

**Appendix D:  
1994 MSHA Recommendation on  
Emergency Action Planning**

# MSHA 1994 Ruling

## Emergency Action Plans (EAPS)

### MSHA Rated Coal Waste Dams and Impoundments

Taken from: **U.S. Department of Labor. Mine Safety and Health Administration**  
<http://www.msha.gov/regs/complian/pib/1994/pib94%2D18.htm>

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PROGRAM INFORMATION BULLETIN NO. P94-18

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SUBJECT: Emergency Action Plans Recommended by the  
National Dam Safety Program of 1979 for Downstream  
Areas of Coal Mine Waste Impoundments

#### **Scope**

This program information bulletin applies to Coal Mine Safety and Health (CMS&H) enforcement personnel and coal mine operators who own, operate, or control an impoundment that constitutes a hazard to life or property in the event of failure.

#### **Purpose**

The purpose of this program information bulletin is to inform CMS&H enforcement personnel and mine operators of the need to develop an Emergency Action Plan (EAP) for impoundments that constitute a hazard to life and property in the event of failure.

#### **Information**

The Mine Safety and Health Administration (MSHA) is encouraging mine operators to develop EAPs in accordance with the Emergency Action Planning Guidelines for Dams. The EAPs should include the following:

- a delineation of the hazard area, so that the area requiring warning or evacuation is known in advance;
- procedures for identification and evaluation of potential emergencies;
- procedures for notification of key personnel and officials;
- arrangements for coordination of warning and evacuation activities with State and local officials;
- contingency planning for preventive action, including sources of equipment, material, labor, and engineering expertise; and

-training of all involved personnel and periodic testing of the emergency action plan, as well as a regular review and update of the plan.

MSHA recommends that the mine operator keep the EAP at the mine site where the impoundment is located. MSHA also recommends that the mine operator, in cooperation with State or local government officials, conduct a comprehensive review of the adequacy of the EAP at intervals not exceeding one year. In addition, the mine operator is encouraged to provide MSHA with an EAP approval document from the appropriate State or local regulatory authority when a plan for a new impoundment, or the annual report required by 30 CFR 77.216-4, is submitted.

In order for a mine operator to comply with present MSHA regulation 77.216-3(e), the operator must submit and obtain approval for a plan to examine each impoundment that meets the size or hazard criteria specified in 77.216(a). To meet this requirement, the mine operator may elect to submit an EAP if each program element, including inspection of an impoundment and action taken if a potentially hazardous condition develops, is specifically addressed in the submittal.

### **Background**

Criteria for a comprehensive EAP are described in many State regulations promulgated to comply with the National Dam Safety Program of 1979. The Emergency Action Planning Guidelines for Dams, FEMA Report No. 64 (February 1985), found in the Federal Guidelines for Dam Safety, define the need and provide guidance for the development of an EAP. These guidelines are available from the Publications Branch, Federal Emergency Management Agency (FEMA), P.O. Box 70274, Washington, DC 20024.

In Presidential Executive Order No. 12148, all federal agencies were directed to adopt and implement these federal guidelines for dam safety. The directive dictates that agencies report progress toward implementation to the director of FEMA on a biennial basis.

### **Authority**

Public Law 95-164, CFR 30, Part 77.216  
Public Law 95-620, CFR 6, Section 601(i)

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