

## **SECTION 4**

# **HAULAGEWAYS AND ACCESS ROADS**

**SUBJECT: Special Use Form for Haulroads**

1. Purpose: To define the procedure for leaving roads and access roads for landowner uses after release.
2. Definitions: N/A
3. Legal Authority: 22A-3-23(c)(3) 38-2-4.10
4. Policy/Procedures: A form MR-12 will be completed for each haulroad to be left for the landowner's use. All MR-12's for haulroads must be reviewed and approved by the inspector prior to submittal to the I & E supervisor or release specialists. MR-12 forms shall be distributed to the appropriate permit files by the I & E supervisor or release specialist after approval.

A Phase I grade release cannot be approved unless all roads have an approved MR-12 or are reclaimed in accordance with the approved permit. (Water bars, seeding.)

If the surface ownership changes from time of original MR-12 approval and Phase III release, a new MR-12 signed by the current landowner must be executed.

WV Division of Environmental Protection  
Office of Mining and Reclamation  
Inspection and Enforcement

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**SUBJECT:** Annual impoundment inspection and certification  
for haulroad sumps

1. Purpose: To clarify the requirements of 38-2-5.4(2)&(3)
2. Definitions:
3. Legal Authority/Reference: 38-2-5.4(e) (2) & (3)  
and 38-2-2.65
4. Policy/Procedure: Haulroad sumps fall under the definition of impoundment (38-2-2.65) and must be inspected and certified by an RPE or LLS yearly until removal of the sump or release of the performance bond. However, the Department will accept a single report as required by 38-2-5.4(e)(2) to address all of the sumps associated with each haulroad. Quarterly inspections shall also be completed during construction.

**SUBJECT:** Internal Primary Roads

1. Purpose: Identification
2. Definitions: N/A
3. Legal Authority: Reference 38-2-4.1, 4.13, 2.58
4. Policy/Procedure: The West Virginia Surface Mining Reclamation Regulations at 38-2-2.58 provide a definition for a haulageway or access road. However, ramps and routes of travel within the immediate mining area or within spoil or coal mine waste disposal areas are excluded from this definition. Furthermore, the Regulations at 38-2-4.1 classify each road, as defined in subsection 2.58, as either a primary road or an infrequently used access road.

Confusion has arisen of late regarding the definition of "immediate mining area" and when a road is classified as "primary". Immediate mining area, as envisioned by 38-2-2.58 of the Regulations and reinforced by federal register language, refers to the area where coal is being removed from the seam and to other areas that should not be subject to the performance standards for roads because they are subject to frequent surface changes. These other areas may include areas where topsoil and overburden are being moved and areas undergoing active reclamation. Utilizing this as a basis, any road which is not within the immediate mining area and will be in place and in use for six months or longer, will be classed as a primary road.

As a result, these internal primary roads must meet performance standards and be certified in accordance with 38-2-4.13 of the Regulations. A design must be contained in the permit which provides sufficient detail that assures performance standards will be met. This design should include and may be limited to a typical cross section and a narrative which addresses the surfacing material, a water management plan which assures that drainage from the mined area flows to the proper sediment control structure, and that the road will be properly constructed, maintained, and certified. However, site specific conditions may require that additional criteria be included in the design. It is realized that most of these roads are constructed in areas where drainage from the road is treated by sediment control structures designed and constructed for the mined area, so sediment control should not be a factor in these designs. The focus of these designs should be on proper surfacing, slope, grade, and drainage conveyance to ensure performance standards can be adhered to.

Certifications for these internal primary roads should include a profile, plan view, and appropriate cross sections. This information would then show that the road is built in accordance with the approved plan, except as otherwise noted in the certification statement.

Please ensure that all future permit applications include plans which comply with these requirements. Furthermore, for existing permits that do not contain plans which adequately comply with these requirements, an application for permit revision, to include a road design as review, permit renewal, or if violations of associated performance standards arise, whichever should occur first. If you should have any questions regarding this matter, please contact Rick Clark at 759-0510.

**SUBJECT: Off-site damages caused by coal and support vehicle traffic.**

1. Purpose: To insure protection to the public and the environment from the effects of mining on public roads.
2. Definitions: Surface Mining Operations
3. Legal Authority: 2-3-13(b)21; 22-3-16(a);  
38-2-4.8(a)
4. Policy/Procedures: To insure protection to the general public and the environment, the following guidelines shall be used:
  1. When mud, debris, or other mining related materials are being tracked or deposited on a public roadway directly from a surface mining operation, several degrees of seriousness can occur depending on the conditions.
    - A. If there exists an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resource due to conditions on the public roadway, then issue an IHCO citing Chapter 22-3-16, 22-3-13(b)21 and 38-2-4.8(a) of the Rules and Regulations with the following language:

Cease the use of (permit area in question) at the junction of public roadway (state road system designation) due to imminent danger to the health and safety of the public caused by (cite road conditions causing the imminent danger).

Corrective/remedial measures shall be:

Correct all conditions causing the imminent danger to the health or safety of the public on the public roadway and/or all conditions on the permitted area causing

the conditions on the public roadway.

- B. When a lesser degree of off-site deposition of materials is occurring an NOV shall be issued citing Chapter 22-3-13(b)21 and 38-2-4.8(a) of the Rules and Regulations using the following language:

Failed to protect off-site areas by depositing spoil material or waste accumulations outside the permit area and onto (state road system designation).

Corrective action to be taken is:

Clean and remove all material or waste accumulations outside the permit area on (state road system designation) and provide method to limit deposition of material onto (state road system designation).

- C. In cases where there is negligible disruption to or deposition on the public roadway, then wording on an MR-6 citing 38-2-4.7(A)2 may be effective: "Maintain haulroad so as to control or prevent erosion, siltation, and air pollution including road dust." This could be used where a violation does not exist at the time but on-going site problems indicate the company should be working to prevent future problems.

This policy is to provide guidelines for the Environmental Inspector in judgmental calls concerning tracking of mud, coal spillage, or other disruption to public roadways.