

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

****POLICY/PROCEDURE DIRECTIVE****

Permitting 88-2

Subject: Criteria for Evaluation of proposed Incidental Coal Operations

Effective: February 29, 1988

Purpose: To provide guidance in the evaluation of incidental coal applications

I. For the purposes of determining what is "incidental coal" the following criteria will be used:

A. The total tonnage of coal removed will not exceed 1/6 of the total tonnage produced in each mining year.

B. In each mining area the mineral being mined is to be below the coal seam being mined or the coal seam is to be immediately below the mineral being mined.

For the purposes of preparing proper loading conditions for coal located immediately below the mineral to be mined the term immediately will mean that the coal prepared for loading shall not be located more than three feet below the bottom of the produced mineral above.

C. Augering of coal is not an acceptable mining method for incidental coal permits.

D. Fill is not an acceptable product in calculating the 5/6 - 1/6 ratio for meeting tonnage requirements.

II. Criteria for evaluation of Incidental Coal Applications:

A. Identify the ratio of coal vs. mineral assuming that all minerals designated for production are recovered.

1) Use the GDR to obtain seam thicknesses.

2) Use a planimeter to determine the acreages of all coal and mineral seams to be produced.

3) Cross check GDR's with other available information (i.e., face readings, other test holes on the application area, test holes on adjacent areas, Geological Survey information, etc.)

B. Operator's historical performance

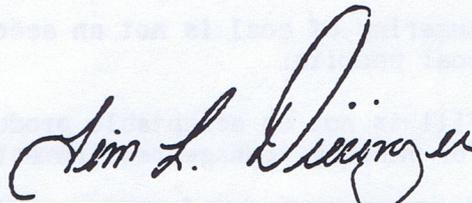
- 1) Has the operator been required to convert an IM permit previously or been party to a show cause for conversion?
- 2) Check the operator's overall compliance record and the forfeiture listing.
- 3) Is the operator typically a coal or industrial minerals operator?

C. Market Commitments

- 1) Letters of intent are not acceptable documentation without the submission of substantial proof that there is a market within the next 12 months.
- 2) Check with known producers to see if the proposed mineral has any value/market.
- 3) Check with Geological Survey to obtain any information concerning the historical usage of the proposed mineral.

D. Right of entry information reflects the mining of minerals.

The purpose of this policy is to prevent the use of IM permits to circumvent Chapter 1513. ORC. The intent is not, however, to be so stringent as to eliminate new operators from entering the mining business and/or eliminate coal operators who may legitimately open a new mineral market.



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