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	U. S. DEPARTMENT OF THE INTERIOR OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT DIRECTIVES SYSTEM	Subject Number: AML-4 Transmittal Number: 322 Date: 3/11/87

Subject: Procedures for OSMRE Emergency and High Priority Federal Reclamation ~~Program~~ Projects

Approval: Jed W. Christensen Title: Director

1. Purpose. This directive provides guidance and delineates responsibilities for the investigation and conduct of emergency and high priority reclamation projects for which the Office of Surface Mining Reclamation and Enforcement (OSMRE) is responsible.

Note: These procedures pertain to OSMRE projects addressed under the Federal Reclamation Program only. With the exception of the Emergency Determination, the procedures do not apply to States which may be given authority by OSMRE to conduct their own emergency programs.

2. Definitions and Abbreviations.

a. Emergency means a sudden danger or impairment that presents a high probability of substantial physical harm to the health, safety, or general welfare of people before the danger can be abated under normal program operation procedures.

b. High Priority means a situation in which there is a need to protect public health, safety, and general welfare from the hazards created by the adverse effects of past coal mining practices.

c. Briefing Paper means a written summary of the facts developed through investigation of the hazards, with supporting reasons that the situation qualifies as an emergency or as a high priority.

d. Pre-reclamation Appraisal means a notarized real estate appraisal, performed by an independent appraiser, of the market value of the unreclaimed land as affected by past mining. In the event of an unforeseen occurrence, the appraisal of the property will be performed as it existed immediately prior to the unforeseen occurrence.

e. Post-reclamation Appraisal means a notarized real estate appraisal by an independent appraiser of the market value of the property as reclaimed.

f. E/WFO means OSMRE Eastern/Western Field Operations Offices.

g. FO means OSMRE Field Office.

h. TPO means OSMRE Technical Project Officer.

i. AML means Abandoned Mine Lands

3. Policy/Procedures.

I. Emergency Projects

a. Emergency complaints. The OSMRE FO's are responsible for all investigations of emergency complaints. The OSMRE E/WFO Offices are responsible for emergency abatement.

(1) Complaints originate in one of the following manner(s):

(a) Received in FO.

(b) Received by State AML Agency/Indian Tribe. To be forwarded to the FO.

(c) Received by E/WFO Offices. To be forwarded to the FO.

(2) Initial information to be obtained under 3.I.a.(1) above: name and phone number of person complaining, nature of problem, site location, and the name and phone number of person most familiar with problem.

b. Preliminary Investigation.

(1) OSMRE FO.

(a) FO personnel will be dispatched to problem site in a timely manner. If more expedient, assistance may be requested from E/WFO Office.

(b) Notify State AML Agency/Indian Tribe for coordination of site visit.

(c) Staff responsible for field investigation should obtain all pertinent information on Appendixes 2 and 3.

(d) If appropriate, notify emergency assistance organizations and local authorities of conditions at site to ensure that immediate protective steps are taken, such as fencing, street closings, etc.

(e) Determine if local or State/Tribe institutions can and will correct problem (such as State AML Agency/Tribe, or State/Tribe or county highway department).

(f) Provide information to E/WFO Office in writing, over telefax and/or over telephone of results of investigation, as warranted.

(g) Request State Attorney General opinion of eligibility from the State AML Agency/Indian Tribe or OSMRE (Department

of the Interior) Solicitor. To be eligible, the following must be determined:

1 Problem must be coal mine related.

2 Disturbed area of mine must have been abandoned prior to August 3, 1977.

3 Any bond associated with the disturbed area must have been released, or forfeited and expended. If a bond has been forfeited but not expended, it must be applied to any work to be done. A commitment from the holder of the bond to that effect, in writing, is required. This commitment may initially be verbal in a documented telephone log with a written follow-up.

(h) Obtain written opinion of eligibility (Appendix 4 or similar) and transmit to E/WFO Office. This may follow a verbal notification of eligibility.

(i) If the FO determines that the problem appears to be of a serious nature, the E/WFO's Offices must be promptly notified. The FO will prepare a report on the complaint investigation using Appendix 5 (or similar) as a guideline. Copy of Appendixes 4 and 5 will be transmitted to the E/WFO Office.

(2) State AML Agency/Indian Tribe. At its discretion, may provide personnel to accompany OSMRE staff in the problem investigation.

(3) E/WFO Office. If problem appears to be of a serious nature, the E/WFO Office will maintain close contact with FO during preliminary investigation.

c. Final Determination.

(1) If the information submitted by the FO suggests a problem of serious nature, the E/WFO Office will immediately review and evaluate the complaint investigation report.

(2) The E/WFO Office may dispatch a field team to the problem site. The team may consist of an engineer, project specialist, realty specialist, or other E/WFO Office staff as needed. E/WFO Office will coordinate the team arrival with the FO. Staff involved in the preliminary investigation will meet the E/WFO Office team at the problem site or other pre-arranged location.

(3) E/WFO Office will determine if unobligated funds are available in the emergency account to address the problem. If not, the Headquarters Division of AML will be notified immediately. The HQ Division of AML, in coordination with the OSMRE Budget Office, will determine fund availability and provide appropriate guidance to the E/WFO Office.

(4) The Branch of Acquisition and General Services of the

Administrative Service Center of the E/WFO Office will be informed of the probable emergency.

(5) The Assistant Director for E/WFO will make the final determination on whether an emergency exists or not. The determination will be based on the AML Emergency Program Guidelines memo dated August 19, 1985 (Appendix 1).

(6) If an emergency exists, the final determination will be documented in a briefing paper (Appendix 6). At this point, the E/WFO will direct and coordinate all actions that follow.

(7) E/WFO will immediately notify the FO, the field team and the Branch of Acquisition and General Services of the decision.

(8) The FO will notify the State AML Agency/Indian Tribe and other interested parties of the decision.

(9) A TPO will be designated for the project.

d. Implementation of Corrective Action.

(1) The Assistant Director for E/WFO may authorize the FO or the E/WFO field team to proceed with immediate abatement action.

(2) The E/WFO and the field team will, as appropriate:

(a) Prepare a set of detailed written specifications, or request a consulting engineer contractor to prepare specifications that should at a minimum include:

1 Detailed itemized work necessary to correct the problem.

2 Any drawings necessary to make work required more clear.

3 An itemized bid sheet showing each unit of work required with a space for bid price on each unit.

4 The estimated cost by unit of work required.

(3) The E/WFO field team will:

(a) Advise the Assistant Director for E/WFO of the potential for lien.

(b) Obtain all necessary consents, or exercise non-consensual procedure for entry.

(c) Obtain any additional information necessary to secure an appraisal, if required.

(d) Take sufficient color prints (approximately 3" X 5") or slides to show AML problem and impacts, including all damage to structures, both inside and out.

(4) The E/WFO Office will:

(a) Prepare a briefing paper (Appendix 6). The briefing paper will be developed following the instructions and procedures established in the appropriate OSMRE Directive for Briefing Papers.

(b) Process with the contracting officer of the E/WFO Office the appropriate procurement action for engineering and reclamation work.

(c) Communicate to the affected public and State AML Agency/Indian Tribe OSMRE's plans to address the problem (Scope of Work).

(d) Mail completed and approved briefing paper and any project status reports to the HQ Division of AML.

(e) Prepare specifications and cost estimate for construction monitoring, if appropriate.

(f) Provide for construction monitoring through the appropriate procurement action by:

1 Contracting to the private sector.

2 Contracting to the State AML Agency/Indian Tribe.

3 Utilizing OSMRE E/WFO Office and FO personnel.

4 Utilizing other Federal agency personnel.

(g) Prepare specifications for appraisal, if required. Submit to Branch of Acquisition and General Services of the Administrative Service Center of E/WFO Office for action.

(h) Enter appropriate project information in AML FRP Project Tracking System.

(i) Notify HQ Public Affairs and Congressional Liaison Offices in accordance with the Communications Plan of project and probable contract award dates.

(5) OSMRE E/WFO Office Branch of Acquisition and General Services will:

(a) Upon receipt of approved briefing paper,

specifications and OSMRE Form MB-212 (Contract Award Report), prepare or monitor the preparation of the solicitation package by the contracting officer or his authorized representative in the field.

(b) Contact potential contractors for construction and construction monitoring.

(c) Coordinate pre-bid conference to be held at the problem site. Attendees will include:

1 Contracting Officer, as appropriate.

2 TPO and E/WFO Office staff, as appropriate.

3 Potential contractors.

4 Construction monitor(s).

5 Design engineering firm's representative(s).

(d) Award the contract and notify the FO and the E/WFO Office immediately of this action.

(6) HQ Division of AML will:

(a) Enter appropriate project information in AML FRP Project Tracking System.

e. Monitoring.

(1) The TPO shall be responsible for ensuring that during the construction phase the person assigned to monitor the project will keep a log of reclamation activities.

(a) Appendix 7 (A,B,C,D, or similar) should be used for purposes of recording the daily log.

(b) Every Friday the TPO should assemble all logs for the week and transmit copies to the contracting officer.

(2) Color prints (approximately 3" x 5") or slides should be obtained where appropriate.

f. Completion of Project Work.

(1) Upon completion of the construction work, the TPO and the person assigned to monitor the project will perform a final inspection. Color prints (approximately 3" x 5") or slides of completed project shall be taken by the TPO.

(2) A report will be prepared detailing the work completed by the contractor and submitted to the Contracting Officer with a recommendation for payment or other action.

(3) The TPO will prepare a final report on the project which will include:

(a) A narrative description of the project activity from the time it was reported until its completion, including:

1 Report of initial conditions.

2 Immediate action taken.

3 Eligibility information.

4 Description of reclamation activities.

5 Date work started.

6 Date work completed.

7 Summary of costs.

(b) Comparison of pre- and post-reclamation appraisals, if appropriate.

(c) A determination by the Assistant Director for E/WFO whether a lien should be filed or waived. If the Assistant Director for E/WFO determines that a lien should be filed, notice will be given and the lien filed in accordance with OSMRE-AML Regulations, Section 882.13b. Negative findings and waivers shall also be made a part of the permanent project file.

(d) Description of benefits derived by reclamation, including socio-economic and environmental benefits. Quantification of accomplishment information will be made where possible (acres reclaimed, miles of stream improved, number of people protected or affected, etc.).

(e) At least four to six color prints (approximately 3" x 5") or slides to adequately show the AML site prior to, during, and after completion of the reclamation project.

(f) Appendix.

1 Project Briefing Paper (Appendix 6).

2 Letter of eligibility from State Agency/Indian Tribe or OSMRE (Dept. of the Interior) Solicitor.

3 Newspaper clippings, OSMRE news release(s), (if any), and any other publicity items.

(4) A copy of the completed report is to be submitted to HQ Division of AML.

(5) The E/WFO Offices will enter the appropriate project accomplishment information in AML FRP Project Tracking System.

g. Authorities and Responsibilities.

(1) Only the Assistant Director for E/WFO or his designee has the delegated authority to declare an emergency.

(2) Only the OSMRE Contracting Officer has the authority to commit OSMRE funds for AML construction activities.

(3) Only the OSMRE Contracting Officer has the authority to modify specifications in a contract. Technical modifications will be recommended for approval by the TPO to the Contracting Officer.

(4) The TPO has contract-related responsibilities as stated in Appendix 8.

(5) All personnel will complete telephone contact reports, such as in Appendix 9, for any contacts dealing with specific ongoing or potential projects. Reports will be retained in project files.

II. High Priority Projects.

a. High Priority Projects. The OSMRE E/WFO Offices are responsible for the investigation and reclamation of high priority problem areas identified for abatement under the Federal Reclamation Program.

(1) The current OSMRE policy is that the only high priority projects funded under the Federal Reclamation Program will be in non-program States and Tribes.

(a) The projects selected for funding each fiscal year are based on the recommendation of the appropriate E/WFO Offices. Projects are to be selected on the basis of identified and prioritized reclamation needs and within the allocated funds for the particular fiscal year. These projects will be selected from the AML Inventory.

b. Investigation.

(1) The E/WFO Office will dispatch a team to the problem site. The team may consist of an engineer, project specialist, realty specialist, or other E/WFO Office staff as needed.

(2) Same as 3.I.b.(1).(d).

(3) E/WFO Office staff responsible for the field investigation should obtain all pertinent information on Appendixes 2, 3 and 5 (or similar).

(4) Same as 3.I.b.(1).(g).

(5) Obtain written opinion of eligibility (Appendix 4).

(6) The E/WFO Office will determine if unobligated funds are available in the E/WFO Office high priority project account.

(7) The Branch of Acquisition and General Services of the Administrative Service Center of the E/WFO Office will be informed of the high priority project.

(8) The Assistant Director for E/WFO will make the final determination to fund the high priority project.

(9) The determination to fund a high priority project will be documented in a briefing paper (Appendix 6).

(10) The E/WFO Office will notify the appropriate State AML Agency/Indian Tribe and other interested parties of the decision.

(11) A TPO will be designated for the project.

c. Implementation of Corrective Action.

(1) The Assistant Director for E/WFO will authorize the E/WFO Office staff to proceed with the abatement action.

(2) Same as 3.I.d.(2).

(3) Same as 3.I.d.(3).

(4) Same as 3.I.d.(4).

(5) Same as 3.I.d.(5).

(6) Same as 3.I.d.(6).

d. Same as 3.I.e.

e. Same as 3.I.f..

f. Authorities and Responsibilities.

(1) Only the Assistant Director for E/WFO or his designee has the delegated authority to select high priority projects for funding.

(2) Same as 3.I.g.(2).

(3) Same as 3.I.g.(3).

(4) Same as 3.I.g.(4).

(5) Same as 3.I.g.(5).

4. Reporting Requirements.

a. Investigative Report, paragraph 3(b)(1)(j).

b. TPO Report, paragraph 3(e)(1)(b).

c. TPO Report to Contracting Officer, paragraph 3f(2).

d. Final Report, paragraph 3f(3).

5. References. Abandoned Mine Land Reclamation Program Regulations, 30 CFR, Parts 874, 877, 879, and 882; 47 FR 28574, et seq. (June 30, 1982) and OSMRE Directive on Briefing Papers.

6. Effect On Other Documents. This directive replaces the provisions for emergency projects contained in the AML Operations Manual published July 2, 1979, and Directive AML-4, dated December 23, 1982.

7. Effective Date. Same as date of issuance.

8. Contact. Division of AML, Program Policy, Office of Surface Mining Reclamation and Enforcement.

APPENDIXES

1 - ABANDONED MINE LANDS EMERGENCY PROGRAM GUIDELINES

2 - COMPLAINT INFORMATION GATHERING GUIDE

3 - AML COMPLAINT INVESTIGATION DATA

4 - STATE ATTORNEY GENERAL OR OSMRE (DEPARTMENT OF THE INTERIOR) SOLICITOR'S LETTER OF ELIGIBILITY

5 - REPORT OF COMPLAINT INVESTIGATION

6 - PROJECT BRIEFING PAPER

7 - CONTRACT DAILY DIARY (A,B,C, & D)

8 - DESIGNATION AS CONTRACTING OFFICER'S REPRESENTATIVE - PROJECT MANAGER

9 - CONFIRMATION/REPORT OF TELEPHONE CONVERSATION

United States Department of the Interior
OFFICE OF SURFACE MINING
Reclamation and Enforcement
WASHINGTON, D.C. 20240

AUG 19 1985

Memorandum

Appendix 1

To: Field Office Directors
Technical Center Administrators

From: Acting Director, Office of Surface Mining Brent Wahlquist

Subject: Abandoned Mine Lands (AML) Emergency Program Guidelines

Attached please find revised guidelines for the declaration of AML emergency projects.

The guidelines are to be implemented upon receipt of this memorandum. Field Office Directors should provide copies to the States and brief appropriate reclamation program personnel.

If you have questions concerning this matter please contact Mr. Jerry R. Ennis, Chief, Federal Reclamation Programs Division, FTS 343-7887.

Attachment

OSM Subj.	Dep. Dir.	FRP/Ifft	SOL/DSM
OSM RF	AD/TSR	FRP/Gonzalez	
RIM RF	FRP/RF	FRP/Mason	
Director	FRP/File	FRP/HOLD	

OSM:TSR:FRP:RGonzalez:mm:Doc. No. 1119F:07-23-85:x33375
Retype:v1:08-19-85

A&L EMERGENCY PROGRAM GUIDELINES

The following are revised guidelines to be used in the implementation of the Office of Surface Mining's (OSM) Emergency Program. As defined in 30 CFR 870.5, an emergency is a sudden danger or impairment that presents a high probability of substantial physical harm to the health, safety, or general welfare of people before the danger can be abated under normal program operation procedures.

Burning Refuse Piles

There are a great number of abandoned coal waste areas scattered throughout the coal regions of the United States. A significant number of these are burning, some for many years. The problems associated with these burning waste areas include noxious fumes, smoke, and open fires. While these conditions may be hazardous, they do not normally constitute an unavoidable immediate danger to the public, except where inhabited structures exist on or immediately adjacent to these areas.

An investigation of all refuse fire complaints should be conducted to determine if any inhabited structure(s) are directly threatened by fire, or noxious gases. If so, then these problems should be addressed as emergencies. Burning refuse piles which only create a smoke or odor nuisance in the general vicinity of inhabited structures will be referred to the State for consideration under their A&L grant program.

Underground Mine Fires

Underground mine fires occur in many locations throughout the coal regions of the United States. Most reported underground mine fires are not sudden occurrences but have been burning for months or years. As a result the States are, generally, aware of these underground fires sufficiently in advance to conduct abatement or control procedures through normal program operations, before the fire develops into a higher risk for substantial physical harm to the public. Sudden dangers may develop where these fires break to the surface through subsidence cracks or along outcrops, or where noxious gases generated by the fire enter into an inhabited structure.

The longer this type of fire burns the higher its potential to spread and the greater the cost to extinguish it. Consideration will be given to addressing, as emergencies, fires which are discovered at an early stage where extinguishment may be performed expeditiously at a modest cost.

Fires which undergo a sudden change leading to a direct and sudden threat to life from noxious gases or breakout of the fire to the surface will continue to be considered for possible emergency action.

Landslides

Emergency landslides are those areas of land affected by past mining where a land mass has become unstable and is moving or has already moved and is threatening the health and safety of the public. Landslides are primarily caused by excess material on a sloped land mass complicated by the

lubricating effects of water due to inadequate drainage. Landslide may begin moving suddenly and continue moving at an unpredictable rate until the resistance and loading forces reach equilibrium.

Landslides related to coal mining are most likely to occur as a result of abandoned spoil piles on steep slopes, sloughing of highwalls, mine drainage saturation of natural slopes or similar situations where past mining practices have caused an unstable condition. Landslides usually occur in the spring or other periods when hydrologic systems are near or exceed their capacity. A landslide emergency situation is created when a road, stream, or inhabited structure are in the immediate potential path of the unstable landmass or the slide material has damaged or restricted the use of the geographic feature or manmade structure. Where these situations do occur, emergency AML work will be performed to address the emergency portion of the landslide. In many cases, this may involve the permanent stabilization of the entire slide area. However, where some reclamation effort less than permanent stabilization can alleviate the emergency, this action will be taken and any remaining or additional work will be referral to the State for consideration under its AML grant program.

Hazardous Mine Openings

Historically, mine openings were often capped, sealed or left open at the conclusion of mining with no provisions for continuous maintenance. Subsequent real estate development, other surface activities or vegetation growth may cover or hide these openings. The sudden uncovering of a shaft or other mine opening in a populated area, due to the failure of a seal or cap, will generally be considered an emergency. With the exception of a mine blow-out, a sealed portal seldom fails catastrophically. Any opening created by the sudden failure of either a horizontal or vertical seal, may present an immediate danger and should be closed or re-sealed if it exposes persons to noxious gases and/or to the risk of falling into a hazardous mine opening. An existing uncovered mine opening, since it is not a sudden occurrence and its location is usually known by the local populace, will generally not be considered an emergency.

Subsidence

For purposes of these guidelines, three types of subsidence events are considered:

1. Area or Sag Subsidence

Area (or sag) subsidence consists of surface damage expressed in the form of shallow depressions or general ground settlement and occurs randomly over large or small areas overlying abandoned coal mine workings. When such subsidence happens it involves some degree of immediate movement, followed by an additional series of smaller ground settlements that occur over an extended period of time until ground stabilization is reached.

Subsidence events of this type are unpredictable and may occur suddenly; consequently, awareness of the potential danger is not usually known and investigation of the problem does not occur until after the initial subsidence event has taken place and, in the predominant number of cases, the most significant collapse, both at mine level and on the surface, has already occurred. In addition, the greatest potential for physical harm is at the time of the initial subsidence movement, after which the probability of further harm to life and property is significantly reduced. This type of subsidence generally occurs over deep mines.

Current abatement methods, which are employed to minimize further subsidence damage, consist of backfilling voids to prevent continued collapse of adjacent areas and/or grouting of the overburden to consolidate the broken material and stabilize the affected area. Because of the complex geotechnical issues associated with area mine subsidence events, the satisfactory abatement of these problems is often a difficult and time consuming process. Despite the urgency usually associated with this type of subsidence event, it normally requires six months or more to perform the necessary exploratory drilling, finalize the engineering and geotechnical analysis, develop contract specifications, award a contract and implement the abatement measures. Due to the extended time required to develop effective abatement procedures and since most of the damage usually occurs at the time of the initial subsidence event, area subsidence projects can be abated as effectively under normal State program operation procedures as under the Federal emergency program. Therefore, this type of subsidence problem should normally be addressed under the State Grant Program. However, a cooperative effort may be considered in serious situations if sought by the State. In such situations, the initial exploratory work might be done under emergency provisions in order to supply project specifications to the State on a schedule that matches grant processing for the project implementation.

2. "Pot hole" Subsidence

"Pot hole" subsidence events usually occur suddenly and create vertical openings many feet deep and in some cases, the openings reach the mine workings. These suddenly occurring subsidence openings create immediate and serious threats to life and property and, in most cases, should be addressed under the emergency program.

3. Shallow Overburden Subsidence

Shallow overburden subsidence events may also occur suddenly. In many cases, there is an awareness that the potential exists for a subsidence event of this type to occur, since there usually have been previous events in the immediate area. In some instances, investigatory information has already been obtained or subsurface exploratory drilling in the area has previously been performed. These subsidence problems are generally associated with shallow mines and the structural integrity of the geologic strata composing the overburden material is frequently inadequate to withstand the stresses associated with mine subsidence. As a result, collapse at the mine level usually causes very substantial vertical movement at the surface. This movement differs from that

associated with a sag subsidence in that, (1) the area affected is relatively small, i.e., the subsidence event usually affects only one or two properties, and (2) these events frequently result in severe damage to structures accompanied by immediate and serious threat to life and property. When these events can be addressed quickly in order to protect the affected inhabited structure(s) from further damage and prevent the spread to adjacent properties, consideration will be given to performing the reclamation as an emergency abatement project. However, where the structure has already been destroyed and/or abandoned, then the problem should not be addressed as an emergency.

COMPLAINT INFORMATION GATHERING GUIDE

1. Has Right of Entry permission been secured?
2. What is the history of mining in the area?
3. If the mining operator is known, does he have a continuing reclamation responsibility?
4. What is the source of the problem and where is it located?
5. How does the problem cause and effect relate to past coal mining practices?
6. Has final legal eligibility been secured?
7. How does the problem threaten life and property?
8. How many people are endangered and to what extent?
9. Is access to the property safe?
10. If needed, have the residents secured alternative housing within the commuting area?
11. Have photographs of all aspects of damaged property been taken (including inside of houses)?
12. How does the problem impact air, landscapes, and water?
13. Does the current problem indicate a seasonal or other periodic (non-random) fluctuation that may change at a later date?
14. What can the landowner and mineral owner do?
15. What is the State's abandoned mine land agency willing to do and when?
16. What is the local community willing to do and when?
17. What are the utility companies willing to do and when?
18. What are other State and Federal agencies willing to do and when?
19. Is there insurance company responsibility?
20. How soon does the problem need to be addressed? (What is the urgency?
21. Was the owner involved in or benefited from mining?

AML COMPLAINT INVESTIGATION DATA

Type of Complaint: _____
Reported by: _____
Address: _____
Telephone: _____
Date OSM Received Complaint: _____ Time: _____
OSM Person Receiving Complaint: _____
Address of Complaint: _____
City: _____ County: _____
State: _____

SITE INVESTIGATION

Date: _____ Time: _____
OSM Investigators: _____
State Representative(s) Present: _____

Others Present: _____

Name of other agencies contacted (local, State or Federal): _____

LOCATION OF SITE

Directions to Location (Describe Route): _____

USGS Quadrangle Name: _____
Coordinates: _____

AREA MINED

Mined by: _____
Address: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: _____
Permitted Operation: NO ____ YES ____ Permit Number(s) _____

Was the property owner involved in the mining? YES ____ NO ____
If yes, explain: _____

Duration of Mining: From _____ Until _____
Type of Mining: _____
Field Elevation: _____ Coal Elevation: _____
Seam Name: _____

BOND

Amount Received: _____ Date: _____
Amount Returned: _____ Date: _____
Amount Forfeited: _____ Date: _____
Amount Available: _____ Date: _____

PRESENT OWNERS

Surface Owner's Name: _____
Address: _____
City: _____ State: _____
Zip Code: _____ Telephone: _____

Mineral Owner's Name: _____
Address: _____
City: _____ State: _____
Zip Code: _____ Telephone: _____

AFFECTED PARTIES

Name: _____
Address: _____
City: _____ State: _____
Zip Code: _____ Telephone: _____
Land Owner: _____ Adjacent Owner: _____

Name: _____
Address: _____
City: _____ State: _____
Zip Code: _____ Telephone: _____
Land Owner: _____ Adjacent Owner: _____

SITE INFORMATION

Date problem began or was first noticed: _____
Is there any active mining or related activities in or around the area? NO_____ YES_____ Name of Operator(s) _____

Nature of Problem:

_____ Water Discharge
_____ Sedimentation
_____ Flooding
_____ Air Pollution
_____ Slide
_____ Void, Shafts, Slope, Entries, etc.
_____ Mine Fire
_____ Subsidence
_____ Other, Specify_____

Source of Problem:

_____ Underground Mine
_____ Surface Mine
_____ Processing Area
_____ Refuse Pile
_____ Treatment Facility
_____ Other, Specify_____

Potentially Affecting:

_____ Persons.....Estimated Number_____
_____ Streams.....Name_____
_____ Public Road.....Name_____
_____ Housing.....Number_____
_____ Building.....Number_____
_____ Schools.....Name_____
_____ Utility.....Power Line_____ Treatment Plant_____
Sewer Line_____ Gas Line_____
Water Line_____
_____ Other, Specify_____

Estimate Acres Affected_____

NATURE OF PROBLEM

Describe the problem (details: i.e., size, shape; is problem spreading, expanding; first noticed, etc.): _____

OTHER INFORMATION

Describe what other information is available and its location (i.e., maps, inspections, reports, etc.): _____

ELIGIBILITY

State Legal Officer Notification

Name: _____
Address: _____
City: _____ State: _____
Zip Code: _____ Telephone: _____

Method Used

Oral _____ Date _____ Written _____ Date _____

Declaration of Eligibility from State

Name: _____
Address: _____
City: _____ State: _____
Zip Code: _____ Telephone: _____

Oral _____ Date _____ Written _____ Date _____

Eligible: YES _____ NO _____ Explain _____

REMARKS

INVESTIGATOR: _____ SIGNATURE: _____
ADDRESS: _____
CITY: _____ STATE: _____
ZIP CODE: _____ TELEPHONE: _____

State of Ohio
Office of the Attorney General

William J. Brown
Attorney General

Bruce J. Rakey
First Assistant Attorney General
David P. Miller
Chief Counsel
Nancy E. Helling, III
Executive Assistant Attorney General
G. Duane Welch
Deputy Attorney General

March 26, 1980

Richard D. McNabb
Assistant Regional Director
Abandoned Mine Land
Office of Surface Mining
Federal Building
46 East Ohio Street
Indianapolis, Indiana 45204

Dear Mr. McNabb:

This letter concerns the eligibility of the Blaine Deep Mine Refuse Pile Project for federal assistance under Section 404 of the Surface Mining Contract and Reclamation Act of 1977, P.L. 95-87. Because neither the operators who mined the project area nor the State of Ohio has a continuing responsibility to reclaim the project area, it is my opinion that the project is eligible.

The proposed project area consists of about 6 or 7 acres located in Section 16, Colerain Township and Section 15, Pease Township, Belmont County, Ohio, about one mile north of Blaine, Ohio. On this area an unstable pile of underground mine refuse is threatening to slide into Wheeling Creek, posing possible flooding hazards, and constantly contributes sediment and contaminated water to the creek. The source of the mine refuse is an underground mine operated by the Lorain Coal and Dock Company, primarily in the early 1900's, and abandoned in 1958. Coal refuse dumping at the project site ended in the 1940's.

The statutory liability of an underground coal mine operator under state law in effect in 1958 and before is set forth in former General Code Section 898-108 (Am. S.B. No. 297; 123 Ohio Laws 218, 224 (1949)) which later became Revised Code Section 1513.40. Under this law, the operator was basically required only to close or fence all openings to mines abandoned after June 3, 1947. Responsibilities did not extend to removing or stabilizing piles of deep mine refuse. Thus, the Lorain Coal and Dock Company, which abandoned the mine in 1958, has no continuing reclamation

responsibility under Ohio law regarding the refuse pile which is the subject of the instant reclamation project.

Concerning the State of Ohio's continuing reclamation responsibility as a result of bond forfeiture with respect to the project area, the first statutory scheme whereby the State of Ohio was required to expend money obtained from bond forfeiture arising from the failure to reclaim on the part of the underground coal operators was not instituted until August 2, 1978. Thus, the State of Ohio has no reclamation responsibility for the project area abandoned by Lorain Coal and Dock Company in 1958.

Because neither the Lorain Coal and Dock Company, nor the State of Ohio has a continuing responsibility for reclamation, the Blaine Deep Mine Refuse Pile Project is eligible for reclamation under Section 404 of the Surface Mining Control and Reclamation Act of 1977 and the applicable regulations thereunder.

Sincerely,

Dominic J. Hanket / [illegible]

Dominic J. Hanket
Assistant Attorney General

DJH:mf

REPORT ON COMPLAINT INVESTIGATION

American Legion Subsidence
Boonville, Indiana

1. On March 26, 1982, at 11:45 A.M., Charles E. Taylor, Reclamation Specialist, OSM, Evansville, Indiana, notified Richard D. McNabb, Designated State Director, Indiana of a possible emergency resulting from the subsidence of an abandoned underground coal mine in Warrick County, Indiana. Mr. Edward Wood, Commander of the American Legion Post in Boonville, Indiana had reported the subsidence to Mr. D. Rosswurm of the Soil Conservation Service who in turn notified Mr. Taylor.

The mine subsidence has occurred in the parking lot of the Warrick County American Legion Post #200, Boonville, Indiana. It is found in the NW¼ of the NW¼ of the NW¼ of Section 36, Township 5 South, Range 8 West on the 7½ minute Boonville, Indiana Quadrangle.

Mr. Wood was contacted via telephone on March 26 and a coordinated on-site inspection with Mr. Wood, the State of Indiana and the Office of Surface Mining was arranged for March 29, 1982. Present during the investigation were Mr. E. Wood and Mr. J. Williams of the American Legion, Raymond K. Brumfiel and Randy J. Snellenberger, Indiana Department of Natural Resources and Jerome P. Reussow, Office of Surface Mining.

2. During the period from March 6th to the 12th water was observed flowing from the ground in the American Legion parking lot. The water was emerging from two openings about eight feet apart. The openings are about three feet in diameter with a shallow trough connecting the two. At the time of the on-site investigation the flow of water from the openings in the parking lot had almost ceased. Approximately 75 feet to the west and down gradient (adjacent to and on the north side of the railroad embankment) water was observed flowing from around the roots of a small tree. Although the area was probed with a metal rod no cavity was detected at the base of the tree.

The subsidence is about 75 feet from the community baseball field, 150 feet from the American Legion Post building and is in the gravel parking lot adjacent to that building. The parking lot also serves as a firing range.

Because of the use of the athletic field, firing range and American Legion Hall by the public and the proximity of the site to residential areas hundreds of citizens are affected by the sudden collapse of the land surface.

American Legion Subsidence
Boonville, Indiana

The investigation determined that the subsidence was caused by the collapse of an abandoned underground coal mine and that such events occur periodically in the area. Inspection of a sewer line in the vicinity of the subsidence revealed no evidence of collapse or leakage.

3. Charles Madden, long time resident of Boonville, stated that room and pillar mining was conducted at the site from about 1920 to 1939. The coal seam was 20 feet below land surface and five feet thick.

According to the Division of Natural Resources, State of Indiana, the Gough Mine was in operation in the area from 1895 to 1899. Records show this operation mined a 6.4 foot seam at a depth of 42 feet.

4. Indiana has no funding available for the reclamation and abatement work necessary to abate this condition.

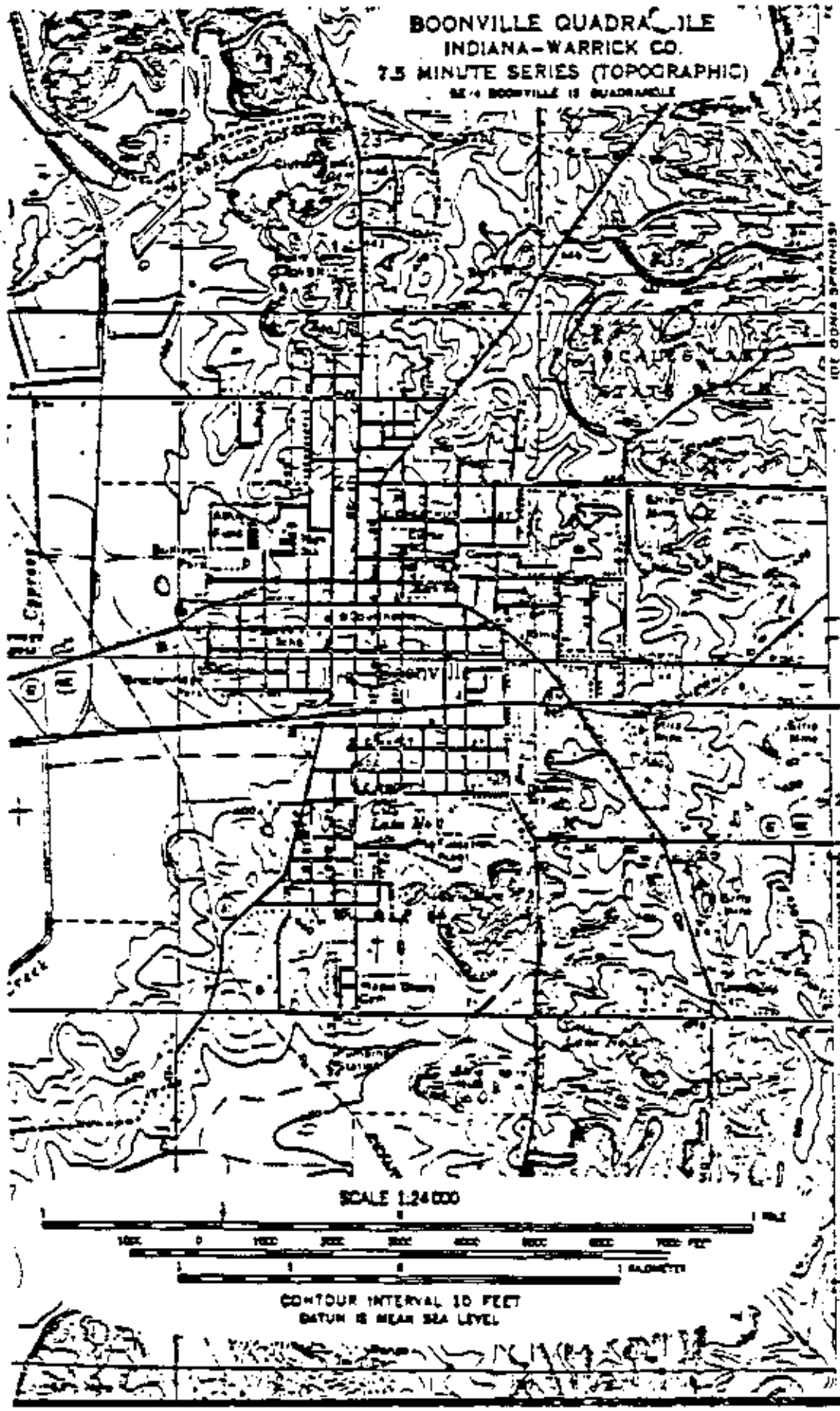
5. Abatement measures include exploratory excavation to open voids and backfilling the excavation with 1½ to 3 inch gravel. Exploratory drilling is not anticipated.

6. The property affected by the subsidence is owned by the Warrick County American Legion Post #200. It was purchased about twelve to fifteen years ago according to Mr. Edward Wood, Post Commander. Mr. Wood has stated that he has authority to sign the ROE and will do so.

Utilities consist of one buried power line that has been identified and located. No houses or structures will be disturbed by the abatement activity.

7. Neither the present owners nor the coal company which mined the site has a continuing responsibility to reclaim the site under State or Federal law.

8. Consent has been obtained from Mr. Wood to do all work necessary and expedient to abate and control the present condition and to protect the public health and safety.



American Legion
Subsidence

BRIEFING PAPER
Amendment #2
Carbondale Mine Fire
Carbondale, Lackawanna County, PA
WB-86-042

LOCATION:

The project is located to the rear of apartment units "H" and "J" of the Summit Gardens Apartments, Carbondale, Lackawanna County, PA.

PROBLEM AND BASIS FOR EMERGENCY

An underground mine fire in the vicinity of the Summit Gardens Apartment complex in Carbondale is the cause for concern among Federal, State, and local officials. OSMRE has drilled a series of thirty-four exploratory boreholes in the general area of the suspected fire to define the fire zone, delineate the existing backfilled highwall, and monitor the effects of the fire. The temperatures recorded in at least two of the holes are serious enough (400 degrees F to 700 degrees F) to warrant the continuation of the monitoring of all holes and to request the assistance of the U.S. Bureau of Mines (BOM) in undertaking the further characterization of the fire.

PROJECT PROPOSAL

The overall purpose of the proposed work (proposal attached) is to assure that OSMRE has accurately located the fire and that no other fire exists within or outside the study area. BOM is uniquely qualified to provide the answers and will use methodology recently developed by its Environmental Technology Group, Pittsburgh Research Center under OSMRE sponsorship. A series of communications tests will be conducted utilizing fifteen boreholes--one for suction and fourteen for observation of the pressure, temperature, and gas composition associated with each test. As many as fifteen separate and distinct tests will be conducted in this manner using the 6-inch ID boreholes already drilled. Baseline data, i.e., similar information without suction, will be obtained each day before the start of the suction tests. All gas samples will be analyzed at the Pittsburgh Research Center (PRC) laboratories.

Communication test data will be recorded, manipulated, and analyzed using the BOM computer and its programs developed for other fire control projects. Pressure data will be analyzed as well to determine the feasibility of controlling underground migration of mine gasses and thereby protect the existing residential homes from toxic fumes.

BP Amendment #2 Carbondale-Mine Fire-
Carbondale, Lackawanna County, PA

ELIGIBILITY

Coal mining at the Powderly Colliery ceased in 1962. The abandoned stripping pits in the immediate area are on the DER Project List (see 1985 Construction Grant Problem 1519) indicating existing DER eligibility. An opinion of eligibility for the site has been requested from the Department of the Interior, Office of the Solicitor, Pittsburgh Field Office.

ESTIMATED COST

The initial briefing paper $20,000 and Amendment #1 $40,000 totaled $60,000 to conduct the drilling, have been approved. An additional $65,000 is required for diagnostic work, while $45,000 will be needed for architechtural and engineering (A/E) consulting and some preliminary abatement work. This will bring the total project cost to $170,000.

Approval for Project Funding

Recommend: Louis M. McNair — 9/9/86
Acting Administrator, Eastern Technical Center — Date

Concur: Carl C. Close — 9/11/86
Acting Assistant Director, Eastern Field Operations — Date

Concur: [illegible] — 9/15/86
Deputy Director, Operations and Technical Services — Date

Approve: Jed D. Christensen — 9-15-86
Director, Office of Surface Mining Reclamation and Enforcement — Date

U.S. Department of Interior
OSM

CONTRACT DAILY DIARY

PAGE ___ of ___

1. State	2. CONTRACT NO.	3. PROJECT
4. CONTRACTOR	5. CONTRACTOR REPRESENTATIVE ON SITE	
6. GOVERNMENT OFFICIALS ON SITE		

7. DATE	8. DAY OF WEEK	9. TIME ARRIVED	10. TIME DEPARTED	11. WEATHER

12. TEMPERATURE °F. Min Max	13. GROUND CONDITION	14. CONTRACT TIME	15. DAYS USED	16. COMPLETION DATE
17. TIME USED (%)	18. WORK COMPLETED (%)	19. WORK ON SCHEDULE ☐ YES ☐ NO	20. CONTRACTOR'S WORK (X Appropriate Box) ☐ Acceptable ☐ Unacceptable - Explain in Narrative	

21. CHANGE ORDERS, AMENDMENTS ISSUED	22. WORK ORDERS ISSUED (Include SUSPEND/RESUME)

23. MATERIALS FURNISHED TO JOB SITE (Numbered by: B-Gen., C-Cons., S-Subcons.)	24. LIST EQUIPMENT ON SITE (Numbered by: B-Gen., C-Cons., S-Subcons.) Type	Contract Item Number and Location of Use	Hours Used

25. LIST CONTRACT PAYMENTS, REPORTS, CORRESPONDENCE, ETC. Item	Prep	Submit	26. WORKERS ON SITE Classification	Number PRIME	SUB

27. GOVERNMENT PROVIDED SERVICES ADEQUATELY AND TIMELY
☐ YES ☐ NO - Explain in Narrative

28. NARRATIVE REPORT

1. Page _____ of _____

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

CONTRACT DIARY

2. Contract No.

3. Report No.

4. Contract Name

5. Contractor

6. Contractor Representative on Site

7. Government Officials on Site

8. Government provided services adequate and timely: ☐ Yes ☐ No - Explain in narrative

9. Date	10. Day of Week	11. Time Arrived	12. Time Departed	13. Weather

14. Temperature °F Min. Max.	15. Ground Condition, Ref. Location	16. Contract Time	17. Days Used	18. Completion Date

19. Time Used (%)	20. Work Completed (%)	21. Work on Schedule ☐ Yes ☐ No	22. Contractor's Work (Appropriation) ☐ Acceptable ☐ Unacceptable - Explain in narrative

23. Work Force and Equipment (* G-Govt., C-Cont., S-Subcont.)

WORKER & CLASSIFICATION	*	EQUIPMENT TYPE	*	HRS	WORK LOCATION

24. Estimate of Pay Work Accomplished (* G-Govt., C-Cont., S-Subcont.)

PAY ITEM	*	(check if materials (only) delivered)	DESCRIPTION	QUANTITY	WORK LOCATION

25. Narrative Report

26. Signature

27. Title

28. Office

Form 1510-57 January 1986 (Former CM 9100)

CONTRACTING OFFICER

5/23/86
FRP:RB:lk:5987D

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
TEN PARKWAY CENTER
PITTSBURGH, PENNSYLVANIA--15220

INSPECTOR'S DAILY DIARY FORM

PROJECT NAME: _____

PROJECT LOCATION: _____

CONTRACT NO.: _____ CONTRACTOR: _____ REPRESENTATIVE: _____

DATE: __/__/__ DAY OF WEEK: S M T W R F S

WEATHER DATA:

GENERAL: _____

TEMP: MIN: ____ MAX: ____ GROUND SURFACE CONDITIONS: _____

GROUND SURFACE CONDITIONS: _____

WEATHER EFFECT ON PROGRESS:

__ NONE __ SLIGHT __ MODERATE __ LARGE __ HALT JOB FROM ___ TO ___

MONITOR:

NAME: _____ FIRM: _____

BEGIN WORK: _____ END WORK: _____

TOTAL HOURS AND MINUTES WORKED FOR THE DAY: _____

VISITORS AND GOVERNMENT OFFICIALS:

TIME ARRIVED: _____ TIME DEPARTED: _____

NAME: _____ FROM: _____

TIME ARRIVED: _____ TIME DEPARTED: _____

CONTRACTOR:

BEGIN WORK: _____ END WORK: _____

TOTAL HOURS AND MINUTES WORKED FOR THE DAY: _____

WORK ON SCHEDULE: /___/ YES /___/ NO (SEE NARRATIVE)

WORK ACCEPTABLE: /___/ YES /___/ NO (SEE NARRATIVE)

LIST OF WORKERS ON SITE:

CLASSIFICATION	HOURS WORKED

LIST OF EQUIPMENT ON SITE:

TYPE	HOURS WORKED	HOURS DOWN

MATERIALS FURNISHED TO SITE:

DESCRIPTION	QUANTITY	CERTIFICATION

NARRATIVES

(To include materials installed, quantities, equipment capabilities, and problems encountered)

Signature

Attach additional sheets as necessary

5/23/86
FRP:RB:lk:5987D

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
TEN PARKWAY CENTER
PITTSBURGH, PENNSYLVANIA 15220

INSPECTOR'S DAILY DIARY FORM

PROJECT NAME: _____

PROJECT LOCATION: _____

CONTRACT NO.: _____ CONTRACTOR: _____ REPRESENTATIVE: _____

DATE: ___/___/___ DAY OF WEEK: S M T W R F S

WEATHER DATA:

GENERAL: _____

TEMP: MIN: ____ MAX: ____ GROUND SURFACE CONDITIONS: _____

GROUND SURFACE CONDITIONS: _____

WEATHER EFFECT ON PROGRESS:

__ NONE __ SLIGHT __ MODERATE __ LARGE __ HALT JOB FROM ___ TO ___

MONITOR:

NAME: _____ FIRM: _____

BEGIN WORK: _____ END WORK: _____

TOTAL HOURS AND MINUTES WORKED FOR THE DAY: _____

VISITORS AND GOVERNMENT OFFICIALS:

TIME ARRIVED: _____ TIME DEPARTED: _____

NAME: _____ FROM: _____

TIME ARRIVED: _____ TIME DEPARTED: _____

CONTRACTOR:

BEGIN WORK: _____ END WORK: _____

TOTAL HOURS AND MINUTES WORKED FOR THE DAY: _____

WORK ON SCHEDULE: /___/ YES /___/ NO (SEE NARRATIVE)

WORK ACCEPTABLE: /___/ YES /___/ NO (SEE NARRATIVE)

LIST OF WORKERS ON SITE:

CLASSIFICATION	HOURS WORKED

LIST OF EQUIPMENT ON SITE:

TYPE	HOURS WORKED	HOURS DOWN

MATERIALS FURNISHED TO SITE:

DESCRIPTION	QUANTITY	CERTIFICATION

NARRATIVES

(To include materials installed, quantities, equipment capabilities, and problems encountered)

Signature

Attach additional sheets as necessary

GROUT RECORD

PROJECT NAME: _____

CONTRACT NO.: _____ PROJECT NO.: _____

HOLE NO.: _____

ESTIMATE OF GROUT TAKE:
SOIL _____
OVERBURDEN _____
MINE LEVEL _____

DATE	TIME	TYPE	SOUNDING (FT.)		MIX PLACED	PRESSURE (PSI)		QTY	REMARKS	INIT
			BEG.	END		PUMP	BORE HOLE			

ADDITIONAL REMARKS:

_____

_____

_____

_____

5/23/86

D R I L L I N G R E C O R D

OLE NO: _____

DATE	DEPTH FROM	DEPTH TO	MATERIAL ENCOUNTERED	REMARKS

DDITIONAL REMARKS:

DESIGNATION AS CONTRACTING OFFICER'S
REPRESENTATIVE
PROJECT MANAGER

Memorandum

To:

From: Contracting Officer

Subject: Contract No.

In connection with the performance of the above indicated contract, you are appointed Contracting Officer's Representative - Project Manager

Your responsibilities will be as follows:

1. Thoroughly familiarize yourself with all of the technical requirements of the contract and your responsibility relative to these requirements.

2. Recommend in writing to the Contracting Officer, desired changes to the scope of work giving a full explanation of the proposed action. Only the Contracting Officer is authorized to modify or terminate the contract. If the Contractor proposes a change, you are to obtain a written statement from him to that effect and forward that statement along with your recommendations to the Contracting Officer. This statement should also include the estimated cost of any proposed increase or decrease in the scope of work and the availability of funds, if known.

3. Assure that changes in the scope of work or delivery schedule are issued by written contract modification by the Contracting Officer before the Contractor proceeds with the changes.

4. Inform the Contracting Officer immediately should the contract be known to be behind schedule and the reason therefor. Coordinate with the Contracting Officer on corrective action necessary to restore the contract to the planned schedule.

5. Review with the Contracting Officer the content of your communications with the Contractor in order to eliminate misunderstandings.

6. Provide the Contracting Officer a status report on this project at least every thirty (30) days unless particular circumstances dictate a more frequent report.

7. Review contractor's periodic billings or vouchers in relation to the contract and progress reports to determine whether work accomplished is commensurate to payment requested.

8. Review progress, technical, and management reports and advise the Contracting Officer of any significant deviations from scheduled progress or planned expenditures.

9. Provide a copy of all correspondence that you generate or receive relating to the contract to the Contracting Officer.

10. Upon expiration of the contract, provide a written statement attesting to the contractor's completion of technical performance under the contract and of the delivery and acceptance of all goods and services for which inspection and acceptance are herein delegated.

As my technical representative you are not authorized to: (a) execute or agree to any changes in the specifications, delivery schedule, or other terms and conditions of the contract; (b) order work outside the scope of the contract; (c) resolve any dispute concerning a question of fact or law arising under the contract; or (d) to further delegate any of the administrative functions listed below unless such redelegation is made in writing and the prior written approval of a duly authorized contracting officer is indicated, in which event a copy of the redelegation shall be made a part of the contract file.

All or part of your field monitoring responsibility may be redelegated at your discretion; however, you are responsible to the Contracting Officer for all actions taken under such redelegated authority.

Contract administration responsibilities for this contract have been assigned to the following Contract Specialist:

Name: _____

Address: _____

_____

Phone Number: _____

Contracting Officer

cc: Contractor (2)
Contract File
TPO (1)

Addressee's Acknowledgement of Receipt
(Return one (1) signed copy)

_____
Signature

_____

Contractor's Acknowledgement of Receipt
(Return one (1) signed copy)

_____
Signature

_____

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING

CONFIRMATION/REPORT OF TELEPHONE CONVERSATION

TO		FROM	
	Name		Name
	Office		Office
	Location		Location
	Telephone Number		Telephone Number

Purpose of Call:

SUBJECT _____

LOCATION _____

NEW FILE _____ YES _____ NO

Explanatory Remarks:

_____ (Date) _____ (Signature)

CONFIRMATION COPY