

SECTION 24

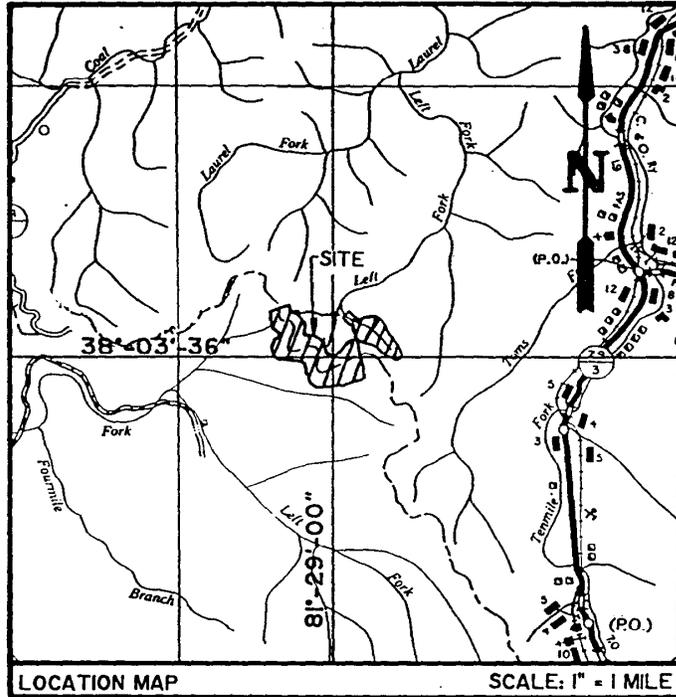
QUARRIES

SUBJECT: Quarry Permits

1. Purpose: Transfer, Assignment or Sale of Non-Coal (Quarry) Permits.
2. Definitions: N/A
3. Legal Authority: N/A
4. Policy/Procedures:
 1. The applicant shall submit one original and four (4) copies of Form MR-19-Q to the appropriate DEP regional office bound in folders no larger than 10-1/2" x 12".
 2. The applicant shall submit every application to the regional PTU in the appropriate regional DEP office who will date stamp all copies of the application and immediately assign a MR application number. The PTU shall notify the inspector and regional permit supervisor that the application has been received in the regional office. The PTU shall immediately complete an "application tracking encoding form" which shall be used to enter the application information into the computer application tracking system. This entering of information shall be done immediately, but in no case no later than 24 hours after receipt of the application. Upon notification of receipt of the application, the regional permit supervisor shall immediately assign the review of the application to a permit review team.
 3. The regional office will notify the applicant to begin advertisement (one-time advertisement) with a 30-day comment period in a newspaper of general circulation in the county or counties in which the proposed area is located. The Certification of Publication shall be submitted within 30 days of the close of the period and included as part of the application.

4. If applicable, the applicant shall affirmatively demonstrate that a bond in the full amount of that required for the permit will be kept in full force and effect before, during, and after the transfer, assignment, or sale. Such bond must be received and approved prior to application being forwarded to Headquarters for decision. Bond is not required if application is for sand, sandstone or limestone.
5. The applicant shall submit a certified true copy of original policy of insurance covering all surface mining operations of the applicant in this state and affording personal injury protection in an amount not less than \$100,000 and property damage, including blasting damage, protection in an amount of not less than \$310,000. The original policy shall be included in the original application with copies of policy in remaining copies of application.
6. The PTU shall compile as a package the original application, MR-2-A, Permit Review Team's Facts and Findings, and the completed MR-2 into a blue 9" x 12" clasp type binder. The original application, along with appropriate attachments, is forwarded to Headquarters for decision.
7. Form MR-2 shall be prepared by the regional PTU with the following typed in the upper right-hand corner: "EFFECTIVE DATE OF TRANSFER _____". The new company name shall be typed in capital letters followed by previous permittee in normal type in parentheses. The transfer shall reflect the current total acres.

NOTE: A 30-day letter may be written to applicant when minimal corrections have been requested by DEP and a response was not received within 30 days. This allows a final 30 days for the applicant to either request an extension or submit the requested correction. If neither is accomplished, the application shall be terminated by DEP.



This location map is provided as a guideline only. All location maps shall be clear and accurate and of a scale and detail found in the West Virginia General Highway Map. The map size will be at a minimum four inches (4") x four inches (4").

The longitude and latitude coordinates for the advertisement and the map must be the same and should cross at or near an end of strip marker for the proposed operation.

SUBJECT: Quarry Blasting Notification Requirements

1. Purpose: Clarification of notification of adjacent property owners.
2. Definitions: N/A
3. Legal Authority: 22A-4-11 38-4B-4.3 & 4.6
4. Policy/Procedures: West Virginia Code 22A-4-11 states in part that "The Director shall promulgate rules and regulations which shall provide for a warning of impending blasting to the owners, residents or other persons who may be present on property adjacent to the blasting area."

West Virginia Regulations at 38-2B-4.3 requires in part that "Prior to mining operations, written notification of blasting shall be given by certified mail to all residents, owners or other persons who are adjacent to any part of the proposed operation." In addition, 38-2B-4.6 requires in part that "When blasting is to be done within five hundred feet (500') of any occupied dwelling, the operator or his authorized representative shall notify all persons involved that a blast is to be detonated, stating the approximate time of same.

For blasting purposes, the term "adjacent" is not defined by Chapter 22A, Article 4 of the West Virginia Code or by 38 CSR 2B of the West Virginia Regulations. Therefore, for purposes of 38-2B-4.3, "adjacent" shall be defined as five hundred feet (500') or less from any part of the proposed operation.

WV Division of Environmental Protection
Office of Mining and Reclamation
Inspection and Enforcement

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**SUBJECT: Assessments for Blasting Violations on Non-Coal
Operations**

1. Purpose: Establish procedure to assess penalties for blasting violations on non-coal surface operations.
2. Definitions: Non-coal surface operations include, but are not limited to: clay, flagstone, gravel, limestone, manganese, sand, sandstone, shale, iron ore, and any other metal or metallurgical ore.
3. Legal Authority: 22-4-11(5), 38-2B-4.1
4. Policy/Procedures:

When a violation ("Notice of Non-Compliance") is issued for blasting violations, the line described as **Blasting Scaled Distance Assessment (4009) (Y/N)** on the MR-15Q shall be marked Y. A copy of the MR-15Q shall be sent to the assessments section for initial penalty assessment and operator/permittee notification of assessment.