

DIVISION OF MINED LAND RECLAMATION		PROCEDURE NO.	2.2.10
PROCEDURES MANUAL		ISSUE DATE	August 17, 2000
SUBJECT	Mining Under State Boundaries	Section	Technical/Permitting
		Last Revised	3-12-97

OBJECTIVE AND INTENT:

To ensure operations that begin at portals in one State and mine beneath State boundaries into an adjoining State are properly permitted and regulated in accordance with the Virginia regulatory program and the cooperative agreement signed April 1, 1991 with adjoining States.

PROCEDURES:

Mines with Portals in Virginia:

Upon receipt of a new permit or revision application that potentially involves underground coal mining into an adjacent State, the Field Inspector shall flag this information on the “Application Checklist & Routing Slip” (DMLR-PT-008) to the attention of the Review Inspector and the designated **State Line Mining Coordinator**.

The Field Inspector shall advise the applicant that operations affecting land in another State may subject the operator to regulatory authority in that State as well. The Inspector shall ensure the application complies with 4 VAC 25-130.778.13(i).

When the applicant submits the permit or revision application to the Division, the State Line Mining Coordinator shall notify the regulatory authority in each potentially affected State. The notification shall include, at a minimum:

- the applicant’s name and address,
- the location of the proposed operation,
- a description of the proposed mining methods, and
- the name, address and phone number of the DMLR Field Inspector.

Portals in Bordering States with Mine Projection(s) to or in Virginia:

A permit for such operation will be required as a “Zero-Acreage” permit (no actual surface disturbance is expected to occur in Virginia). The permit’s operation status will be designated as “ZA” (Zero Acreage) on the inspection report (DMLR-ENF-044S). The permit application map legend will reflect 0.00 acres under permit.

The Field Inspector shall ensure the permit or revision application form(s) (DMLR-PT-034e, DMLR-PT-034p, and DMLR-PT-034o) provide or address, at a minimum, the following:

- property rights information regarding the potential surface impact area;
- a water supply inventory for the potential impact area above the underground workings;
- geologic characterization of overburden above the proposed underground mining area;
- the Proposed Underground Mining Area (PMU);
- a subsidence survey;
- a subsidence control plan;

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- a probable hydrologic consequences (PHC) determination;
- the six months notice for mining under surface areas;
- certificate of liability insurance (with water replacement rider); and,
- the applicant's violation history.

The State Line Mining Coordinator shall, prior to approval of the application, contact the regulatory authority in the adjacent State and determine the name and phone number of the enforcement inspector in the adjacent State. This information will be included in the approved permit package forwarded to the DMLR Field Inspector.

Inspection - Portals in Bordering States with Projections in Virginia:

The Field Inspector shall conduct a complete inspection of the surface areas of the Zero Acreage permit at least once per quarter.

When necessary, the Inspector shall communicate with his or her counterpart in the adjoining State for purposes of collecting or verifying information relative to the operation's activity in Virginia (and reciprocate in kind). The inspector is authorized to travel into the adjoining State, as necessary, to conduct the inspection.

The Inspector shall make every effort to coordinate and assist the other State regulatory agencies conducting inspections on such permits as required by the cooperative agreement.