

OSMRE Blasting Workshop

Pre-Blast Survey Procedures

West Virginia Department of
Environmental Protection
Office of Explosives and Blasting

Oglebay Park
November 18-19, 2008

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History

- ▶ Believed blasting damage occurred beyond 0.5 mile
 - ▶ Felt DMR was not addressing concerns
 - ▶ Each firm had their own forms and style
 - ▶ Dissatisfied with the survey quality
 - ▶ Many surveys were exterior only
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MTR Lawsuit

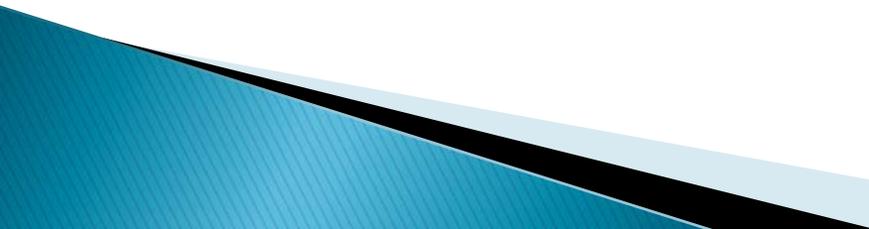
MTR Committee appointed and recommendations made

- ▶ Create separate office from DMR
 - ▶ Pre-blast surveys be done to 0.7 mile
 - ▶ Conduct surveys for every structure
 - ▶ Establish a damage claims process
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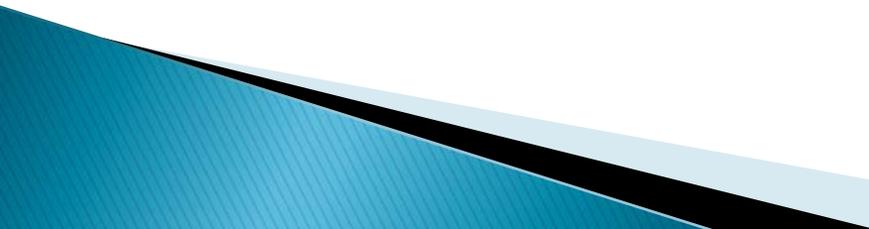
Legislative Changes

- ▶ OEB created (surface coal only)
 - ▶ Pre-blast survey for every structure within 0.5 mile of permit boundary
 - ▶ Added 0.7 mile of blast area for over 200 or 300 contiguous acres
 - ▶ Kept 0.5 mile of permit boundary for underground and non-coal removal
 - ▶ Existing permits to comply with new survey requirements
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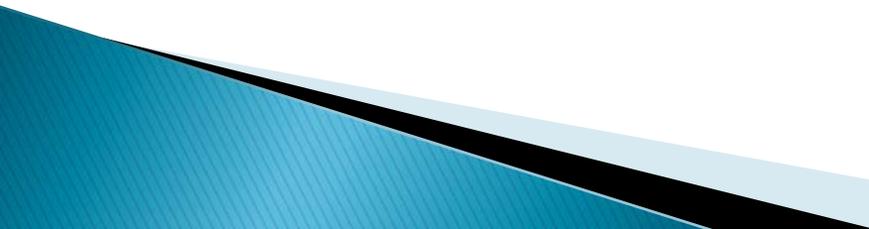
Legislative Changes cont.

- ▶ Owners and occupants have right to survey
 - ▶ Set general standards for surveys
 - ▶ Submit surveys 15 days before blasting
 - ▶ Notify owners/occupants 30 days prior blasting
 - ▶ Survey recorded at courthouse
 - ▶ Establish a damage claims process
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Rules Enacted

- ▶ Emphasis placed well condition
 - ▶ Owner must request survey if previously waived or improvements made
 - ▶ Revocation of surveyor approval allowed
 - ▶ Submitted on OEB prescribed forms
 - ▶ Must make corrections within 30 days
 - ▶ Surveys must remain confidential
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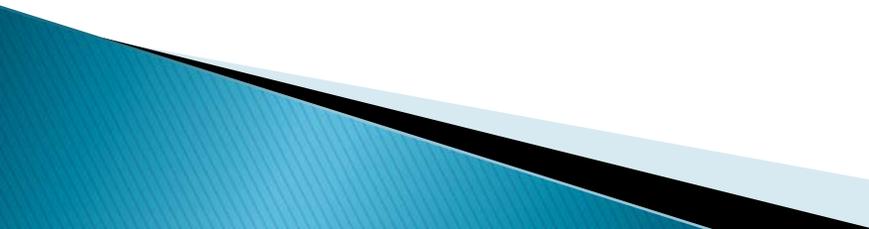
Rules Enacted cont.

- ▶ OEB forwards survey copy to the homeowner
 - ▶ Qualifications for surveyors
 - High school diploma
 - OEB training and continuing education
 - Re-approved every 3 years
 - Experience conducting surveys or technical training in construction, engineering or related field
 - Cannot be a felon
 - Surveyors-in-training work under surveyor
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Policy / Procedure

- ▶ **Guidelines for notifications**
 - Certified mail or hand delivered
 - If received, one further attempt required
 - If not received, 5 attempts must be made
 - If no waiver, affidavit required stating why
- ▶ **Inventory sheet must accompany each submittal**
- ▶ **Inventory compared to mining application**
- ▶ **Permittee, blasting specialist and DMR inspector notified by OEB**

Policy / Procedure cont.

- ▶ Survey information entered in database
 - ▶ Owners mailed copy of survey
 - ▶ Video no longer accepted
 - ▶ Thumbnail accepted only if CD included
 - ▶ OEB assists DMR with quarry and subsidence surveys, if requested
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Summary

- ▶ Approximately 7,000 surveys submitted prior to 7/2000 (new law)
- ▶ Approximately 29,000 surveys, waivers and affidavits submitted since 7/2000
- ▶ Approximately 780 claims of damage
- ▶ Approximately 170 to claims administrator (CA)
 - CA independent third party.

Summary cont.

- ▶ 4 damage claims upheld by OEB
 - Damage not shown in survey
 - Each had violations
 - ▶ Surveys are now being done to protect rather than just to comply
 - ▶ Statistics show beliefs were in error
 - ▶ 169 approved surveyors
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Future

- ▶ Electronic submittal of surveys?
 - ▶ Eliminate the 0.7 mile requirement?
 - ▶ Back to the old survey notification?
 - ▶ 0.5 mile of the blasting area?
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Thank You

Questions?
What are your thoughts?

Forms Used

- Pre-blast Survey
 - Waiver
 - Affidavit
 - Notification
 - Record
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