

EFFECTIVE DATE: 08/11/2010

EXPIRATION DATE: 03/31/2012

PROCEDURE INSTRUCTION LETTER NO. I10-V-11

FROM:

NEAL H. MERRIFIELD 
Acting Administrator for
Metal and Nonmetal Mine Safety and Health

SUBJECT:

Procedures for Informing State Agencies When Dams are No Longer
Subject to MSHA Jurisdiction.

Scope

This Procedure Instruction Letter (PIL) applies to all Metal and Nonmetal Mine Safety and Health enforcement personnel.

Purpose

The purpose of this PIL is to establish uniform procedures for Metal and Nonmetal Mine Safety and Health enforcement personnel to notify the appropriate state agencies when dams are no longer subject to MSHA jurisdiction. This notification should be made from the district office through registered mail with a copy of the letter forwarded to the Chief of Safety for Metal and Nonmetal.

Procedure Instruction

An orphaned dam is one for which there is no responsible mine operator accountable for the dam. Typically, this classification occurs when mining or milling operations cease and the mine is placed in "permanently abandoned" status so mandated inspections are not required to be conducted.

When the status of a dam listed in MSHA's Standardized Information Systems (MSIS) database is designated as orphaned due to a mine or mill's cessation of operations, the field office supervisor will immediately notify the district office. The district office will notify the state agency which has jurisdiction over the dam of MSHA's intent to discontinue inspections of the mine, including its dam(s). A record of this notification will be maintained at the district office. If no state agency can be identified, then the Chief of Safety for Metal and Nonmetal will be notified of this event in writing. The Chief of Safety for Metal and Nonmetal will notify the governor of the state where the dam resides of its orphan status in writing.

Background

This PIL provides guidance to document the efficient transfer of these potentially hazardous dams to the appropriate agency.

Authority

The Federal Mine Safety and Health Act of 1977, (as amended) Section 103(a), 30 U.S.C. § 801 et seq. at § 813 (a)

Filing Instructions

This PIL should be filed behind the tab marked "Procedure Instruction Letters" in the binder for Program Policy Handbooks and Procedure Instruction Letters.

Issuing Office and Contact Persons

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Distribution

All Program Policy Manual Holders

Attachment 1 (State Dam Safety Officials)

Attachment 1

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To be Determined

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