

§ 77.216

and future impoundment of water, and provide for major slope stability.

(Secs. 101, 508, Pub. L. 91-173, 83 Stat. 745, 803 (30 U.S.C. 811, 957), Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[40 FR 41776, Sept. 9, 1975, as amended at 60 FR 33723, June 29, 1995]

§ 77.216 Water, sediment, or slurry impoundments and impounding structures; general.

(a) Plans for the design, construction, and maintenance of structures which impound water, sediment, or slurry shall be required if such an existing or proposed impounding structure can:

(1) Impound water, sediment, or slurry to an elevation of five feet or more above the upstream toe of the structure and can have a storage volume of 20 acre-feet or more; or

(2) Impound water, sediment, or slurry to an elevation of 20 feet or more above the upstream toe of the structure; or

(3) As determined by the District Manager, present a hazard to coal miners.

(b) Plans for the design and construction of all new water, sediment, or slurry impoundments and impounding structures which meet the requirements of paragraph (a) of this section shall be submitted in triplicate to and be approved by the District Manager prior to the beginning of any work associated with construction of the impounding structure.

(c) Before May 1, 1976, a plan for the continued use of an existing water, sediment, or slurry impoundment and impounding structure which meets the requirements of paragraph (a) of this section shall be submitted in triplicate to the District Manager for approval.

(d) The design, construction, and maintenance of all water, sediment, or slurry impoundments and impounding structures which meet the requirements of paragraph (a) of this section shall be implemented in accordance with the plan approved by the District Manager.

(e) All fires in impounding structures shall be extinguished, and the method used shall be in accordance with a plan approved by the District Manager. The plan shall contain as a minimum, pro-

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visions to ensure that only those persons authorized by the operator, and who have an understanding of the procedures to be used, shall be involved in the extinguishing operation.

(Secs. 101, 508, Pub. L. 91-173, 83 Stat. 745, 803 (30 U.S.C. 811, 957))

[40 FR 41776, Sept. 9, 1975]

§ 77.216-1 Water, sediment or slurry impoundments and impounding structures; identification.

A permanent identification marker, at least six feet high and showing the identification number of the impounding structure as assigned by the District Manager, the name associated with the impounding structure and name of the person owning, operating, or controlling the structure, shall be located on or immediately adjacent to each water, sediment or slurry impounding structure within the time specified in paragraph (a) or (b) of this section as applicable.

(a) For existing water, sediment or slurry impounding structures, markers shall be placed before May 1, 1976.

(b) For new or proposed water, sediment, or slurry impounding structures, markers shall be placed within 30 days from the start of construction.

(Secs. 101, 508, Pub. L. 91-173, 83 Stat. 745, 803 (30 U.S.C. 811, 957))

[40 FR 41777, Sept. 9, 1975]

§ 77.216-2 Water, sediment, or slurry impoundments and impounding structures; minimum plan requirements; changes or modifications; certification.

(a) The plan specified in § 77.216, shall contain as a minimum the following information:

(1) The name and address of the persons owning, operating or controlling the impoundment or impounding structure; the name associated with the impoundment or impounding structure; the identification number of the impounding structure as assigned by the District Manager; and the identification number of the mine or preparation plant as assigned by MSHA.

(2) The location of the structure indicated on the most recent USGS 7½ minute or 15 minute topographic quadrangle map, or a topographic map of