STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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TO: Coal Permitting and Inspection Staff

FROM: Lowell P. Braxton, Administrator LPB

RE: Certification and Reporting Requirements

This policy will be implemented for the certification and reporting requirements of the the following:

- Sediment Ponds
- Class I Haul Roads
- Coal Waste Piles and Impoundments

This text outlines the programatic requirements for the above named topics. Reporting forms for same are attached. They are to be completed and submitted to the Division as required. Inspections of these categories for compliance will be best achieved by evaluating the information in the form against the so noted requirements.

Sediment Ponds

Pond certification is required in sections UMC 817.46 and UMC 817.49 of the Utah Coal Mining Regulations. The operator must provide, within the Mining and Reclamation Plan (MRP), a certified as-built drawing of any sediment pond or impoundment. The certification must indicate that the drawing is, in fact, an as-built design and not a preliminary design. Also, the Division would ask that the operator provide a certified report containing the information specified in UMC 817.49(h). Incised ponds will be exempt from this requirement. Only impounding dams or embankments are addressed under this section.

UMC 817.49(h) requires that the operator provide the regulatory authority with a certified report which includes the following:

1. A statement verifying that the impoundment has been constructed and maintained as designed and in accordance with the approved plan and the above chapter.

2. Any required monitoring procedures and instrumentation.

3. The design depth and elevation of any impounded waters at the time of initial certification and the average maximum depths and elevation of any impounded waters over the past year for annual certification.

4. Existing storage capacity of the dam or embankment.

5. Any fires which may have occurred in the construction material.

6. Any aspects of the dam or embankment affecting stability.

The certified report should be provided once for dams and embankments not meeting the criteria of 30 CFR 77.216(a), and yearly for those meeting or exceeding it. The certification must be performed by a registered professional engineer or, if the size criteria is less than that specified in 30 CFR 77.216-3(a), it can also be performed by a registered professional land surveyor.

UMC 817.46(t) requires that ponds not meeting the size criteria of 30 CFR 77.216, be examined/inspected four times per year. Most of our operators are already meeting this requirement. However, I would suggest that, in the future, a standard form be compiled for the operators to use for these types of inspections. This would improve consistency and the ease by which pond inspections could be verified during Division inspections.

Impoundments or ponds meeting or exceeding the 30 CFR 77.216 criteria must be inspected weekly and would also require the annual certified report.

I have provided a draft sediment pond report form, attached to this memo. The form could be used as a standard for all the operators to enhance compliance with these requirements.

Class I Haul Roads

Road certification is somewhat less complicated than the pond certification. There is no yearly requirement or quarterly monitoring requirement. Class I road certification is required in Section UMC 817.150. The operator must submit Class I road certifications which would include as-built drawings of all finished haul roads. The drawings must be stamped "as-built" by the Certifying Engineer.

The regulations require that "the design and construction or reconstruction of Class I Roads shall be certified by a registered professional engineer in accordance with UMC 817.151-871.54." I would interpret this as meaning the operator could do one of two things:

1. The operator would be required to provide a certified narrative statement (see attachment), indicating that the constructed haul road meets the requirements of UMC 817.151-817.154 or the approved permit design. The certified, narrative statement would also include any alternative specifications which have been approved by the Division.

2. The operator would be required to certify the as-built, and compliance with UMC 817.151-817.154 would be assumed, based on plan approval from the Division. This would be the simplest approach, and the one I would recommend.

Coal Waste Piles and Impoundments

Sections UMC 817.71(i) and 817.82(a) of the Utah Regulations call for at least quarterly inspections of waste disposal sites (underground development waste and coal processing waste). This requirement is echoed in the Code of Federal Regulations; namely, 30 CFR 715.15(10). According to the aforementioned regulations, these inspections must be performed by a registered professional engineer or other qualified professional approved by the Division. These regulations also call for certified reports to be submitted to the Division following each inspection.

Please utilize the following guidelines for inspecting refuse piles:

1. All refuse piles containing underground development waste, spoil, or coal processing waste should be inspected by a registered professional engineer or otherwise qualified professional on a quarterly basis. Items to be inspected and reported on are shown on the attached Form 1, part A. These quarterly inspection reports are to be maintained at the mine site only.

2. A report certified by a registered professional engineer shall be submitted with the annual report, certifying that the fill has been constructed as specified in the design approved by the Division; or if silent, by the requirements of the Utah regulations.

3. In cases where coal waste is being used as a dam or impoundment, the inspection frequency should be increased to weekly, in accordance with 30 CFR 77.216-3. This is also required by MSHA. The inspection requirements should contain all the same items as the refuse pile inspection report, plus the additional items on attached Form 1, part B. These reports will also be maintained at the mine site.

4. Construction specifications of all dams greater than 20 ft. high and impoundments greater than 20 acre feet shall be certified by a qualified, registered professional engineer and submitted to the Division immediately after construction and annually thereafter (submitted with the annual report). Certification reports shall be in a format designated by the Division.

5. When problems or hazards are encountered on any waste site, the operator should contact the Division immediately. Frequency of inspection or certifications may be increased as warranted.

JCH/clj
00799R/28-31

Sediment Pond Report

Mine: _____

Year: _____

This report is submitted to satisfy the requirements of UMC 817.46, UMC 817.49, and 30 CFR 817.49.

1. This report addresses the following ponds:

Pond	Capacity
1.	
2.	
3.	

The ponds listed above have been constructed and maintained in accordance with the approved plan and the above listed regulations.

2. The following addresses the required monitoring procedures and instrumentation used at each pond or impoundment:

Pond	Requirement
1.	
2.	
3.	

3.

Pond	Design Depth/Elevation	Average Depth/Elevation
1.		
2.		
3.		

4.

Pond #	Accumulated Sediment	Existing Storage Capacity

5. Have any fires occurred in the impoundment embankments?

Pond	Yes	No
1.		
2.		
3.		

6. The ponds have been inspected for structural stability with the following results:

Pond #	Comments

I do hereby certify that the information found in this _____ report is true and correct to the best of my knowledge.

Class I Haul Road Certification

Mine: _____

Location: _____

Haul Road Location: _____

I do hereby certify that haul road _____ has been constructed in accordance with UMC 817.151-817.154 and the approved permit design

OR

I do hereby certify that haul road _____ meets the requirements of UMC 817.151-817.154. except for the following specification: _____

_____

_____

These specifications meet the approved permit design.

INSPECTION FORM

COAL REFUSE PILES AND COAL WASTE IMPOUNDMENTS

Name_____Title_____

Date_____Date last inspected_____

Site Name_____Mine Name_____

Refuse Facility ID #_____

Refuse piles---Part A only
Impoundments---Part A and Part B

Part A

1. Foundation preparation (vegetation, topsoil removal?)---- ___Yes ___No
2. Lift Thickness (inches)---------- _____
3. Compaction (4 to 6 complete passes)---------- ___Yes ___No
4. Burning* (specify extent and location)---------- ___Yes ___No
5. Angle of Slope (degrees)---------- ___ ___
6. Seepage* (specify location, color, & appr. volume-------- ___Yes ___No
7. Cracks or scarps* (location, size)---------- ___Yes ___No
8. Major erosion problems* (location and extent)---------- ___Yes ___No
9. Water impounding against toe* ---------- ___Yes ___No

Part B

10. Embankment freeboard (feet)---------- _____
11. ____Increase____Decrease in water level (feet)---------- ___Yes ___No
12. Sumps or sinkholes in slurry surface---------- ___Yes ___No
13. Clogging* (pipes, ditches, spillway)---------- ___Yes ___No
14. Trash racks clear and in place---------- ___Yes ___No

* Adverse conditions noted in these items should be described (extent, location, volume, etc.) in the space provided. Major adverse changes could cause instability.

Inspection Category	Comments