



COMMONWEALTH OF VIRGINIA

Department of Mines, Minerals and Energy

Division of Mineral Mining
900 Natural Resources Drive, Ste. 400
Charlottesville, Virginia 22903
(434) 951-6310
Conrad T. Spangler, III, Division Director

MEMORANDUM

TO: All Licensed Mine Operators

FROM: _____
Conrad T. Spangler

SUBJECT: DMM e-Forms Center Enhancements

DATE: August 11, 2008

The Department of Mines, Minerals and Energy, Division of Mineral Mining is pleased to release the latest enhancements to the DMM e-Forms Center. In response to many inquiries and encouragement from our customers these new features become available to users of the DMM e-Forms Center on August 11, 2008. The enhancements include:

- Multi-Year Renewal option allowing operators to renew a permit for two years at a time. This should save time and effort for our operators.
- Annual Contractor Reporting option which will allow operators to report to DMM the contractors that worked on their mine site during the year by December 15th, minimizing filing requirements to the Division.
- On-line Payments of permit and certification fees, providing flexible payment options and rapid turnaround of transactions.

These enhancements all require the use of the DMM e-Forms Center. If you do not have a User ID for the DMM e-Forms Center, you can obtain one by filling out the User Registration form found on <https://www.dmme.virginia.gov/dmmeforms>.

Enclosed are three Communication Memorandums 01-08, 02-08 and 03-08 which outline the specific requirements for each of these new options.

If you have questions regarding any of these enhancements or need help in gaining access to the DMM e-Forms Center, please call Chrissi Wood-Smith at 434-951-6322.

Enclosures.

**DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING**



COMMUNICATION MEMORANDUM NO. 01-08

August 1, 2008

REFERENCE: Mineral Mine Safety Laws of Virginia 2003 Edition - Section 45.1-161.292:30. License required for operation of mineral mines; term.

A. No person shall engage in the operation of any mineral mine within this Commonwealth without first obtaining a license from the Department. ... Licenses shall be in such form as the Director may prescribe. ...

B. Licenses shall be valid for a period of one year following the date of issuance, and shall be renewed on their anniversary date.

Mineral Mine Reclamation Laws of Virginia 2003 Edition - Section 45.1-181. Permit required; fee; renewal fee; application; furnishing copy of map, etc., to landowner; approval by Department.

...A permit shall be obtained prior to the start of any mining operation. If within 10 days of the anniversary date of the permit the Director, after inspection, is satisfied that the operation is proceeding according to the plan submitted to and approved by him, then the Director shall renew the permit upon payment of a renewal fee by the operator of \$16 per acre for land to be affected by the total operation in the next ensuing year. ...

INQUIRY: Under current mine permit/license renewal requirements mine operators must complete renewal paperwork, and pay all bonds and fees annually, prior to the expiration of the permit/license. Mine operators have inquired as to whether DMM could allow permit/licenses to be renewed every two years since many mines have no changes to the acreage affected by the operations.

REVIEW: Both the Mineral Mine Safety Act and the Mineral Mine Reclamation Law require that permit/licenses be renewed annually by the anniversary date. In addition, both laws prescribe that the renewals be in such form as prescribed by the Director.

Mine permits must be inspected by the Division, prior to the renewal of the permit.

Upon becoming a member of the Minerals Reclamation Fund, operators must make an annual payment to the Fund based on the number of acres estimated to be affected during the ensuing year.

DIVISION

DIRECTIVE:DMM is offering a voluntary procedure whereby a mine operator could submit the bond, fees, and regulatory information to cover a two-year renewal period while complying with the regulatory requirement for annual permit/license renewal.

The procedure would require operators to comply with the following:

- Licensed operators must maintain their permit using the DMM e-Forms Center, <https://www.dmme.virginia.gov/dmmeforms>, and make bond and fee payments electronically.
- Upon notification of impending permit/ license expiration (90 days prior), operators would access the DMM e-forms system and select the two-year renewal option on the DMM170 Renewal form. The operator would complete the necessary information, including an estimation of the acres to be affected by the operation in the next two years. The renewal application would then be submitted for review and approval.
- DMM personnel will review the application, including making the required field inspection of the mine. Upon approval of the renewal, the operator will be required to pay the license, bond and fees calculated for his affected acreage, for the next two years.
- The mid-term (at the first anniversary date after renewing for two years) renewal of the permit/license would be done automatically by DMM, including the required field inspection, without the operator having to take any further action.
- If during the course of the two-year renewal period an operator affects additional acreage, not covered by the approved renewal, the operator will be required to amend his permit to show the additional acreage on the DMM170 Amendment form and pay any additional bond and renewal fees, as necessary. If acreage is to be released from the bond or the permit within the first year of the two-year renewal period, applicable pre-paid fees for will be refunded for the second year only.
- Ninety days prior to the end of the two-year renewal period, the operator will again be notified of the permit anniversary and may elect to continue the two-year option.

Mine operators not wishing to use the two-year renewal option may continue to renew their permits/licenses annually following the present procedure.

**DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING**



COMMUNICATION MEMORANDUM NO. 02-08

August 1, 2008

REFERENCE: Mineral Mine Safety Laws of Virginia 2003 Edition - Section 45.1-161.292:2. Definitions.

"Independent contractor" means any person that contracts to perform services or construction at a mine.

Mineral Mine Safety Laws of Virginia 2003 Edition - Section 45.1-161.292:32.A.3. Application for license.

No application for a mine license or a renewal shall be complete unless it contains information about each independent contractor working at the mine: (i) the independent contractor's trade name, business address and business telephone number; (ii) a description of the nature of the work to be performed by the independent contractor and where at the mine the work is to be performed; (iii) the independent contractor's MSHA identification number, if any; (iv) the independent contractor's address of record for service of citations and other documents; (v) the names and addresses of persons with overall responsibility for operating decisions; and (vi) the names and addresses of persons with overall responsibility for the health and safety of employees.

Mineral Mine Safety Laws of Virginia 2003 Edition - Section 45.1-161.292:32.C. Application for license.

Within thirty days after the occurrence of any change in the information required by subsection A, the licensed operator shall notify the Department, in writing, of such change.

INQUIRY: Presently licensed mine operators report all contractors that they believe may work at their mine during the current year at the time the mine license is renewed each year. The operator is also responsible for reporting any additional contractor working at their mine within thirty days of any change in this information. Mineral mine operators have inquired as to whether the procedure could be modified to allow the year-end reporting of contractors that actually worked at the mine, instead of a projected list at renewal time. This would improve the accuracy of the contractor lists. Also, contractors who did not work on a mine site during the calendar year would not be contacted by DMM for hours and wages on a permit they had not worked on.

REVIEW: Currently, contractor reporting procedures have caused operators to speculate as to which contractors may work at their mines during the course of the year. Frequently, these contractors do not end up working at the mine. Often the contractors do not know which permits have listed them as working on their mine sites. Even if they do not have reportable hours and wages, contractors may potentially be listed as delinquent for their reporting requirement, which can result in violations and closure orders being issued by DMM against the contractor.

The law requires that information on all independent contractors be reported.

A mine license application or renewal is incomplete and cannot be issued unless all contractor information is provided.

An application for a mine license shall be submitted by the person who will be the licensed operator of the mine. Contractor information is an integral part of the mine license application or license renewal application.

Changes in the license information as specified in Section 45.1-161.292.32.A, must be reported to DMM in writing by the licensed operator within 30 days of the change. Contractor information is included in 45.1-161.292.32.A.

DIVISION

DIRECTIVE:DMM is offering an electronic Annual Permit Contractor Reporting option, whereby a licensed mine operator can comply with the contractor reporting requirement by maintaining an up-to-date contractor list at the mine site, and submitting an Annual Permit Contractor Report between December 1st and December 15th through the DMM e-Forms Center.

The optional electronic Annual Contractor Reporting procedure requires licensed operators to comply with the following:

- Licensed operators must maintain their permit using the DMM e-Forms Center.
- All contractor reporting for the calendar year must be completed between December 1st and December 15th of each year.
- Licensed mine operators are responsible for maintaining an up-to-date list of all contractors working at their mines, including all information required by Virginia mine laws and regulations, at each mine site. Such records must be available for review by DMM personnel at any time during the year.
- Licensed operators are responsible for validating that each contractor working at their mine has a DMM Contractor ID number and is in good standing. A list of blocked contractors is available thru the e-Forms Center. A list of Active Contractors is available on the website: <https://www.dmme.virginia.gov/dmmeforms>
- Licensed operators are required to inform DMM of their intention to select the annual electronic reporting option by indicating such on their mine license renewal in the e-Forms Center.
- The ability of licensed operators to participate in the electronic Annual Contractor Reporting option is at the discretion of DMM, and may be rescinded if the operator fails to maintain the contractor list at the mine site or does not submit the annual report between December 1st and December 15th.
- The annual report should reflect all contractors who have worked on the mine site for the current calendar year and project those that might come on the site for the balance of the year.
- Any enforcement action necessary to secure the required contractor information will be taken by DMM as deemed appropriate.

**DIVISION OF MINERAL MINING
DEPARTMENT OF MINES, MINERALS AND ENERGY**



COMMUNICATION MEMORANDUM NO. 03-08

August 1, 2008

INQUIRY: Mine operators have inquired as to whether DMM could allow electronic payment of permit/license fees, Minerals Reclamation Fund (MRF) deposits, cash bonds, as well as other fees collected for certification and training.

REVIEW: The Mineral Mine Safety Act and the Mineral Mine Reclamation Law require that mineral mine sites have both a permit and license to operate and that these be renewed annually. Additionally, each operation must have a bond provided until the operator becomes a member of the Minerals Reclamation Fund. Upon becoming a member of the Minerals Reclamation Fund, operators make an annual payment to the Fund based on the number of acres estimated to be affected during the ensuing year.

Each application for a mineral mine license, or renewal of a license, must submit a fee of \$180. A sand and gravel mine of less than 5 acres is charged a \$48 fee.

Each mineral mine permit must pay a fee of \$31 per permitted acre for the total operation and \$16 per affected acre thereafter for renewal.

The Board of Mineral Mining Examiners requires certification of persons who work in mineral mines and persons who have duties and responsibilities in relation to mineral mining. A fee of \$10 is paid by each person examined. A fee of \$1 is paid for the replacement of a lost certification card.

DIVISION

DIRECTIVE: DMM is offering a voluntary procedure whereby a mine operator may submit the license and permit fees, cash bond, MRF deposits and certification fees electronically.

The procedure requires operators to do the following:

- Licensed operators would have to use the DMM e-Forms Center, <https://www.dmme.virginia.gov/dmmeforms>
- The DMM e-Forms Center will allow access to be granted to a payment screen, DMM173, to a specific person(s), if necessary (e.g., financial officer, officer manager).
- Payments may be made using Electronic Funds Transfer or Credit card (Master Card and Visa will be accepted on transactions up to \$500).

Any mine operator not wishing to use the on-line payment option may continue to conduct financial transactions using the present procedure.