

this section, contain provisions to preclude the probability of future impoundment of water, sediment, or slurry.

(b) An abandonment plan does not have to contain a provision to preclude the future impoundment of water if the plan is approved by the District Manager and documentation is included in the abandonment plan to ensure that the following requirements are met:

(1) A registered professional engineer, knowledgeable in the principles of dam design and in the design and construction of the structure, shall certify that it substantially conforms to the approved design plan and specifications and that there are no apparent defects.

(2) The current owner or prospective owner shall certify a willingness and ability to assume responsibility for operation and maintenance of the structure.

(3) A permit or approval for the continued existence of the impoundment or impounding structure shall be obtained from the Federal or State agency responsible for dam safety.

[57 FR 7472, Mar. 2, 1992]

§ 77.217 Definitions.

For the purpose of §§ 77.214 through 77.216-5, the term:

(a) *Abandoned* as applied to any refuse pile or impoundment and impounding structure means that work on such pile or structure has been completed in accordance with a plan for abandonment approved by the District Manager.

(b) *Area-capacity curves* means graphic curves which readily show the reservoir water surface area, in acres, at different elevations from the bottom of the reservoir to the maximum water surface, and the capacity or volume, in acre-feet, of the water contained in the reservoir at various elevations.

(c) *Impounding structure* means a structure which is used to impound water, sediment, or slurry, or any combination of such materials.

(d) *Probable maximum precipitation* means the value for a particular area which represents an envelopment of depth-duration-area rainfall relations for all storm types affecting that area adjusted meteorologically to maximum conditions.

(e) *Refuse pile* means a deposit of coal mine waste which may contain a mixture of coal, shale, claystone, siltstone, sandstone, limestone, and related materials that are excavated during mining operations or separated from mined coal and disposed of on the surface as waste byproducts of either coal mining or preparation operations. *Refuse pile* does not mean temporary spoil piles of removed overburden material associated with surface mining operations.

(f) *Safety factor* means the ratio of the forces tending to resist the failure of a structure to the forces tending to cause such failure as determined by accepted engineering practice.

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

[40 FR 41778, Sept. 9, 1975]

Subpart D—Thermal Dryers

§ 77.300 Thermal dryers; general.

On and after July 1, 1971 dryer systems used for drying coal at high temperatures, hereinafter referred to as thermal dryers, including rotary dryers, continuous carrier dyes, vertical tray, and cascade dryers, multilouver dryers, suspension or flash dryers, and fluidized bed dryers, shall be maintained and operated in accordance with the provision of § 77.301 to § 77.306.

[36 FR 9364, May 22, 1971, as amended at 36 FR 13143, July 15, 1971]

§ 77.301 Dryer heating units; operation.

(a) Dryer heating units shall be operated to provide reasonably complete combustion before heated gases are allowed to enter hot gas inlets.

(b) Dryer heating units which are fired by pulverized coal, shall be operated and maintained in accordance with the recommended standards set forth in the National Fire Protection Association Handbook, 12th Edition, Section 9, "Installation of Pulverized Fuel Systems," 1962.

§ 77.302 Bypass stacks.

Thermal dryer systems shall include a bypass stack, relief stack or individual discharge stack provided with automatic venting which will permit gases from the dryer heating unit to