



STATE OF WEST VIRGINIA  
 OFFICE OF THE SECRETARY OF STATE  
 CHARLESTON 25305

A. JAMES MANCHIN  
 SECRETARY OF STATE

STATE REGISTER FILING

I, Willis H. Hertig, Jr., Director,  
Department of Natural Resources, hereby submit to record in  
Department of Natural Resources  
 Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- ( ) proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- ( ) proposed rules and regulations superseding rules and regulations already on file;
- ( ) notice of hearing;
- ( ) findings and determinations;
- ( ) rules and regulations; or
- (X) other - specify (Interpretative Regulation )

This filing pertains to

Chapter 20  
 Article 6  
 Series VII  
 Section 7  
 Page No. 7-22

- ( ) proposed rules and regulations are required to go to Legislative Rule Making Committee;
- (X) proposed rules and regulations are excluded from Legislative Rule Making Committee;

OFFICE OF WEST VIRGINIA  
 SECRETARY OF STATE  
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Signature of Person Authorizing  
 This Filing  
 Date Submitted  
 January 9, 1985



STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES  
CHARLESTON 25306

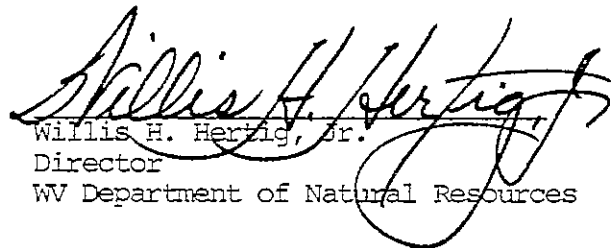
JOHN D. ROCKEFELLER IV  
Governor

January 9, 1985

WILLIS H. HERTIG, JR.  
Director

RONALD R. POTESTA  
Deputy Director

I hereby certify the attached interpretative regulation titled Underground Mining Subsidence Control Plan is correct and is filed with the Office of the Secretary of State this 9th day of January 1985. This interpretative regulation is part of the West Virginia Surface Mining Regulation, Department of Natural Resources, Chapter 20-6, Series VII.

  
Willis H. Hertig, Jr.  
Director  
WV Department of Natural Resources

Attachment

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Appendix C

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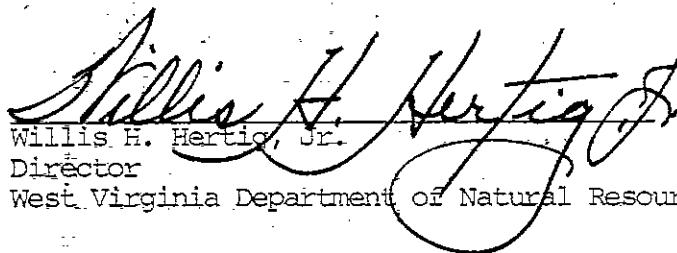
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING

Pursuant to Section seven, Article six, Chapter Twenty, of the Code of West Virginia, 1931, as amended, the West Virginia Department of Natural Resources shall convene a public hearing at 1:00 - 4:00 p.m. on Feb. 11, 1985, at the State Capitol, Building No. 7, Second Floor, Conference Room C, 1900 Washington Street, East, Charleston, West Virginia 25305, for the purpose of taking evidence pertaining to the filing of proposed interpretative regulation rule for Underground Mining Subsidence Control Plans.

Any citizen or other interested party may appear in person to present evidence. Any citizen or other interested party may submit written evidence at the public hearing or mail to West Virginia Department of Natural Resources, 1800 Washington Street, East, Room 322, Charleston, West Virginia 25305. All comments, written or oral, will be made a part of the public hearing record. The department requests that parties wishing to comment make an effort to submit written copies of their comments in order to facilitate review of the comments.

The issues to be heard shall be limited to the proposed rule. Copies of the proposed rule may be obtained by telephoning (304) 348-3267 or writing to West Virginia Department of Natural Resources, 1800 Washington Street, Room 322, Charleston, West Virginia 25305.

  
Willis H. Hertig, Jr.  
Director  
West Virginia Department of Natural Resources

January 9, 1985

Entered

Filing of Administrative Regulations

UNDERGROUND MINING SUBSIDENCE CONTROL PLAN

This interpretative regulation further defines current regulation 7C.03

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GENERAL SECTION

The West Virginia Department of Natural Resources, Division of Reclamation is proposing an interpretative regulation regarding the information required by Section 7C.03 (Subsidence Control Plans) of the West Virginia Surface Mining Rules and Regulations, Series VII, 1983. The information included hereunder more closely interprets the requirements of 7C.03.

The interpretative regulation is a result of the large amount of interest from the industry and private citizens concerning subsidence, subsidence plans, and the vagueness of existing regulations.

The attached requirements for a subsidence control plan were developed to parallel the format in the Application For An Underground Mine (DR-14). The format also makes a distinction between "Room and Pillar" mining and "Total Extraction".

Thirty (30) to Sixty (60) days following public comment concerning the attached requirements for a subsidence control plan, the Reclamation Division shall order this information to be submitted with new underground mining applications and for all underground mines with a current permit from the Reclamation Division which was issued without a subsidence control plan in accordance with Section 7C.03.

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SECRETARY OF STATE

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AUTHORITY

This interpretative regulation is being promulgated by the authority of Chapter 20, Article 6, Section 7, Code of West Virginia, 1931, as amended.

UNDERGROUND MINING SUBSIDENCE CONTROL PLAN

I. ALL UNDERGROUND MINES

- J-2A
1. Survey - topo map of a scale 1" = 1000' or less; the survey shall cover all areas overlying the projected mine areas within the angle of draw but at least 15° from any coal removal.
    - A. All renewable resource lands which include but may not be limited to: agriculture or pasture lands, intensively managed commercial forests, intermittent or perennial streams, public use lands, etc.
    - B. All structures clearly identified for use (including all protected structures). Structures shall include but not be limited to roads, high tension power lines, dwellings, gas collection and transmission lines, gas and oil wells, water distribution lines, dwellings, utility buildings, public buildings, businesses, impoundments, coal refuse piles, etc.
    - C. All significant aquifers. This information can be included by reference in the PHC portion of the application.
    - D. Public or private water supplies (wells, springs, etc.).
  2. The director may waive the remainder of the requirements for a subsidence plan if the survey indicates and the director determines that no material damage or diminution of value or foreseeable use of the land could be caused by subsidence.

J-2B            A general description of the technique of coal removal (i.e. room and pillar with pillar removal, longwall, hydraulic mining, etc.).

II. LONGWALL MINING OR ROOM AND PILLAR WITH 80% RECOVERY OR GREATER

- J-2C
1. All areas where planned subsidence is projected based on angle of draw (may be shown on survey map, mine development map or other map on which the information from the survey is easily discernable). If it is proposed that the angle of draw is less than 15° supporting data must be included.
  2. Typical predicted subsidence profile(s) for areas of planned subsidence. Specify from what source information was obtained to develop the predicted profile(s).

OFFICE OF RESTORATION  
SECRETARY OF STATE  
DIVISION OF MINING

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J-2C con't

3. Specifically indicate those areas in which measures will be taken to the extent technologically and economically feasible to prevent or minimize subsidence and related damage. Document those measures in accordance with 7C.03(a)5.

III. ALL UNDERGROUND MINES

1. Strike and dip of coal in accordance with 7C.03(a)4.
2. The depth to the coal from the surface indicated by an insopach map on contour intervals of 50' or less (this can be done on the survey proposal map or separately) in accordance with 7C.03(a)4.
3. Average seam thickness.
4. Lithology which adequately represents the projected underground mining area and how the lithology was obtained.
5. Hydrologic conditions which may affect subsidence.
6. Other geologic conditions which may affect subsidence.

IV. ROOM AND PILLAR MINING WITH LESS THAN 80% EXTRACTION

J-2E

1. On the development map, show all first mining and areas of planned pillar extraction in accordance with 7A.01.
2. Under all structures and renewable resource lands, demonstrate what methods will be used to protect that structure or lands (i.e. leaving solid coal or limited extraction). Under structures, this area must extend to the angle of draw from any structure. Any porported angle of draw less than 15° must be supported by data. If mining is planned under or adjacent to a structure, it must be demonstrated to the extent technologically and economically feasible that the pillar design will support the overburden in accordance with 7C.03(a)5, 7C.02(a) and (d). If it is not technologically and economically feasible a detailed explanation must be included.
3. Show in detail anticipated secondary mining plans including percent extraction in accordance with 7C.03(a)5, 7C.02(a) and (d).

V. LONGWALL MINING OR ROOM AND PILLAR WITH 80% RECOVERY OR GREATER

J-2E

1. Under or adjacent to all structures and renewable resource lands demonstrate what methods will be used to prevent subsidence to the extent technologically and economically feasible causing material damage or reducing the value or reasonably foreseeable use of such. If it is not technologically and economically feasible a detailed explanation must be included.

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VI. ALL UNDERGROUND MINES

- J-2E
1. A description of the measures to be taken in order to repair subsidence damage as specified in 7C.02(b).
  2. Any other measures taken to mitigate or remedy any material damage or diminution in value or foreseeable use that may occur due to expected subsidence.
  3. When an applicant feels it has the right to subside, a copy of relevant portions of the actual document providing the right to subside must be included. The applicant must acknowledge surface lands shall be repaired in accordance with 7C.02(b) regardless of the right to subside. When the applicant has the right to subside 1 and 2 of this section need not be addressed.

VII. ALL UNDERGROUND MINES

- J-2F
- List all owners of property and residents within the area above the proposed underground workings. This list could be included on the survey or mine development map if sufficiently legible. The area above the underground works shall mean within the angle of draw but at least 15° from any coal removal.

VIII.

Proposals to mine under or adjacent to features or facilities indicated in Section 7C.02(d) (i.e. churches, schools, public buildings, etc.) must be made in writing.

In addition to the information required above other information may be required on a site specific basis.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Underground Mining Subsidence Control Plan

Type of Rule:      Legislative   XXX   Interpretive      Procedural

Agency: Department of Natural Resources Address: 1800 Washington Street, E.  
Charleston, WV 25305

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0

2. Explanation of above estimates:

Current Reclamation Division staff will be available to review subsidence control plan. Subsidence control plans are currently being submitted by the coal industry and those plans are currently being reviewed by Division personnel.

3. Objectives of these rules:

The objective of this rule is to further clarify the current requirements of a subsidence plan and in many instances require more information so that damage to private structures, public structures and the state's natural resources, such as streams and agricultural lands, will be better protected from the damage from underground mine subsidence.

4. Explanation of Overall Economic Impact of Proposed Rule

- A. This will have minimal impact on state government due to current existing regulations and this will not involve hiring of additional personnel.
- B. This will have a positive impact upon some small communities and county governments due to increased protection to communities, public buildings and renewable resource lands from subsidence damage. The underground coal mining industry will have additional cost for permit applications however, subsidence control plans are currently being required.

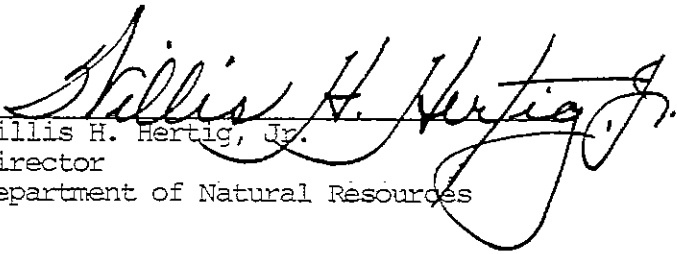
APPENDIX B

Page 2

4. (Continued)

- C. The impact on the public will be positive for property/structure owners. This will provide some added protection to property/structure owners above new underground mine working.

Date: January 9, 1985

  
Willis H. Hertig, Jr.  
Director  
Department of Natural Resources

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Appendix C

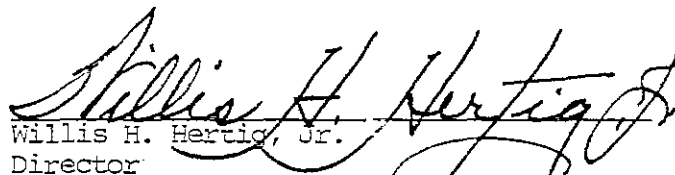
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SECRETARY OF STATE

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Willis H. Hertig, Jr.  
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January 9, 1985

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SECRETARIAT OF STATE

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