

MEMORANDUM # 5-95

Highwall Settlement Guidelines (issued 8/3/95, updated 10/1/01)

The following guidelines set forth the procedures to be used by DMLR to determine whether or not a settled highwall must be re-eliminated.

(§§4 VAC 25-130-816.102 and 4 VAC 25-130-817.102)

1. Completion of initial backfilling and grading per 4 VAC 25-130-816/817.102
2. Inspector will confirm compliance (photos & inspection report) before backfilling and grading approval is granted.
3. 1 year after backfilling, Inspector will document occurrence and extent of each area of backfill settlement, noting – areas of settlement less than 3 feet; in excess of 3 feet; those with stability problems; and where land use problems may exist.
4. Inspector will document each occurrence and extent of backfill settlement during each complete inspection (quarterly).
5. DMLR to evaluate each occurrence of settlement to determine if stability or land use problems exist.
6. Re-exposure of highwall result of instability – DMLR will require mitigation, including re-elimination of highwall as soon as possible.
7. After 18 months, should DMLR determine settlement interferes with postmining land use implementation, permittee will be instructed to mitigate settlement, total highwall re-elimination (45 days, with extensions possible based upon site-specific situation). Failure to comply may result in enforcement action (4 VAC 25-130.816/817.133(a)).
8. Post 18 months - settlement in excess of 3 feet deemed impediment to the post mining land use and final bond release would not be considered until areas of wall exceeding 3 feet are re-eliminated. DMLR will instruct mitigation of settlement in areas exceeding 3 feet (45 days, with extensions possible based upon site-specific situation). Failure to comply may result in enforcement action (4 VAC 25-130.816/817.133(a)).
9. Areas re-disturbed to eliminate settlement will be evaluated by DMLR to determine whether any portion or all of the permit must have the bond liability period extended per 4 VAC 25-130.816/817.116. The full period of liability will be applied if more than 10% of the applicable area is significantly re-disturbed. (see **Normal Husbandry Practices**).

Highwall settlement of 3 feet or less will be allowed, provided –

- a. The highwall must have been originally totally eliminated.
- b. A certification from a professional engineer is submitted to the DMLR attesting that the highwall is stable and no stability problems exist.
- c. There are no other existing violations associated with the highwall backfill.