

SUBJECT: Blasting Notification Policy - Title 199CSR1-3.3a

DATE: Revised 03/2017

To initiate blasting - At least ten but not more than 30 days prior to any blasting, the blasting schedule notification must be sent by certified mail to each resident within ½ mile of the blasting sites or 7/10 mile of the blasting sites (*depending upon the size of the operation - see W.Va. Code § 22-3-13a*) and must be published in a newspaper of general circulation in the county of the operation.

The notification must be sent by certified mail to each resident within this time frame. Each certified mail receipt and return receipt (green card) that has been signed for by the resident shall be retained and the date of receipt will be documented on the Blasting Notification List (EB-38A). For certified mail that is returned “unclaimed” or “refused,” no further attempt is needed – document on the EB-38A. If certified mail is returned for any reason other than “unclaimed” or “refused,” a site visit to the structure will be made to leave the notification at the residence and to obtain the correct address. Every reasonable effort should be made to obtain a signature as evidence of resident receiving notice. If the resident is not at home, leave notification at the residence and document on the EB-38A the date of the visit and where the notification was left.

Submit to the Division of Mining and Reclamation (DMR) a copy of the certification of publication to begin blasting. After receipt of the certification of publication, an inspection will be conducted by DMR to verify that the notification requirements are being complied with. Within forty-five (45) days after the publication, submit to DMR an EB-38A, which will identify all residents in the radius required to receive the blasting schedule notification and documents the result of the notification to the structure (i.e. green card signed, certified mail unclaimed/refused, hand delivered - signature obtained, notice left at residence).

Annually, when blasting is anticipated, submit to DMR a copy of the certification of publication when received from the newspaper. The EB-38A identifying current residents and notification information shall be submitted within 45 days of the publication. If changes have occurred with the structures since the previous submittal (new structures added, structures removed), submit four (4) certified blast maps with the EB-38A to document the structure changes.

The publication and notification must be concurrent and done prior to the expiration date of the previous ad. If the permit area or the blast schedule changes (i.e. amendment, IBR that includes blasting), the permittee must republish and redistribute the blasting schedule. If blasting activities cease, the blasting schedule notification and publication are not required. However, prior to reactivating blasting, the notification and publication must be completed if one (1) year has passed since the last notification and publication.

The blasting schedule notification process is for the resident of each structure; therefore, it is not necessary to track owners that live outside the notification area. The list of residents to be notified shall be updated annually by canvassing the area. **Annual notification does not require residents be notified of their right to a pre-blast survey.**

All returned certified mail receipts and return receipts (green cards) for initial and annual notifications must be made available for inspection.