

## ATTACHMENT 8

PREVENTION OF IMPOUNDMENT LEAKS INTO UNDERGROUND MINES  
ARCC IMPLEMENTATION PLAN

As a result of four major occurrences since 1996, three in Virginia, and the latest in Martin County, Kentucky, OSM developed an action plan for initiating an effort to assure that impoundment breakthroughs into underground mine works do not occur in the future. To accomplish the objectives spelled out in the OSM action plan the Appalachian Region has established specific tasks focused on identification of high risk impoundments, technical re-evaluation of these structures, correction of identified problems, and oversight of the state programs to ensure that SMCRA requirements related to impoundments are being fully met. These tasks will be accomplished with a maximum level of coordination among the Region's Field Offices, states, and MSHA, in order to ensure consistency and to minimize duplication of effort to the extent possible.

**TASK 1.** Establish a Regional impoundment technical committee to determine the factors contributing to the Martin County impoundment breakthrough.

**TASK 2.** Expand the technical committee to include state and MSHA technical representatives. The expanded committee, using their combined expertise along with information gained from the Kentucky and Virginia experiences will:

- Develop criteria that should be considered in reevaluating existing high-risk impoundments over or adjacent to underground mine works.

**TASK 3.** Develop and implement individual Field Office work plans designed to minimize the potential for future impoundment leaks or breakthroughs into underground mine workings. Each work plan will address the following:

- ***Oversight***
  - Evaluate the state program to determine if state requirements for regulating impoundments are as stringent as those in the Federal regulations at 30 CFR.
  - Evaluate the state's implementation of its program requirements for reviewing and approving coal related impoundments meeting the inventory criteria, including MSHA coordination.
  - Implement corrective action to resolve any deficiencies that are identified in the state program or its implementation.

- Evaluation of Existing Impoundments
  - Ensure the completion of a state inventory that, at a minimum, includes those coal related impoundments that are 20 acre feet in size and within 500 feet of any underground mine workings.
  - Work with the state to prioritize those sites from the inventory in order to ensure the earliest possible review of those impoundments that pose the highest risk.
  - Ensure effective state RA technical reviews of the approved permits for those impoundments identified in the inventory that may pose a threat to health, safety, or environment. Technical reviews should consider the criteria developed by the technical committee in Task 2. The Field Offices will coordinate any requests for technical assistance received from the states.
  - Ensure that appropriate corrective actions are taken where 1/19/01 deficiencies in specific permits are identified during the technical review.

**General Schedule:** Task 1 was initiated on October 16, 2000, and the committee is continuing its efforts to identify factors contributing to the Martin County failure. The committee will now add Task 2 to their objective. All field offices have drafted their work plans and are initiating discussions with their respective states. Work has also begun on inventories in each state. Oversight efforts associated with Task 3 will begin as soon as discussions with states are concluded and work plans are finalized. Technical reviews of high-risk impoundments should begin once the technical committee develops criteria that should be considered in those reviews. A more specific timetable for all implementation activities will be developed as state specific work plans are finalized.