

O GENE DISHNER
DIRECTOR
KATHY J. REYNOLDS
ASSISTANT DIRECTOR
FOR ADMINISTRATION
BENNY R. WAMPLER
ASSISTANT DIRECTOR
FOR MINING



DIVISIONS:
ENERGY
GAS AND OIL
MINED LAND RECLAMATION
MINERAL MINING
MINERAL RESOURCES
MINES
ADMINISTRATION

COMMONWEALTH of VIRGINIA

Department of Mines, Minerals and Energy

Division of Mineral Mining

P.O. Box 4499

Lynchburg, Virginia 24502

(804) 239-0602

Conrad T. Spangler III, Division Director

MEMORANDUM NO. 02-93

TO: Mineral Mine Operators
FROM: C. T. Spangler
Conrad Spangler, Division Director
SUBJECT: Temporary Cessation of Mining Activity
DATE: May 12, 1993

Mining operations may be idled and remain inactive for extended periods of time due to many factors, often beyond an operator's control. Virginia's regulatory requirements governing temporary cessation of a mineral mining operation are prescribed by Mineral Mining Regulation Section 7.7.B.

The Department of Mines, Minerals and Energy, Division of Mineral Mining, has developed a procedure for temporary cessation to ensure consistent statewide application of regulation Section 7.7.B. Communication Memorandum 02-93 outlines the procedure mineral mine operators should use to apply for temporary cessation status on operations that have been or will be idle for a period of twelve months or more.

Communication Memorandum 02-93 will become effective on **July 1, 1993** to allow operators time to prepare the necessary documents to apply for temporary cessation. DMM Mine Inspectors will contact operators with sites which have had no production within the past year to review and discuss the temporary cessation requirements.

If you have any questions about Communication Memorandum 02-93, please contact Gary Potter at (804) 239-0602.

GEP:tlt:jar

Attachment:
Communication Memorandum No. 02-93

An Equal Opportunity Employer

DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING



COMMUNICATION MEMORANDUM NO. 02-93

JULY 1, 1993

REFERENCE: Section 7.7.B, Mineral Mining Regulations, (page 16 of 22)

At the option of the operator and with the Director's concurrence, an operation can remain under permit for an indefinite period during which no mineral or overburden is removed if the following conditions are complied with:

1. All disturbed areas are reclaimed to prevent erosion and sedimentation as directed by the Director.
2. All drainage structures such as culverts, ditches, etc., are maintained to the Director's satisfaction.
3. All vegetation is maintained (reseeded as necessary) to the Director's satisfaction.
4. All improvements on site, including machinery and equipment, are to be maintained to a reasonable state of repair and condition.

If the above conditions are not met, the permit may be revoked by the Director in accordance with Section 45.1-186.1 of the Code of Virginia.

INQUIRY: Clarification was requested to outline the procedures necessary to place an operation in a state of temporary cessation. Such a procedure would ensure consistent enforcement statewide as well as provide guidance to operators applying for temporary cessation.

REVIEW: Section 7.7 of the Mineral Mining Regulations deals with completion of mining and the activities that must occur as a result of that completion.

Section 7.7.A declares that a mineral mine which has had no production in the past 12 months will be declared complete and total reclamation must begin.

Realizing that other circumstances may cause inactivity for periods greater than 12 months, Section 7.7.B establishes an alternative to mine closure and immediate reclamation. This alternative is a state of temporary cessation which is subject to the Director's discretion and certain specific conditions.

DIVISION DIRECTIVE: Operators may comply with Section 7.7.B and request temporary cessation through the following procedure:

1. The operator, upon determining that the mine will be inactive for a period in excess of 12 months, should contact the Mine Inspector to conduct a site visit. During the site visit, measures and activities needed to comply with 7.7.B.1 through 4 should be discussed. Specific time frames for implementation of these measures should also be discussed.
2. The operator must submit a written request for temporary cessation. The written request must include the following:
 - A. A completed Request for Amendment (Form No. DMM-113).
 - B. A statement of the reasons for temporary cessation instead of final reclamation and closure.
 - C. The date the mine last operated.
 - D. The anticipated date that operations will resume. This is the requested duration of the temporary cessation; not to exceed one (1) year.
 - E. Narrative detailing what measures will be taken to comply with Section 7.7.B.1 through 4 and the time frame for completion of these measures.
 - F. A certification statement to the effect that
"I hereby certify that the information provided herein and all attachments submitted herewith are true to the best of my knowledge and belief. I understand that this temporary cessation does not relieve any of my obligations under Title 45.1 of the Code of Virginia or provisions of the approved permit. I will notify DMM in writing 10 days prior to resumption of mining activities. I realize that this notice will expire on (the date shown in response to item D above)."
3. There will be no bond release nor reduction on areas to be redisturbed once mining resumes.
4. The temporary cessation will be subject to review and renewal or denial at the end of the temporary cessation period. Renewal of temporary cessation will be in accordance with the procedures outlined above.
5. The site Mine Inspector and the Mine Inspector Supervisor will review the requests for temporary cessation and grant approval, denial or request additional information. The Mine Inspector Supervisor will have responsibility for final approval or denial and will indicate such by completing the bottom "office use" portion of the Request for Amendment (Form No. DMM-113).