (276) 523-8202 - Attn.: Permit Section. Written comments and a request for informal conference may be e-mailed to the Division at [dmlrpublicnotice@mme.state.va.us](mailto:dmlrpublicnotice@mme.state.va.us).