

<b>DIVISION OF MINED LAND RECLAMATION</b>		<b>PROCEDURE NO.</b>	3.3.07
<b>PROCEDURES MANUAL</b>		<b>ISSUE DATE</b>	04/10/15
<b>SUBJECT</b>	Certification of Ponds, Roads, Fills, & Stream Channel Diversions	<b>Section</b>	Enforcement
		<b>Last Revised</b>	February 26, 2003

**OBJECTIVE AND INTENT:**

To ensure the Field Inspector properly reviews and processes the permittee’s construction certification of ponds, roads, fills, and stream channel diversions.

**PROCEDURES :**

**Sediment Ponds**

Siltation structures must meet the requirements of Section 4 VAC 25-130-816.46(b)(3) or 817.46(b)(3).

Inspections of an impoundment must be conducted by a qualified registered professional engineer (RPE) or other qualified professional specialist working under the direction of a RPE. The required inspections must be made regularly during construction, upon completion of construction, and annually until the structure is removed. The Inspector must inform the permittee or RPE that a certified report (**DMLR-PT-092C and DMLR-PT-251**) must be filed with the Division within 2 weeks of each impoundment inspection.

Changes in the construction criteria, as determined appropriate by the certifying RPE, in the site plan, location, or dimension of the structure that do not alter the design criteria do not need to be submitted for review or receive prior approval. These changes, however, must be described by the certifying RPE and shown in the “as built” certification drawing. The drawing, supporting calculations, and narrative describing the changes, purpose, and justification must be attached to the certification form (**DMLR-PT-092C**), showing the “as built” dimension of the structure, any associated spillways, dewatering devices, or other treatment facilities.

If there are proposed design criteria alterations from the original approved plans, the Division must approve these changes prior to construction. Generally, such changes as, but not limited to, the following will necessitate a revision (form **DMLR-PT-034E**):

1. A proposed change from an excavated basin to embankment, an embankment to flow through, or a flow through to embankment.
2. Proposed changes in the location which may alter the character or function of the structure.
3. A proposed change which may impact fish and wildlife, ground water, or residents not considered in the original permit application.
4. A proposed change in pool volume, dam height or width; which, in the event of failure, could result in adverse effects to downstream structures or residences.
5. Any proposed change which will alter the PHC.
6. Any proposed change that requires MSHA review and approval.
7. Any proposed change in the type of spillway (i.e., changing from open channel to drainage pipe or vice versa).

In addition to certifying the structure’s construction, **DMLR-PT-092A** is to be used for the annual pond certifications required by 4 VAC 25-130-816.49(a)(10) or 4 VAC 25-130-817.49(a)(10).

Upon submittal of the certifications/inspections the Inspector shall:

- Ensure that the certification is made by a qualified, registered professional engineer, and
- Review and approve/reject the **DMLR-PT-092A** and/or the **DMLR-PT092C** and/or the **DMLR-PT-251**,

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### Roads

Roads for transporting coal must meet Section 4 VAC 25-130-816.151(g) or 817.151(g). This construction or reconstruction must be certified by a qualified RPE in a report (DMLR-PT-098) to the Division that it was constructed as designed.

If the road construction certification does not correspond with the approved design and specifications, the Inspector shall instruct the permittee to address any variation from the approved plans by submitting certification form **DMLR-PT-098**, indicating “as built” construction and include the road’s revised design (with appropriate design data, maps, plans and cross-sections).

Upon submittal of the certification, the Inspector shall:

- Ensure that the certification is made by a qualified RPE.
- Review and approve/reject the **DMLR-PT-098**.

### Excess Spoil Fills

Excess spoil fills must meet the requirements of Section 4 VAC 25-130-816.71(h) or 817.71(h).

If the fill construction does not correspond with the approved design and specifications, the Inspector shall instruct the permittee to note the changes in the “quarterly fill certification” or “critical construction period certification”. Also, complete design information that meets the minimum design requirements of the regulations must be submitted with the fill certification form (**DMLR-PT-105**). Generally, such construction changes as, but not limited to, the following list will require that design information accompany the fill certification:

1. Change in the number of terraces, vertical spacing of terraces;
2. Change in fill volumes;
3. Change in the size, length, type of rock of the under drain;
4. Change from a standard fill to a durable rockfill or vice versa;
5. Increasing the steepness of the fill outslope;
6. Fill construction is completed in a manner resulting in the toe of the fill resting on a steeper slope than was approved;
7. Increase of aerial extent of fill;
8. Change in stream channel length (may require additional mitigation measures);
9. Change in size, location, grade or lining of diversion ditches;
10. Increase in lift thickness; and/or
11. Adding additional underdrains.

Upon submittal of the certification the Inspector shall:

- Ensure that a qualified, registered professional engineer makes the certification.
- Ensure that color photographs are included with the certification
- Review and approve/reject the **DMLR-PT-105**.

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If the permittee is required to conduct acid-base analysis of the fill material (as a condition of permit approval), the Inspector should ensure that the permittee also submits the Quarterly Acid-Base Monitoring report (**DMLR-PT-239**) to the Division with the construction certification.

**Coal Processing Waste Dams, Embankments and Slurry Impoundments**

Coal processing waste structures are to be designed, constructed and maintained in accordance with the requirements for excess spoil fills. The Inspector shall direct the permittee to complete and submit form **DMLR-PT-105** to certify construction of these structures during critical stage construction phases, and quarterly until final construction is achieved.

The Inspector should remind the permittee that the company’s inspection findings must be maintained at the mine site, and that the permittee is required to notify the Division immediately if the structure poses a potential hazard to the public health or safety or harm to the environment.

The Inspector should note each disposal site that is a MSHA class impounding facility where the inspection, reporting, and certification requirements of 30 CFR Section 77.216 apply (per 4 VAC 25-130-816.49(a)(1)). The Inspector shall review these inspection reports and document the review during the quarterly complete inspection. The inspection report shall note the most recent inspection date of the structure, and who conducted such. An annual certification (**DMLR-PT-092A** and/or **DMLR-PT-251**) is required for the impoundment.

**Stream Channel Diversions**

The Inspector is to direct the permittee to submit form **DMLR-PT-233** to certify the construction of a stream channel diversion of a perennial or intermittent stream. The certification must be completed by a qualified RPE and must be prepared for temporary and permanent stream channel diversions. For temporary diversions, once the stream channel diversion is reclaimed per the approved plans, the permittee must certify that the structure was reclaimed per the approved plans. If the stream channel diversion does not correspond with the approved design specifications, the permittee must submit a revision application that includes the “as-built certification” accompanied with complete design information that meets the minimum regulation requirements.

The Inspector shall:

- Ensure that a qualified, registered professional engineer makes the certification.
- Review and approve/reject the **DMLR-PT-233**.