

DIVISION OF MINED LAND RECLAMATION		PROCEDURE NO.	3.3.18
PROCEDURES MANUAL		ISSUE DATE	11/1/2009
SUBJECT	Road Maintenance and Fugitive Dust Control	Section	Reclamation Services/Technical Services
		Last Revised	

OBJECTIVE AND INTENT:

To ensure the permittee properly plans and implements an effective road maintenance and fugitive dust control plan to prevent adverse impacts to the public health and safety.

GENERAL:

§§ 4 VAC 25-130-816.150(c) and (e) and 4 VAC 25-130-817.150 (c) and (e) of the **Virginia Coal Surface Mining Reclamation Regulations**, provides the Division’s authority to require a permittee implement additional measures to ensure proper design and maintenance of its haulroad(s) to prevent/minimize fugitive dust problems -

*“(c) Design and construction limits and establishment of design criteria. To ensure environmental protection appropriate for their planned duration and use, including consideration of the type and size of equipment used, the design and construction or reconstruction of roads shall incorporate appropriate limits for grade, width, surface materials, surface drainage control, culvert placement, and culvert size, in accordance with current, prudent engineering practices, **and any necessary design criteria established by the division.**” (Emphasis added)*

PROCEDURES:

In instances where noticeable tracking of material and/or fugitive dust from a permitted operation onto public roadways or communities are occurring, the Reclamation Inspector shall document the occurrence with pictures. The time, date, weather conditions, and other relevant information should be documented in a memo or report.

The Division does not have jurisdiction to require a permittee to remove material from the public road. If the problem is occurring due to lack of proper haul road maintenance, the Inspector shall issue the appropriate enforcement action to compel compliance with the approved operation plans.

In the event the approved plans do not adequately address the site conditions or concerns, the Inspector may require the company by revision order notice (RON) to develop and implement a road maintenance plan that will specify the measures the company will take to better control and minimize tracking of material onto public roads and the generation of fugitive dust that results from its operation’s traffic. The plan may include such measures as (but not be limited to) -

1. Reducing speed on traveled roads and ensuring truck beds are covered.
2. Watering roads regularly with water trucks, sprinklers, etc. or applying dust binders.

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3. Ensuring adequate road surfacing is applied and maintained or paving the road.
4. On paved roads, using devices (e.g., rumble strips) or cattle crossings on gravel roads to cause material to drop from trucks prior to exiting the permit to the public road and regularly cleaning and removing the mud or debris from the paved road, so it is not tracked from the permit.
5. Utilizing truck washers to remove mud and debris from the coal trucks/trailers.

Although a road may be paved and in excellent condition, tracking or depositing of mud or material onto offsite areas may still occur. This may be a result of trucks going to and from the pit area. In this situation, the Inspector should note whether mud and material is being picked up in the loading process, and whether material is being deposited onto the paved road or public road after the coal truck exits the pit area. If mud and debris is deposited onto the paved haulroad, the Inspector shall instruct the permittee/operator to remove the material and properly dispose of such. The Division cannot require the company to remove material from the public road.

If the haulroad clean-up work is not initiated or carried out before the Inspector is ready to leave the permit, a notice of violation shall be issued requiring the necessary remedial action. Should the Inspector note deposition of mud and debris onto the public road from the traffic leaving the permit area, a RON may be issued to the permittee. The RON would require the permittee to revise its road maintenance plan to ensure that material was not being tracked from its permit to the degree that it would pose an actual or potential threat to the public health and safety. The Inspector could recommend that the permittee create a central paved area where the coal trucks could be loaded, instead of going to the pit areas.

The soil and sediment collected as part of the road maintenance program should be returned to the permit area for reclamation use.