ILLINOIS DEPARTMENT OF MINES AND MINERALS

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LAND RECLAMATION DIVISION MEMORANDUM NO. 91-3

TO: All Surface and Underground Coal Mine Operators

FROM: Paul Ehret

DATE: February 14, 1991

SUBJECT: Requirements for Inspections, Examinations, Reporting and Record Keeping for Impoundments and Refuse Piles

This memorandum is intended to update LRD Memorandum No. 89-3, issued February 10, 1989, reflecting regulation changes that became effective January 1, 1991. LRD Memorandum No. 90-9, issued November 13, 1990 (final cut impoundments), remains applicable.

There are two noteworthy changes in the context of these (1991) regulation amendments:

1. For impoundments that are MSHA structures, the new regulations require compliance with MSHA examination, inspection and certification requirements only.

2. The annual inspection requirement for non-MSHA structures has been eliminated. Instead, the fourth quarter examination will be a sealed report discussing any appearances of instability and structural weakness.

The attached summary chart is intended to facilitate understanding these regulatory requirements by indicating which items apply for each category of structure on the chart.

IMPOUNDMENTS

All operators who are planning to build impoundments are advised to consult the 1991 regulations (62 Ill. Adm. Code 1816.49/1817.49) for design requirements. There are changes in design requirements; however, this memorandum is not intended to address design matters.

For MSHA structures, the Department will employ the MSHA requirements as spelled out in MSHA regulations (30 CFR 77.216). 30 CFR 77.216-3 requires

impoundment examinations once every seven days. Also, 30 CFR 77.216-4 requires submittal of annual status (certification) reports for MSHA structures. Per 1816.49(a)(9)(A)/1817.49(a)(9)(A), the Department is requiring submittal of the annual status report within 30 days after the reporting period.

For non-MSHA impoundments, inspections are required at least weekly during construction and upon completion of construction. Sealed reports are to be submitted within 30 days of inspection date.

Upon completion of construction, non-MSHA impoundments require quarterly examinations. Per 1816.49(a)(10)/1817.49(a)(10), the impoundment examination performed during the October-December quarter for non-MSHA impoundments requires additional detail, as spelled out in that regulation subsection, and a sealed examination report is to be furnished to the Department within 30 days of the examination.

62 Ill. Adm. Code 1816.49(a)(10)(A) and (C)/1817.49(a)(10)(A) and (C) allow operators to apply for exemptions from examination requirements for non-MSHA structures. Exemptions will be considered for completely incised impoundments and for impoundments that do not facilitate mining operations or reclamation. However, the Department cannot approve exemption per 1816.49(a)(10)(B)/1817.49(a)(10)(B) since those subsections were not approved by OSMRE.

For operators submitting examination exemption requests, the Department advises that requests will not be considered prior to receipt of the sealed report to be furnished upon completion of construction.

As has been the case, coal waste impounding structures are subject to the same examination, inspection and certification requirements as all other impoundments.

RECORDS AVAILABILITY

Operators are required to maintain records at the mine site both for inspections and examinations and also copies of sealed reports submitted pertaining to impoundments. The Department may approve reports being retained at a different location if there is no permanent mine office. These records and reports are to be available for review by the Division's field inspectors.

REFUSE PILES

There has been no change in 62 Ill. Adm. Code 1816.83/1817.83, except for reference correction.

SEALED REPORTS

Attached is a blank form which may be employed by appropriate completion and execution by a registered engineer to fulfill requirements for

submittal of sealed reports. Note that one can, by properly marking the appropriate box and deleting inappropriate wording, indicate correct nature of the report.

For MSHA structures, the Department will accept a copy of the same report(s) submitted to MSHA, with original signature and engineering seal, on the same schedule as reporting is done to MSHA, per 30 CFR 77.216.

I do hereby certify that the [refuse pile(s)] [impoundment(s)] designated as _____
in (SCM-1, UCM-1) Permit #_____ for Coal Surface Disturbance Permit submitted by _____
has (have) been (is being) constructed (maintained):

(Check Appropriate Box):

[ ] in the designated location and according to the design approved in said application.

[ ] according to the approved design with the exception of the following minor changes:

[ ] in accordance with the approved plan and the Department's regulations, with no appearances of instability, structural instability, structural weakness or other hazardous conditions, except as discussed below.

For Impoundment(s):
(Discuss in detail any changes such as location change, changes in drainage area served, pond dimensions, sizes of discharge structure, etc. Also discuss reasons for changes and justifications of new design if applicable. Submit as-built design information if change from approved design has occurred.)

For Refuse Pile(s):
(Discuss in detail any changes from approved plan, including reasons for change. Also, mention any appearances of instability, structural weakness, and other hazardous conditions.) Attach extra sheet(s) and or drawings, if appropriate.

This is an (Inspection)(Examination) report for_____.
(indicate time period)
This report certifies construction progress [ ], completion [ ].

Name	Illinois Registration No. (Seal)
Firm	Phone Number
Address	
Signature	Date

SUMMARY OF REQUIREMENTS FOR INSPECTIONS,
EXAMINATIONS AND CERTIFICATIONS

	Impoundments**		Refuse Piles
	MSHA	Non-MSHA	
Inspections Required --			
--At Least Weekly During Construction		X	
--Upon Construction Completion		X	
--During Critical Constr. Periods			X
--At Least Quarterly During Construction			X
Examinations Required --			
--Every Seven Days ***	X		
--Quarterly		X	
*Sealed Reports Due --			
--Within 30 Days of Inspection		X	X
--Annually	X	X	
--Inclusion of Photographs (Underdrains Only)			X
Records Availability --			
--Retain Copy at or Near Mine Site:			
----Examination Reports/Records	X	X	
----Inspection Reports		X	X
----Annual Status Reports	X		

X" Denotes that item applies for indicated column.
References:
1816.49(a)(1)&(9)&(10)/1817.49(a)(1)&(9)&(10) 1816.83(d)/1817.83(d)
1816.84(b)(1)/1817.84(b)(1) 30 CFR 77.216 (1989)

*Sealed by Registered Engineer.
**Includes coal waste impounding structures
*** or other MSHA approved schedule.