



U. S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
DIRECTIVES SYSTEM

Subject Number:
TSR-2

Transmittal Number:
375

Date: 9/14/87

Subject: Quarterly Examination of Water Impoundments

Approval: *Jed D. Christensen* Title: Director

1. Purpose. This directive outlines Office of Surface Mining Reclamation and Enforcement (OSMRE) policy with regard to requirements for quarterly examination of water impoundments without an embankment. OSMRE will follow this policy in conducting oversight and evaluation of State programs, in implementing, administering and enforcing a Federal program in States without approved State regulatory programs, and in regulating coal mining operations on Indian lands and on Federal lands in States without a cooperative agreement.

2. Definitions. None.

3. Policy/Procedures.

At 30 CFR 816.49(a)(11) and 817.49(a)(11) OSMRE requires that all impoundments that do not meet the size or other criteria contained in the Mine Safety and Health Administration (MSHA) regulations at 30 CFR 77.216(a) shall be examined at least quarterly by a qualified person for appearance of structural weaknesses and other hazardous conditions.

If an impoundment is constructed without an embankment, OSMRE policy will exempt these impoundments from the quarterly examination requirement since there is no embankment to examine for structural weaknesses or other hazardous conditions. Therefore, excavated ponds, bench control systems, and haulroad sumps or any impoundment that is built without embankments might be exempt from the requirements of sections 816.49(a)(11) and 817.49(a)(11). The decision as to which structures are exempt should be made on a case-by-case basis by the Regulatory Authority (RA) according to information provided in the permit application when it is approved.

Although examinations may not be required, the operator is encouraged to examine the impoundments on a quarterly basis to make certain they are functioning properly and maintained adequately. In Federal program States, the RA shall inspect the condition of each impoundment during the normal quarterly inspections.

This interpretation does not affect the inspection requirements contained in 30 CFR 816.49(a)(10).

4. Reporting Requirements. None.

5. References.

a. 30 CFR 816/817.49(a)(11)

b. 30 CFR 77.216(a).

6. Effect on Other Documents. Replaces memorandum of August 28, 1984, to Field Office Directors from the Assistant Director, Program Operations and Inspection, entitled "Quarterly Examination of Impoundments."

7. Effective Date. Upon issuance.

8. Contact. Chief, Division of Technical Services, (202) 343-1480.