

WEST VIRGINIA SURFACE MINING RECLAMATION REGULATIONS

Department of Natural Resources

Chapter 20-6
Series VII
(1978)

Subject: Rules and regulations pertaining to areas disturbed by prospecting, surface mining operations, and surface effects of underground mining operations, particularly with regards to requirements for access roads, blasting, protection of hydrologic systems, drainage systems, method of operation, and surface effects of underground mining operations.

SECTION 1. GENERAL

1.01. These regulations establish general and specific rules for permits for access roads, for blasting, for protection of hydrologic systems, for drainage systems, for method of operation, and for surface effects of underground mining operations.

1.02. Authority - These regulations are issued under the authority of Article 6, Chapter 20, Code of West Virginia, as amended. These regulations supplement regulations which were promulgated by the West Virginia Reclamation Commission on August 14, 1978 and became effective on August 14, 1978.

1.03. Effective Date - These regulations were promulgated on October 6, 1978 and become effective on October 6, 1978.

1.04. Filing Date - These regulations were filed in the Office of the Secretary of State on the 6th day of October, 1978.

SECTION 2. DEFINITIONS: UNLESS THE CONTEXT IN WHICH USED CLEARLY REQUIRES A DIFFERENT MEANING, AS USED IN THESE REGULATIONS OR AS REFERRED TO IN ARTICLE 6, CHAPTER 20, CODE OF WEST VIRGINIA, AS AMENDED:

2.03 04. Acid-producing overburden shall mean material that may cause spoil which upon chemical analysis, show a pH of 3-5 4.0 or less. Seams

commonly associated with such material may include, but not be limited to Waynesburg, Washington, Freeport, Sewickley, Redstone, Pittsburgh, Kittanning, Elk Lick, Peerless, No. 2 Gas, Upper Eagle, No. 5 Block and ~~sewell~~ Stockton-Lewiston.

2.11. Buffer zone shall mean an undisturbed border along or around an intermittent or perennial stream.

2.15. Lightly buffered stream shall mean any stream or its tributaries that contains less than 15 ppm methyl orange alkalinity (to pH 4.5) and a conductivity of less than 50 micro MHO.

2.33 44. Prospecting shall mean the use of excavating equipment in an area not covered by a surface mining permit for the purpose of removing the overburden to determine the location, quantity or quality of a natural coal deposit, or to make feasibility studies, or for any other purpose.

SECTION 5. HAULAGEWAYS OR ACCESS ROADS

5.17. Infrequently Used Access Road Exemption - Access roads constructed for and used only to provide infrequent service to surface facilities such as ventilators, monitoring devices and sedimentation ponds shall be exempt from the requirements of sub-sections 5.02, 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.12, 5.13 and 5.15, provided adequate stabilization to control erosion is achieved through use of alternate measures. This exemption shall not apply should environmental harm in the form of additional contributions of suspended solids or erosion occur and in such instances the director may order that any or all of the requirements of Section 5 be met.

SECTION 6. BLASTING

6.06. Audible Blast Warning - Three (3) minutes prior to blasting, a warning signal audible to within a range of 1/2 mile from blast site will be given. This pre-blast warning shall consist of three (3) short blasts of five (5) seconds duration with five (5) seconds between each blast. One (1)

long audible warning signal of twenty (20) seconds duration shall be the "all clear" signal.

6.14. Blast Record - A blasting log record book shall be kept current daily and is to be made available at the operation for inspection by the director and the public. These blasting log records are to include seismograph reports, shall be retained for three (3) years and should include as a minimum the following data:

- a. Name of permittee, operator, or other person conducting the blast;
- b. Location, date and time of blast;
- c. Name, signature and certification number of blaster-in-charge;
- d. Direction and distance, in feet, to nearest dwelling, school, church or commercial or institutional building neither owned nor leased by the operator;
- e. Weather conditions;
- f. Type of material blasted;
- g. Number of holes, burden, and spacing;
- h. Diameter and depth of holes;
- i. Types of explosives used;
- j. Total weight of explosives used;
- k. Maximum weight of explosives detonated within any 8 millisecond period;
- m. Method of firing and type of circuit;
- n. Type and length of stemming;
- o. If mats or other protections were used;
- p. Type of delay detonator used and delay periods used;
- q. Seismograph records, where required, including but not limited to;
 1. Seismograph reading, including exact location

of seismograph and its distance from the blast;

2. Name of person taking the seismograph reading;

3. Name of person and firm analyzing the seismograph
record, and;

r. Shot location.

The format for the arrangement and the recording of items in the
blasting log record book is to be on forms prescribed by the director.

SECTION 7. PROTECTION OF THE HYDROLOGIC SYSTEM

7C. Water Rights and Replacement

7C.01. Applicability - The operator shall replace the water supply of
an owner of interest in real property who obtains all or part of his supply
of water for domestic, agricultural, industrial, or other legitimate use
from an underground or surface source where the owner of interest has es-
tablished that such supply has been affected by contamination, diminution or
interruption resulting from the surface mining operation. The replacement
of the water supply will not be required if the owner of interest waives
the replacement thereof.

7D. Daily Monitoring Exception

7D.01. Applicability - The requirements of Section 7, sub-sections
7A.02b and 7A.02c shall not apply where an operator demonstrates by sufficient
data that there is a reasonable expectation that a violation of federal or
state water discharge permits will not occur. If such a violation occurs,
then the director may require daily monitoring until it has been demonstrated
to his satisfaction that the violation or pollution problem has been abated.

SECTION 8. DRAINAGE SYSTEM

8.02. Sediment Control

c. The structures shall be cleaned out when the sediment accumulation
reaches 80% of the sediment storage volume required. Sediment

removal shall be done in a manner that minimizes adverse effects on surface water due to its chemical and physical characteristics, on infiltration, on vegetation, and on surface and ground water quality and in a manner consistent with the provisions of Section 9 (Abandonment Procedures for Sediment Control Structures) of the "Drainage Handbook for Surface Mining" published by the West Virginia Department of Natural Resources and hereby incorporated by reference.

SECTION 9. METHOD OF OPERATION

9.06 [Reserved]

9.09. Regrading or Stabilizing Rills and Gullies - Any rills or gullies deeper than nine (9) inches forming in areas that have been regraded and the topsoil replaced but where vegetation has not yet been established will be deemed unacceptable and any such rills or gullies shall be filled, graded, or otherwise stabilized and revegetated. Rills or gullies of lesser size shall also be stabilized if they will be disruptive to the approved postmining land use or may result in additional erosion and sedimentation.

~~89-01~~ 9.11. Keeping Operation Current - Grading, backfilling and water management practices as approved in the plans shall be kept current as follows:

- a. Should the operation include only stripping (no augering or highwall mining), the grading and backfilling shall follow the mineral removal by a period not to exceed sixty (60) days or 3,000 linear feet.
- b. Should the operation include stripping and augering, the augering shall follow the stripping by a period not to exceed sixty (60) days, and the grading and backfilling shall follow the augering by not more than thirty (30) days or 1,000 linear feet.

- c. Should the operation include stripping and highwall mining, the highwall mining shall follow the stripping within sixty (60) days, or a reasonable time as prescribed by the director. Grading and backfilling shall follow the highwall mining by not more than thirty (30) days or 1,000 linear feet.
- d. Should the operation include only augering or highwall mining, the grading and backfilling shall follow the augering or highwall mining by a period not to exceed thirty (30) days or 1,000 linear feet.
- e. Should the particular site conditions or weather make adherence to these guidelines impractical the period of time or the distance required to be current may be reasonably extended.

9F. [Reserved]

SECTION 16. SURFACE EFFECTS OF UNDERGROUND MINING OPERATIONS

16.01. Applicability - Where surface mining operations are incident to a mine as defined in Chapter 22, Article 1, Code of West Virginia, as amended, all applicable requirements set forth in Chapter 22, Article 2, Section 63; Chapter 20, Article 6, Section 1 et. seq. of Code of West Virginia, as amended; excepting Chapter 20, Article 6, Sections 8, 11a, 13, 13a, 17, 18, 18a, 19, 20a, 20b and 31 and all rules and regulations promulgated pursuant to Chapter 20, Article 6 excepting Sections 4.01, 4.12, 6 and 10 shall apply