Article 3. Exploration for Uranium Ore

§ 45.2-2108. (Effective October 1, 2021) Definitions
As used in this article, unless the context requires a different meaning:

"Exploration activity" means and is limited to the drilling of test holes or stratigraphic or core holes of a depth in excess of 50 feet for the purpose of determining the location, quantity, or quality of uranium ore.

"Person" means any individual, firm, corporation, partnership, association, or other legal entity.

"Usable quality water" means groundwater that is used or can be used for a beneficial purpose, including a domestic, livestock, or irrigation use.

§ 45.2-2109. (Effective October 1, 2021) Regulations
The Director shall, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), adopt regulations as may be necessary and proper to carry out the provisions of this article.

§ 45.2-2110. (Effective October 1, 2021) Permit for exploration activity required; fee
A. It is unlawful for any person to commence any exploration activity without first obtaining a permit to do so from the Director. The application for the permit shall be in a form the Director prescribes and shall be accompanied by a fee of $250 and by any other information required by this article.

B. The application for a permit to carry out exploration activity shall be accompanied by a bond, payable to the Commonwealth, with surety acceptable to the Director. The bond shall ensure compliance with the provisions of this article and any regulations adopted hereunder relating to the drilling, redrilling, plugging, or abandoning of any exploration activity. The bond shall be set by the Director in an amount deemed reasonable and necessary.

C. An initial permit shall be valid for a period of one year and may be renewed annually.

§ 45.2-2111. (Effective October 1, 2021) Maps or plats of proposed exploration activity area
Before undertaking any exploration activity on any tract of land, the person proposing the exploration activity shall prepare or have prepared and file with the Director, together with the application required by § 45.2-2110, an accurate map, on a scale stated thereon, showing the location of the proposed exploration activity; the courses and distances of such activity from two permanent points or landmarks on the tract; the approximate location areas in which test holes or core or stratigraphic holes may be drilled; the name of the owner; and boundaries and acreage of the tract on which the exploration activity is to take place.
§ 45.2-2112. (Effective October 1, 2021) Abandoning exploration hole; affidavits required
Within 45 days after the abandonment of any exploration hole, the permittee shall notify the Director that such exploration hole has been plugged and abandoned, giving the location of the hole. The permittee shall submit an affidavit setting forth the time and manner in which the hole was plugged and filled. One copy of the affidavit shall be retained by the permittee, one shall be sent to the State Geologist, and the third shall be sent to the Director.

§ 45.2-2113. (Effective October 1, 2021) Plugging
The plugging of an exploration hole shall be as follows:

1. Each exploration hole shall be adequately plugged with cement from the bottom of the hole upward to a point three feet below plow depth. The remainder of the hole between the top of the plug and the surface shall be filled with cuttings or nontoxic material.

2. If multiple aquifers alternating usable quality water and saltwater zones, or other conditions determined by the Director to be potentially deleterious to surface water or groundwater are encountered, the conditions shall be isolated immediately by cement plugs. Each hole shall be plugged with cement to prevent water from flowing into or out of the hole or mixing within the hole. The length of the plug shall be determined by the Director on the basis of available data on the specific site.

3. Each exploration hole shall be plugged as soon as reasonably practical after drilling, unless multiple aquifers are encountered.

4. Alternative plugging procedures and materials may be utilized if the applicant demonstrates to the Director’s satisfaction that the alternatives will protect groundwater and comply with the provisions of this article. In the event that a hole is more suitably plugged with a nonporous material other than cement, the material shall have characteristics at least equal to cement.

5. In the event that an exploration hole is to remain unplugged pursuant to the provisions of § 45.2-2114, the procedure contained in subdivision 2, if applicable, shall be applied and the exploration hole shall be plugged to the extent required by that subdivision.

§ 45.2-2114. (Effective October 1, 2021) Developing an exploration hole as a water well
If any exploration hole drilled for the purpose of determining the location, quantity, or quality of uranium ore indicates a stratum or source of potable fresh water that could be developed pursuant to established U.S. Environmental Protection Agency safe drinking water standards for a community water system, upon the request of the owner of the property on which the exploration hole is located and following application to and approval by the Director, who shall secure concurrence from the State Department of Health, the well, in lieu of being plugged and abandoned, may be developed and completed as a water well. The development and completion of an exploration hole as a water well shall be performed in accordance with applicable state water control laws and regulations.
§ 45.2-2115. (Effective October 1, 2021) Right of inspection by Director

For the purposes of carrying out the provisions of this article, the Director is hereby vested with authority to inspect at reasonable times and in a reasonable manner any area for which he has received an application for a permit, or has granted a permit, for exploration activity.


§ 45.2-2116. (Effective October 1, 2021) Uranium mining permit applications; uranium mining deemed to have significant effect on surface

Notwithstanding any other provision of law, no application for a uranium mining permit shall be accepted by any agency of the Commonwealth until a program for permitting uranium mining is established by statute. For the purpose of construing the definition of "mining" in § 45.2-1200, uranium mining is deemed to have a significant effect on the surface.


§ 45.2-2117. (Effective October 1, 2021) State and local authority

Nothing in this article shall be construed to alter the authority of any state or local governing body, including any authority conferred under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2, relating to any matter that is the subject of this article.


§ 45.2-2118. (Effective October 1, 2021) Confidentiality of logs, surveys, and reports

A. The Director shall hold confidential all logs, surveys, plats, and reports filed under this article by any person engaged in the exploration for uranium for a period of two years after the completion of the exploratory activities.

B. Upon written request by any person engaged in exploration for uranium, the Director shall hold confidential all logs, surveys, plats, and reports filed under this chapter for an additional two-year period. The Director shall grant such request if the requesting party certifies that he considers all such information to be of a proprietary nature relating to his competitive rights. The requesting party may renew his request every two years.

C. Nothing in this section shall be construed to deny the State Geologist access to any log, survey, plat, or report filed under this article. However, the State Geologist shall hold such information confidential to the same extent as the Director.


§ 45.2-2119. (Effective October 1, 2021) Civil penalty

A. Any person who violates any provision of this article, or who fails, neglects, or refuses to comply with any regulation adopted by the Director or final order of a court lawfully issued, shall be subject to a civil penalty not to exceed $10,000 for each violation. Each day of violation shall constitute a separate offense. All civil penalties shall be paid into the state treasury and deposited by the State Treasurer into the Minerals Reclamation Fund pursuant to § 45.2-1234.

B. The Director may restrain violations of this article in accordance with the provisions of § 45.2-1608.