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PROCEDURE INSTRUCTION LETTER NO. I08-V-05

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SUBJECT: Responsibility for Approval of Blasting and Underground
Coal Mine Waste Disposal Plans

Scope

This procedure Instruction Letter (PIL) applies to Coal Mine Safety and Health (CMS&H) District Managers, Supervisors and Compliance Specialists responsible for evaluating plans for blasting within 500 feet of an active underground coal mine and for underground coal mine waste disposal.

Purpose

This PIL extends the responsibility for approval of the above plans to all CMS&H District Managers. This letter also provides instruction to CMS&H personnel for handling requests from coal mine operators for approval of a plan. The plans are required by the Department of the Interior's Office of Surface Mining and Reclamation Enforcement (OSM), or by the appropriate State Agency with primacy (regulatory authority).

Procedure Instruction

The Surface Mining Control and Reclamation Act of 1977 requires approval of an operator's blasting plan by the Mine Safety and Health Administration (MSHA) and OSM, or the appropriate state agency, when surface blasting activities are planned in close proximity of an active underground coal mine. Therefore, MSHA shall evaluate such plans when they are received from the operator, from the state regulatory authority or from OSM. Joint approval with MSHA is also required when a coal mine operator proposes to discharge slurry, water, or other coal mining waste into active, inactive or abandoned underground mine workings.

If the plans adequately address the health and safety of both surface and underground coal miners, MSHA must provide written notification to the originator of the plans, and copies of the decisions must be mailed to the other concerned parties. Notification of disapprovals will be served in the same manner.

Background

This PIL extends responsibility for approval and concurrence of such plans to all CMS&H District Managers. The delegation of this review authority to District Managers will improve the efficiency and effectiveness of this approval process.

Authority

Federal Mine Safety and Health Act of 1977, 30 CFR 77.1303(j), and Department of the Interior, Surface Mining and Reclamation Act of 1977, 30 CFR 816.79(b).

Filing Instructions

This PIL should be filed behind the tab marked Procedure Instruction Letters in the binder for Program Policy Handbooks and Procedure Instruction Letters.

Issuing Office and Contact Person

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Internet Availability

This instruction letter may be viewed on the Internet by accessing the MSHA Home Page (www.msha.gov) and then choosing "Compliance Info" and Procedure Instruction Letters.

Distribution

All Program Policy Manual Holders

