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DIRECTOR
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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 3727


Charlottesville, Virginia 22903-0727

(804) 961-5000

Conrad T. Spangler III, Division Director

MEMORANDUM

To: Mineral Mine Operators

From: Conrad Spangler, Director 

Subject: Transferability of Mineral Mining Permits

Date: June 28, 1996

During the 1996 session of the General Assembly, Section 45.1-181 of Chapter 16, Title 45.1, Code of Virginia was changed to allow mineral mining permits to be transferred. This change was enacted to expedite and simplify the requirements for transferring permits from one permittee to another.

The law change will become effective on July 1, 1996. To assist you in requesting a permit transfer we have enclosed a copy of the revised law section, information outlining the transfer process, and copies of the forms that must be completed to initiate a permit transfer.

If you have any questions regarding permit transferability or the transfer process you may contact me or Gary Potter at this office.

GEP/CTS/pwm

Enclosures

EQUAL OPPORTUNITY EMPLOYER
TDD (800) 828-1120 — Virginia Relay Center

DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING
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TRANSFER PROCESS FOR MINERAL MINING PERMITS

Effective July 1, 1996 the mining laws of Virginia were changed to allow mineral mining permits to be transferred.

Applicability

The permit transfer process may be used to transfer a mineral mining permit from a permittee to another qualified permittee in the event of certain actions such as the sale of the operation, dissolution of a partnership or corporation, or to settle the estate of a deceased permittee. To use the transfer process the succeeding permittee must accept the entire permit area with all the current terms, amendments, and mine operating conditions as established by law or regulation and approved by the Division of Mineral Mining.

Process

The transferring permittee must prepare a Relinquishment of Mining Permit (DMM-112) and a Mineral Mining Annual Tonnage Report (DMM-146) covering the period from January 1 in the year of the transfer to the date the transfer agreement was finalized. These completed forms must be submitted with the permit transfer application.

The succeeding permittee must prepare a transfer application package which contains a completed Permit Transfer Acceptance (DMM-161), a completed License Renewal Application (DMM-157), a description or copy of the document that grants the right to enter and mine the property, and the Relinquishment form and Tonnage Report form that were completed by the transferring permittee.

These materials must be submitted in duplicate to the site Mine Inspector for review and approval. After processing by the Mine Inspector, the transfer application will be forwarded to the Division of Mineral Mining office in Charlottesville for final processing. The final processing will include a determination of eligibility of the succeeding permittee to hold a permit/license, Minerals Reclamation Fund eligibility and final review of the transfer documents and information.

Once the transfer application is determined to be complete and ready for approval, the succeeding permittee will be billed for bond, permit transfer fees and license fees. Upon receipt of the appropriate fees, the permit transfer will be completed, the permittees will be notified of the approval, and any bond refunds to the transferring permittee will be processed.

1996 SESSION

ENROLLED

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact §§ 45.1-181 and 45.1-184.2 of the Code of Virginia, relating to the
3 transfer of mineral mining permits.

4 [H 1159]
5 Approved

6 Be it enacted by the General Assembly of Virginia:
7 1. That §§ 45.1-181 and 45.1-184.2 of the Code of Virginia are amended and reenacted as
8 follows:

9 § 45.1-181. Permit required; fee; renewal fee; application; furnishing copy of map, etc., to
10 landowner; approval by Department.

11 It shall be unlawful for any operator to engage in any mining operation in Virginia, without
12 having first obtained from the Department a permit to engage in such operation and paying a fee
13 therefor of twelve dollars per acre for every acre of land to be affected by the total operation for
14 which plans have been submitted, which shall be deposited in the state treasury in a special fund to
15 be used by the Director for the administration of this chapter. Such permits shall not be transferable.
16 A permit shall be obtained prior to the start of any mining operation. If within ten days of the
17 anniversary date of the permit the Director, after inspection, is satisfied that the operation is
18 proceeding according to the plan submitted to and approved by him, then the Director shall renew the
19 permit upon payment of a renewal fee by the operator of six dollars per acre for land to be affected
20 by the total operation in the next ensuing year. The renewal fees shall be deposited in the state
21 treasury in the special fund set out above. If the operator believes changes in his original plan are
22 necessary or if additional land not shown as a part of the approved plan of operation is to be
23 disturbed, he shall submit an amended plan of operation which shall be approved by the Director in
24 the same manner as an original plan and shall be subject to the provisions of this section and
25 §§ 45.1-182.1 and 45.1-183 hereof. A separate permit must be secured for each mining operation
26 conducted. Application for a mining permit shall be made in writing on forms prescribed by the
27 Director and shall be signed and sworn to by the applicant or his duly authorized representative. The
28 application, in addition to such other information as may be reasonably required by the Director shall
29 contain the following information: (1) the common name and geologic title, where applicable, of the
30 mineral to be extracted; (2) a description of the land upon which the applicant proposes to conduct
31 mining operations, which description shall set forth: the name of the county or city in which such
32 land is located; the location of its boundaries and any other description of the land to be disturbed in
33 order that it may be located and distinguished from other lands and easily ascertainable as shown by
34 a map attached thereto showing the amount of land to be disturbed; (3) the name and address of the
35 owner or owners of the surface of the land; (4) the name and address of the owner or owners of the
36 mineral, ore or other solid matter; (5) the source of the operator's legal right to enter and conduct
37 operations on the land to be covered by the permit; (6) the total number of acres of land to be
38 covered by the permit; (7) a reasonable estimate of the number of acres of land that will be disturbed
39 by mining operations on the area to be covered by the permit during the ensuing year; (8) whether
40 any mining permits of any type are now held by the applicant and the number thereof; (9) the name
41 and address of the applicant, if an individual; the names and addresses of all partners, if a
42 partnership; the state of incorporation and the name and address of its registered agent, if a
43 corporation; or the name and address of the trustee, if a trust; and (10) if known, whether the
44 applicant, or any subsidiary or affiliate or any partnership, association, trust or corporation controlled
45 by or under common control with applicant, or any person required to be identified by item (9)
46 above, has ever had a mining permit of any type issued under the laws of this or any other state
47 revoked or has ever had a mining or other bond, or security deposited in lieu of bond, forfeited.

48 The application for a permit shall be accompanied by two copies of an accurate map or aerial
49 photograph or plan and meeting the following requirements:

50 (a) Be prepared by a licensed engineer or licensed land surveyor or issued by a standard mapping
51 service or in such a manner as to be acceptable to the Director;

- 1 (b) Identify the area to correspond with the land described in the application;
- 2 (c) Show adjacent deep mining, if any, and the boundaries of surface properties, with the names of
- 3 owners of the affected area which lie within 100 feet of any part of the affected area;
- 4 (d) Be drawn to a scale of 400 feet to the inch or better;
- 5 (e) Show the names and location of all streams, creeks or other bodies of public water, roads,
- 6 buildings, cemeteries, oil and gas wells, and utility lines on the area affected and within 500 feet of
- 7 such area;
- 8 (f) Show by appropriate markings the boundaries of the area of land affected, the outcrop of the
- 9 seam at the surface or deposit to be mined, and the total number of acres involved in the area of land
- 10 affected;
- 11 (g) Show the date on which the map was prepared, the north arrow and the quadrangle name;
- 12 (h) Show the drainage plan on and away from the area of land affected, including the directional
- 13 flow of water, constructed drainways, natural waterways used for drainage and the streams or
- 14 tributaries receiving the discharge.
- 15 Upon receipt of a written request by any landowner on whose property a sand and gravel
- 16 operation is permitted pursuant to this section, the operator of the sand and gravel operation shall
- 17 provide a copy of the map, photograph or plan to the landowner.
- 18 No permit shall be issued by the Department until the Director has approved the plan of operation
- 19 required in this section and § 45.1-182.1 and the bond from the applicant as required in § 45.1-183.
- 20 § 45.1-184.2. Succession of one operator by another at uncompleted project.
- 21 Where one operator succeeds another at any uncompleted operation, whether by sale, assignment,
- 22 lease, merger, or otherwise, the Director may release the first operator from all liability under this
- 23 chapter as to that particular operation *and transfer the permit to the successor operator*, provided,
- 24 however, that the successor operator has been issued a permit and has otherwise complied with the
- 25 requirements of this chapter, and the successor operator assumes as part of his obligation under this
- 26 chapter, all liability for the reclamation of the area of land affected by the first operator. No fee, or
- 27 any portion thereof, paid by the first operator shall be returned to either operator. The permit fee for
- 28 the successor operator for the area of land permitted by the first operator shall be six dollars per acre,
- 29 except as provided by § 45.1-180.4. The mining permit for the successor operator shall be valid for
- 30 one year from the date of issuance and shall be renewed thereafter in accordance with the provisions
- 31 of this chapter.



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RELINQUISHMENT OF MINING PERMIT

I, _____ of _____,
(company official) (company)

hereby relinquish my permit rights to Mineral Mining Permit No. _____

issued under Chapter 16, Title 45.1, Code of Virginia for _____ acres at _____

said area to be permitted to (other company or individual) _____

Signed: _____

Title: _____

Company: _____

Sworn to and subscribed before me this _____ day of _____, 19____.

Notary Public

My commission expires _____.



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MINERAL MINING ANNUAL TONNAGE REPORT

REPORT FOR PERIOD BEGINNING _____, 19__ AND ENDING _____, 19__.

1. COMPANY NAME _____ PERMIT NO. _____
2. MINE NAME/NUMBER _____ COUNTY _____
3. MINERAL PRODUCED _____ TOTAL TONNAGE _____
4. WORKERS - Include the number of full or part-time employees who worked for any part of the period covered by this report. Include any owners, officers, clerical help, engineers and others who worked at the mine.

WORKER INFORMATION

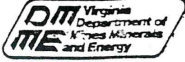
<u>TOTAL NUMBER</u>	<u>TOTAL HOURS WORKED</u>	<u>TOTAL DAYS OPERATED</u>	<u>TOTAL WAGES</u>
OFFICE _____			
QUARRY _____			
PLANT _____			

NOTICE FOR WAIVERED OPERATIONS: IS THIS OPERATION COMPLETE?
 () Yes () No

REPORT REQUIRED BY LAW - Code of Virginia, Title 45.1, Chapter 14.2, Section 45.1-161.62A requires this form to be filled out and returned to this office by the 15th day of February. Operations which do not submit tonnage reports may be subject to closure.

I, the undersigned, hereby certify that all information provided on this report is true and accurate to the best of my knowledge and belief.

DATE _____ SIGNED _____
 TELEPHONE _____ TITLE _____



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LICENSE RENEWAL APPLICATION

Ownership Information

1. Name of Applicant _____ Permit No. _____
2. Mailing Address _____
3. Office Telephone No. _____
4. Please complete any information that has changed since your original license application or since your last renewal.

Type of Organization:

- Sole Proprietorship - Complete questions A,B,C,D,E,F,G,I
- Corporation - Complete questions A,B,C,D,E,F,G,J,K,L,M,N
- Partnership - Complete questions A,B,C,D,E,F,G,H,I
- Other - Complete questions A,B,C,D,E,F,G,H,J

Specify: _____

- (A) Mine name, address and telephone number _____

- (B) MSHA ID number of the mine _____
- (C) Person with overall responsibility for operating decisions at the mine
 Name/Title _____
 Address _____
 Telephone No. _____
- (D) Person to be contacted in the event of an accident or emergency
 Name _____
 Address _____
 Telephone No. _____
- (E) Person with overall responsibility for health and safety at the mine
 Name _____
 Address _____
 Telephone No. _____
- (F) Person responsible for business operation of the mine
 Name _____
 Address _____
 Telephone No. _____
- (G) Applicant's Federal Tax ID Number _____
- (H) List all individuals having any ownership interest in the organization
 Name/Title _____
 Address _____
 Telephone No. _____

(I) Trade name, address and telephone number for sole proprietors/partnerships

(J) Principal organization officials, corporate officers, directors and members

Name/Title _____

Address _____

Telephone No. _____

(K) Corporation name, address and telephone number if different than applicant

(L) State of Incorporation _____

(M) Registered Agent _____

Address _____

Telephone No. _____

(N) If a subsidiary, provide:

Parent Organization Name _____

Address _____

Telephone No. _____ State of Incorporation _____

5. Name, address and telephone number of person(s) authorized to sign Permit/License Documents _____

6. Have any of the above listed persons or companies owned, in whole or in part, by said persons, had a mining permit issued by Virginia or any other state revoked?
() Yes () No

If yes, give a brief statement of action.

7. Have any of the persons listed above been convicted of violating any of the following sections: 45.1-161.60, 45.1-161.177, 45.1-161.178, and 45.1-161.233 as related to smoking in underground coal mines or tampering with methane detection equipment in underground coal mines?
() Yes () No

If yes, give a brief statement of action.

8. List any other mining permits or MSHA Federal Identification Numbers issued to the applicant, members of the organization, or any person having 20% or greater ownership interest in the organization.

Issuing Authority	Permit No./Identification No.	Status
_____	_____	_____
_____	_____	_____

9. Attach to this License Renewal Application the name, address, telephone number and contact person of any contractors who will perform mining activities on the mine site in the next 12 months.

10. Attach to this License Renewal Application a report of each accident that has occurred on the mine site in the past 12 months. Check if none ()

I, _____ hereby certify that to the best of my knowledge, the information provided in this License Renewal Application is accurate and complete.

_____ Operating Official

_____ Date



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PERMIT TRANSFER ACCEPTANCE

I, _____ of _____
 (company official) (company)

hereby accept the transfer of Mineral Mining Permit No. _____ from

 (transferring company)

I agree to abide by the terms and conditions of Mineral Mining Permit No. _____
 issued under Chapter 16, Title 45.1, Code of Virginia until such time as the permit terms and
 conditions have been modified through the appropriate procedure and approved by the
 Division of Mineral Mining.

Signed: _____

Title: _____

Company: _____

Sworn and subscribed before me this _____ day of _____, 19 ____.

 Notary Public

My commission expires _____.