

## QUARRY LAW AND REGULATIONS

Quarry Law Chapter 22, Article 4/ Rules & Regulations Title 38, Series 3

### FORMS

#### Quarry Forms can be completed by electronic processing

MR 8	Final Planting Report	(Original copy only)
MR-9	Quarry Final Release Report	(Original & 3 copies required)
MR-10Q	Quarry Revocation Report	(Original & 3 copies required)
MR-12	Special Use	(Original copy only)
MR-14Q	Inactive Status	(Original & 2 copies required)
MR-18	Renewal	(Original & 3 copies required*)
MR-19Q	Transfer, Assignment or Sale	(Original & 3 copies required*)
MR-25	New Permit Application	(Original & 3 copies required*)
MR-25M	Permit Modification (Major & minor)	(Original & 3 copies required*)
	Combine Permit Application	
MR-50	Approved Person	(Original copy only)

**Note:** Forms are available on the DEP web site at [dep.wv.gov](http://dep.wv.gov) – Select “Division of Mining and Reclamation”, select “DMR Forms”.

**All applications are to be submitted in 3-ring binders with all pages numbered in top right hand corner of the page.**

**The DEP will upon receipt of an application, stamp received, enter into ERIS (state computer tracking system), deposit filing fee (if applicable) and notify the permit supervisor of receipt.**

**\*If NPDES included one additional copy is needed**

### FILING FEES

(All filing fees must be in the form of a cashiers, certified check or money order made out to the Department of Environmental Protection)

\$1,000.00	Application for a new Permit (payable upon application submittal)
\$1,000.00	Original Permit (payable upon permit approval)
\$ 500.00	Renewal application fee
\$ 500.00	Transfer application fee*
\$ 500.00	Major modification application fee
\$ 200.00	Minor modification application fee

*(Note: no application fee associated with inactive or release application)*

*\* If more than one permit is included in the Transfer application a filing fee is required for each permit.*

## **ADVERTISEMENT REQUIREMENTS**

QMA, Modification and Transfer - 3 time, 30 day advertisement required (Class III Ad)

Renewal and Release - 1 time, 30 day advertisement required (Class I Ad)

*Note: The publication area of the notice is the county or counties in which any portion of the proposed permit area is located. No advertisement required for inactive approval. The comment period will be from date of initial publication.*

## **BONDING**

All quarrying permits now require a bond regardless of the mineral extracted. Quarry operators who have operated for five years without a serious violation under WV mining law or quarrying law, shall contribute to the “Bond Pooling Fund”.

### **Bond Pooling Fund or Performance Bond**

**Bond Pooling Fund Qualifications** – Operator must have operated for 5 years without a serious violation under previous WV mining law or the provision of Article 4. If an operator can not qualify for Bond Pooling Fund then a performance bond must be posted.

Permittee shall make an initial payment to the fund of \$50.00 for each acre currently disturbed and each acre estimated to be newly disturbed during the next ensuing year. Thereafter, the permittee shall make an annual payment of \$12.50 for each disturbed acre plus each acre estimated to be newly disturbed during the next ensuing year. Payments shall continue until the bond pooling fund has a total of \$1,000.00 for each disturbed acre.

Bond pooling fund check must be in the form of cashiers or certified check or bank money order made out to the Department of Environmental Protection.

**Performance Bond** – If the applicant does not qualify for the pool, a performance bond shall be posted. The operator must provide an estimate of the cost to reclaim the site based upon the mining and reclamation plan. The amount of bond shall cover the estimated amount to reclaim. The Permitting Unit and the Inspection and Enforcement Unit should review the proposal to determine if the bond will be adequate. The Special Reclamation Unit may be consulted. The bond shall be at least one thousand dollars for each acre or fraction of an acre of land to be disturbed with the minimum \$10,000.00 bond. The performance bond may be in the form of a surety bond, Letter of Credit, cashier’s check, certified check, or bank money order.

*Note: The liability under the bond or bond pooling fund is for the duration of the permit and for a period of two years after reclamation.*

## **CORRECTION PROCEDURE**

Any time an application is corrected/affected the correction number and date corrected will be noted in the top right hand corner of each page corrected/affected. The correction number will correspond to the time the individual application is affected (not time each page is corrected). The first time the application is changed the corrections will be labeled correction # 1, dated 00/00/00, the next time the application is changed the correction will be correction # 2, dated 00/00/00.

One set of the voided pages for all applications shall be kept with the application during the review process and disregarded at final approval.

(Revised 08/01/06)

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