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SUBJECT: Permits for Mining Under Bodies of Water

**Scope**

This Program Policy Letter (PPL) is intended for underground coal mine operators, miners and miners' representatives, independent contractors, Mine Safety and Health Administration (MSHA) personnel, and other interested parties working in underground coal mines.

**Purpose**

The purpose of this PPL is to provide (1) guidance regarding the notice that coal mine operators must give to the District Manager prior to the commencement of mining operations under a body of water, (2) factors the District Manager should consider when deciding whether a permit should be required and (3) address the Upper Big Branch Internal Review team's recommendations on MSHA's policy pertaining to permits for mining under bodies of water.

**Policy**

MSHA standard 30 CFR § 75.1716-1 requires mine operators planning to mine coal or construct tunnels under any river, stream, lake, or other body of water to give notice to the District Manager prior to the commencement of such mining operations. The term "other body of water" includes a body of water in an overlying mine. Based on the notice provided by the operator, the District Manager must determine, under § 75.1716-2, whether the planned operation constitutes a hazard to miners such that a permit is required. The notice should contain sufficient information for the District Manager to evaluate the potential hazard such as the volume of the body of water, the maximum static pressure head, and the thickness of the solid strata between the planned workings and the base of the body of water. The notice may be provided by a variety of methods including letter, email, or phone call.

In addition to the notice requirement in § 75.1716-1, § 75.1200 (j) provides that mine operators must identify water pools above on the mine map. The term “water pools above” includes water pools in overlying mines.

Existing standard § 75.1203 requires the mine operator to furnish MSHA, upon request, one or more copies of the mine map. The District Managers will require all mine operators to furnish a current § 75.1200 mine map at the same time that they submit the mine ventilation map under § 75.372 (a)(1), regardless of the last time the mine map was submitted (this may result in an operator submitting an updated mine map more than once a year). Both maps should be updated as of the same date. This will facilitate correlation of the location of overlying bodies of water with current mining projections. One map can satisfy this requirement if it contains all of the required information

Mine ventilation maps or mine maps showing underlying and overlying workings required under § 75.372 (b) (4) or § 75.1200 (i) should include bottom-of-coal elevation contours for those workings on 10-foot intervals when such information is available. Mine ventilation maps should also identify pools of water in overlying mines where applicable.

After notice is provided by the mine operator under § 75.1716-1, but prior to the commencement of mining operations beneath a body of water, the District Manager will determine whether the planned mining operations constitute a hazard to miners. Water bodies that are sufficiently large to constitute a hazard to miners may include lakes, reservoirs, impoundments, large ponds, perennial streams, and significant pools of water in overlying mines. Small farm or surface mine ponds, intermittent or seasonal streams, and stream valleys, rills or draws without water would not normally be considered potentially hazardous bodies of water. The District Manager will also consider the guidelines in U.S. Bureau of Mines Information Circular 8741<sup>1</sup> when making his determination. Special conditions, such as the possible presence of large faults, fracture zones, lineaments, shafts, boreholes, or other potential pathways that could facilitate water intrusion, may also constitute a hazard.

If, in the judgment of the District Manager, the planned mining operations constitute a hazard to miners, the District Manager will notify the mine operator that a permit is required in accordance with § 75.1716-2.

### **Background**

Bodies of water, including large surface water bodies and water pools in overlying mines, can constitute significant hazards to miners. The consequences of water intrusion into active mines can include inundations, cave-ins and blockages of critical

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<sup>1</sup> Babcock, CO and Hooker, VE (1977), “Results of Research to Develop Guidelines for Mining Near Surface and Underground Bodies of Water,” US Bureau of Mines Information Circular 8741, 21 pp.

airways and travelways. Existing standard § 75.1716 requires mine operators to notify MSHA prior to the commencement of mining operations under any river, stream, lake, or other body of water, and to obtain a permit before conducting mining operations under any body of water that constitutes a hazard to miners.

**Authority**

The Federal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. § 801 et seq; 30 CFR §§ 75.1203 and 75.1716 through 75.1716-4.

**Filing Instructions**

This PPL should be filed behind the tab marked "Program Policy Letters" at the back of Volume V in the Program Policy Manual.

**Issuing Office and Contact Persons**

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