



**U. S. DEPARTMENT OF THE INTERIOR**  
**OFFICE OF SURFACE MINING**  
**RECLAMATION AND ENFORCEMENT**  
**DIRECTIVES SYSTEM**

**Subject Number:**

REG-11

**Transmittal Number:**

702

**Date:**

1/6/92

**Subject:** Coordination of Permitting Activities With the Mine Safety and Health Administration and Related State Agencies

**Approval:**

**Title:** Director

1. PURPOSE. This directive outlines the Office of Surface Mining Reclamation and Enforcement (OSM) policy and procedures regarding coordination of permitting activities between OSM under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), the Mine Safety and Health Administration (MSHA) and the State regulatory agency concerned with the health and safety of underground miners.

2. SUMMARY OF CHANGES. This directive has not previously been modified since it was first issued on June 15, 1987. This transmittal extensively revises it to:

a. Delete all references to Directive SFP-2, which has been rescinded, and the special studies which were the subject of the rescinded directive.

b. Delete all references to Directive REG-8 to reflect changes in the orientation and content of that directive.

c. Replace references to 30 CFR 773.13(a)(3)(i) and sections 503(a)(6) and 504(h) of SMCRA, which do not pertain to coordination with MSHA, with a reference to the general coordination requirement of section 201(c)(12) of SMCRA.

d. Incorporate former Attachment A into the body of the directive in revised form and relabel former Attachment B as an appendix.

e. Update the regulation citations in former Attachment A.

f. Expand and restructure former Attachment A to differentiate between activities and structures for which joint approval is expressly required and those for which it is not, and delineate the effect this difference has on the procedures to be followed by the permitting entity.

g. Add procedures for coordination with the State agency responsible for the health and safety of underground miners, where required by regulation.

3. DEFINITIONS. None.

#### 4. POLICY/PROCEDURES.

a. Background. This directive is intended to implement section 201(c)(12) of SMCRA, which provides that the Secretary, acting through OSM, shall cooperate with other Federal agencies and State regulatory authorities to minimize duplication of the administration of the Act, with respect to those OSM regulations requiring either MSHA or related State agency approval or compliance with MSHA regulations.

#### b. Policy and procedures.

(1) Federal program States, Indian lands and Federal lands in States without a Federal lands cooperative agreement. The Federal permitting entity (the Western Support Center or the Knoxville Field Office) shall develop a working relationship and coordination procedures with the appropriate MSHA District Manager(s) to facilitate prompt MSHA review of plans for the activities and structures listed in the paragraphs below. (See the appendix for a listing of MSHA office addresses and telephone numbers.) For plans for the activities listed in paragraph (a) below, a similar relationship shall be developed with the State agency, if any, responsible for the health and safety of underground miners.

(a) Applications for permits or permit revisions which propose or may involve any of the following activities cannot be approved by OSM until such time as both the MSHA District Manager and the State agency, if any, with responsibility for the health and safety of underground miners approve the applicant's plans for the indicated activity:

1. Conducting surface mining activities within 500 feet of any portion of an active underground mine [30 CFR 816.79(b)].

2. Blasting within 500 feet of any portion of an active underground mine [30 CFR 780.13(c)].

(b) Applications for permits or permit revisions involving the following activities can be approved by OSM only after receipt of the MSHA District Manager's approval:

1. Diverting or discharging any flows or materials into an underground mine [30 CFR 816.41(i) and 817.41(h)(1)(iv)].

2. Disposing of coal mine wastes or excess spoil in underground mine workings [30 CFR 784.25(a), 816.71(j), 817.71(j), 816.81(f) and 817.81(f)].

3. Extinguishing coal mine waste fires [30 CFR 816.87(a) and 817.87(a)].

(c) The OSM regulations at 30 CFR 780.25(b), (c)(2) and (d); 784.16(b)(2), (c)(2) and (e); 816.83 and 817.83 require that plans for (1) all sedimentation ponds and impoundments meeting the criteria of 30 CFR 77.216(a), (2) all coal mine waste dams and embankments, and (3) all coal mine waste refuse piles comply with certain referenced MSHA regulations.

Although MSHA approval of plans for these structures is not a prerequisite for issuance of a permit or permit revision under SMCRA, obtaining such approval as part of the permit application review process is recommended to avoid duplicative reviews.

Documentation of MSHA approval is sufficient basis for finding the application to be in compliance with those provisions of the OSM regulations which require adherence to MSHA regulations. If permit issuance cannot be delayed until receipt of MSHA approval, the permitting entity must independently evaluate the application's compliance with the referenced MSHA requirements. However, since both a SMCRA permit and MSHA approval are required before the plan can be implemented, coordination of the OSM and MSHA reviews is essential. The plan in the SMCRA permit must be consistent with the plan ultimately approved by MSHA.

(2) Oversight of State programs. If States with primacy for the regulation of surface coal mining and reclamation operations have adopted specific consultation and joint approval procedures as part of their approved regulatory programs, OSM oversight activities shall evaluate compliance with these procedures. Otherwise, the coordination policies and procedures set forth in this directive may be used as guidance by OSM Field Offices and other personnel when overseeing State program implementation.

5. REPORTING REQUIREMENTS. None.
6. REFERENCES. None.
7. EFFECT ON OTHER DOCUMENTS. Supersedes Directive REG-11, "Coordination of Permitting Activities with the Mine Safety and Health Administration, "Transmittal Number 354, June 15, 1987.
8. EFFECTIVE DATE. Upon issuance.
9. CONTACT. Chief, Division of Regulatory Programs, FTS 268-2651 or (202) 208-2651.
10. KEYWORDS. MSHA, permit, interagency coordination, intergovernmental coordination, Federal program, State program and oversight.
11. APPENDIX. "MSHA District Offices."

## MSHA District Offices

District	Mailing Address	FTS	Commercial
1	Penn Place, 20 N. Penn. Ave. Wilkes-Barre, PA 18701	592-6321	717/826-6321
2	4800 Forbes Avenue Pittsburgh, PA 15213	721-8363 -8369	412/621-4500 Ext. 363
3	5012 Mountaineer Mall Morgantown, WV 26505	923-4277	304/291-4277
4	P.O. Box 112 Mount Hope, WV 25880	930-5236	304/877-6405
5	P.O. Box 560 Norton, VA 24273	NONE	703/679-0230
6	219 Ratcliff's Creek Road P.O. Box 3249 Pikeville, KY 41501-3249	NONE	606/432-0944
7	P.O. Box 572 Barbourville, KY 40906	NONE	606/546-5123
8	P.O. Box 418 Vincennes, IN 47591	331-8131 -8132 -8133	812/882-7617 -7619 -7622
9	P.O. Box 25367 Denver, CO 80225-0367	776-2740	303/236-2740
10	P.O. Box 473 Madisonville, KY 42431	NONE	502/821-4180