

**VIRGINIA DEPARTMENT OF ENERGY
MINED LAND REPURPOSING**

GUIDANCE MEMORANDUM¹ No. 17-07

Issue Date: October 16, 2007

Subject: Impoundments – Underground Mining

In the past there have been a few instances where impoundments have experienced failures within the impoundment area. These events occurred when impounded water or slurry entered old mine works through subsidence fractures or other openings, allowing the water or slurry to travel through the mine workings. This resulted in discharges from mine portals into streams, resulting in major black and/or inadequate water quality discharges with significant adverse impact to the environment or threat to the public health and safety.

This guidance memorandum is intended to heighten awareness of the potential threats that may occur in relation to current or proposed impoundments, and to ensure that permittees and applicants adequately address these potential situations in accordance with §§4VAC25-130-780.25, 4VAC25-130-784.16, 4VAC25-130-784.25, 4VAC25-130-816.49, 4VAC25-130-817.41(i)(3), 4VAC25-130-817.49, 4VAC25-130-817.81 and/or 4VAC25-130-817.84 of the Virginia Coal Surface Mining Reclamation Regulations.

The Mined Land Repurposing (MLR) program will review each proposed underground mining operation to determine whether it will be in the vicinity of an existing or proposed impoundment. The MLR will also perform this type of review at the time a mid-term review is conducted on an existing underground mining permit.

A permittee or applicant of an existing or proposed underground mining operation should determine whether the existing or proposed underground mine works have the potential to affect existing or proposed impoundments. If the underground mining operation is to be in the vicinity of an impoundment, then the permittee should ensure the plans for the proposed or approved operations address the stability of the impoundment areas relative to the existing, proposed, or abandoned underground mine works. The approved plans should demonstrate that an adequate barrier is present or will be maintained to prevent a breach of the impoundment's contents into existing or abandoned mine works.

The MLR will require each new permit or revision application proposing a new impoundment or modification of an existing impoundment to provide the demonstration of

¹ This Memorandum is to be considered a guideline issued under the authority of § 45.1-230.A1 of the Code of Virginia which reads:

"In addition to the adoption of regulations under this chapter, the Director may at his discretion issue or distribute to the public interpretative, advisory or procedural bulletins or guidelines pertaining to permit applications or to matters reasonably related thereto without following any of the procedures set forth in the Administrative Process Act (§ 2.2-4000 et seq.). The materials shall be clearly designated as to their nature, shall be solely for purposes of public information and education, and shall not have the force of regulations under this chapter or under any other provision of this Code."

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Page 2 of 2

adequate protection referenced in the preceding paragraph and to provide verification of existing or proposed underground mine works that are or will be located under or adjacent to the impoundment.

The MLR will review the stability of the impoundment area and the adequacy of barriers from the underground mine works, including internal mine barriers as required by §§4VAC25-130-816.49, 4VAC25-130-817.41(i)(3), 4VAC25-130-817.49, 4VAC25-130-817.81 and/or 4VAC25-130-817.84 of the Virginia Coal Surface Mining Reclamation Regulations.

Should you have any questions regarding this guidance memorandum, please contact the MLR Technical Services Manager at (276) 523-8100.