

From: Jay Kramer [mailto:jkramer@bioengineering.com]
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Subject: RIN 1219- AB70

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Mine Safety and Health Administration
30 CFR Parts 56 and 57
RIN 1219-AB70
Metal and Nonmetal Dams
Advanced Notice of Proposed Rulemaking (ANPRM)
Fedreg. Doc. 2010-19960

I would like to comment on the Advanced Notice of Proposed Rulemaking and voice my support for efforts to require certification of metal and non metal tailings dams.

RIN 1219-AB70
COMMENT:

There are two branches that make up of the enforcement portion of MSHA: The Coal Mine Safety and Health Branch and the Metal and Non Metal Safety and Health Branch. Each branch acts independently of each other for the most part. This is due primarily to the different hazards associated with coal mining as opposed to other forms of mining. However, earthen dams should be similar for most types of mining operations and the dams should present the same types of stability hazards. It is confusing to me and seems unfair and/or risky that the Coal Mine Safety and Health Branch require dams to be certified, but Metal and Nonmetal Safety and Health Branch do not require certification. I understand that many Metal and Nonmetal mines are small operations and the cost of designing a dam may be an issue, but there should be a well planned certification process used to document and ensure the competency of the design, construction, operation and maintenance of dams. Communities, engineers, and other stakeholders are not well served by a set of practices that fail to follow a uniform risk-based standard. It may be necessary to provide an incentive to small operations to help temper the additional expense required to certify and maintain the dam.

Jay Kramer PhD, PE
Geotechnical and Mining Engineer
BIOENGINEERING GROUP
18 Commercial Street
Salem, MA 01970
p: 978-224-3117
c: 781.296.7295
f: 978-740-0097
jkramer@bioengineering.com
bioengineering.com



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