

**OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINERAL RESOURCES MANAGEMENT**

****PROCEDURE DIRECTIVE****

Permitting 2016-01

SUBJECT: Coal Refuse Pile Handling

EFFECTIVE: May 9, 2016

PURPOSE: To provide a policy for regulating the handling of coal refuse piles. This procedure directive covers all coal refuse piles both pre and post-SMCRA.

Background:

The mining and processing of coal produces coal processing waste or refuse which historically was left on site in piles or pits near the mining and processing locations. Coal refuse piles typically consist of rock, clay, coal fragments and coal slurry. These coal refuse piles often have negative effects on the environment and many times are the subject of Abandoned Mine Lands (AML) projects aimed at reclaiming them. Companies and property owners may have an interest in re-processing refuse material or moving refuse material while working on other non-coal related projects.

Regulations:

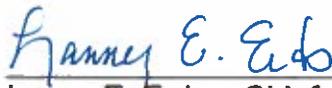
Under Ohio Revised Code (ORC) 1513.01 and Ohio Administrative Code (OAC) 1501:13-1-02, the removal of coal from coal refuse piles is included in the definition of "coal mining operation", which requires a coal mining and reclamation permit from the Division of Mineral Resources Management (DMRM). Per OAC 1501:13-1-04, coal refuse piles that are part of an AML project are not considered a "coal mining operation" and do not require a coal mining and reclamation permit.

Policy:

- The handling of coal refuse piles not associated with the removal of coal is not regulated by DMRM and does not require a permit. This includes using refuse piles on site or moving them to other locations. Coal refuse used exclusively as structural fill during construction operations does not require a coal mining and reclamation permit.

- The handling of coal refuse piles associated with the removal of coal is regulated and requires a permit from DMRM. This permit includes the refuse removal area, refuse processing area, processing waste disposal area, and associated facilities.
- Removing coal refuse and transporting it to a permitted processing facility does not require a permit when it's done under an approved AML contract, however the processing facility and waste disposal site is regulated and requires a coal mining and reclamation permit from DMRM.
- Selling coal refuse piles directly for energy generation (without processing) is allowed but the removal area is regulated and requires a coal mining and reclamation permit from DMRM or be associated with an AML project.
- Coal extracted from coal refuse piles and sold for energy generation or for other purposes is also subject to all normal coal mining severance taxes.
- Handling of coal refuse piles may be subject to regulations by other local, state or federal agencies.

Due to the many scenarios associated with coal refuse piles, the Chief of the Division of Mineral Resources Management must be notified prior to disturbing any coal refuse pile. The Chief will make the final decision on the proper handling of coal refuse piles on a case-by-case basis.



Lanny E. Erdos, Chief
ODNR – Division of Mineral Resources Management