

name associated with the refuse pile and the name of the person owning, operating or controlling the refuse pile, shall be located on or immediately adjacent to each refuse pile within the time specified in paragraphs (a) or (b) of this section as applicable.

(a) For existing refuse piles, markers shall be placed before May 1, 1976.

(b) For new or proposed refuse piles, markers shall be placed within 30 days from acknowledgment of the proposed location of a new refuse pile.

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

[40 FR 41776, Sept. 9, 1975]

**§ 77.215-2 Refuse piles; reporting requirements.**

(a) The proposed location of a new refuse pile shall be reported to and acknowledged in writing by the District Manager prior to the beginning of any work associated with the construction of the refuse pile.

(b) Before May 1, 1976, for existing refuse piles, or within 180 days from the date of acknowledgment of the proposed location of a new refuse pile, the person owning, operating or controlling a refuse pile shall submit to the District Manager a report in triplicate which contains the following:

(1) The name and address of the person owning, operating or controlling the refuse pile; the name associated with the refuse pile; the identification number of the refuse pile 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 refuse pile indicated on the most recent USGS 7½ minute or 15 minute topographic quadrangle map, or a topographic map of equivalent scale if a USGS map is not available.

(3) A statement of the construction history of the refuse pile, and a statement indicating whether the refuse pile has been abandoned in accordance with a plan approved by the District Manager.

(4) A topographic map showing at a scale not to exceed 1 inch=400 feet, the present and proposed maximum extent of the refuse pile and the area 500 feet around the proposed maximum perimeter.

(5) A statement of whether or not the refuse pile is burning.

(6) A description of measures taken to prevent water from being impounded by the refuse pile or contained within the refuse pile.

(7) At a scale not to exceed 1 inch=100 feet, cross sections of the length and width of the refuse pile at sufficient intervals to show the approximate original ground surface, the present configuration and the proposed maximum extent of the refuse pile, and mean sea level elevations at significant points.

(8) Any other information pertaining to the stability of the pile which may be required by the District Manager.

(c) The information required by paragraphs (b)(4) through (b)(8) of this section shall be reported every twelfth month from the date of original submission for those refuse piles which the District Manager has determined can present a hazard until the District Manager notifies the operator that the hazard has been eliminated.

(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 57 FR 7471, Mar. 2, 1992; 60 FR 33723, June 29, 1995]

**§ 77.215-3 Refuse piles: certification.**

(a) Within 180 days following written notification by the District Manager that a refuse pile can present a hazard, the person owning, operating, or controlling the refuse pile shall submit to the District Manager a certification by a registered engineer that the refuse pile is being constructed or has been modified in accordance with current, prudent engineering practices to minimize the probability of impounding water and failure of such magnitude as to endanger the lives of miners.

(b) After the initial certification required by this section and until the District Manager notifies the operator that the hazard has been eliminated, certification shall be submitted every twelfth month from the date of the initial certification.

(c) Certifications required by paragraphs (a) and (b) of this section shall