

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

Policy/Procedure Directive
Permitting 93-1

- Subject:** Permitting coal removal in conjunction with landfill activities.
- Effective:** June 7, 1993
- Purpose:** To clarify permitting requirements for coal mining permits regulated by the Division of Reclamation (DOR) when the mining is in conjunction with, or site preparation for, landfill activities regulated by the Ohio Environmental Protection Agency (OEPA).

Coal mining permits which involve landfill activities are required to contain a great amount of site specific information. The purpose of this document is not to overgeneralize permit requirements; however, certain generalized guidelines can apply to the majority of these permits and should be followed to ensure consistency in DOR's review.

Landfill operations proposing to remove coal must obtain a coal mining permit which covers the area where coal is to be removed. In addition, the mining application will need to include areas outside the coal removal areas if:

1. support activities (e.g. access roads, drainage controls) are or will be occurring on these areas, and
2. these support activities do not clearly fall under OEPA's regulatory authority for the landfill operation.

Any overburden storage areas or drainage control systems clearly regulated by OEPA under an existing landfill permit will not be required to be permitted by DOR to avoid overlapping regulation.

Coal mining applications on existing landfill permits must include sufficient documentation that the Permit to Install (PTI) or Permit to Operate (PTO) has been issued by the OEPA (note: the PTO is issued only after the site has been prepared, per the requirements outlined in the PTI, and is ready to receive landfill material). The response to Part I, E(3) of the coal mining permit application must indicate where the proposed or existing landfill PTI application can be reviewed. Additionally the coal mining permit application must indicate in the response to Part III, E(2) that acceptable drainage controls exist, or will be in place, prior to and during coal removal. Design standards to be used in the construction of the drainage control system should meet the requirements of the regulatory agency

which has the enforcement authority over the area where the drainage controls occur. Design plans for the drainage control system do not need to be part of the coal mining permit application if they occur on the PTI area and fall under OEPA regulatory authority.

Coal mining permit applications which propose to remove coal only if a landfill PTI is obtained from the OEPA, may be approved with the condition the mining permit will not be issued until such time as the PTI is approved by the OEPA. Further, the approved coal mining permit application must indicate in Part III, A(5)(d) all spoil placement will occur within the limits of the landfill PTI, and in Part III, E(2) no mining will commence until necessary PTI drainage controls are in place.

There are many questions contained in the coal mining permit application that will require site specific responses to address the special aspects of the mining and landfill operation. Drainage control plans and reclamation timetables required in a normal mining plan will probably not be applicable to a mining permit which includes a landfill. DOR will accept responses, when applicable, which indicate certain activities (e.g. backfilling, grading, revegetation, etc.) will be addressed in the OEPA PTI and be regulated by the OEPA. Activities which fall outside the scope of the OEPA's authority must be clearly addressed in the coal mining permit application. The OEPA's authority is derived from sections 3745-27-06(B)(6)(b), 3745-27-06(C)(3)(e), 3745-27-06(C)(4)(k), 3745-27-08, and 3745-27-11 of the Ohio Administrative Code (O.A.C.).

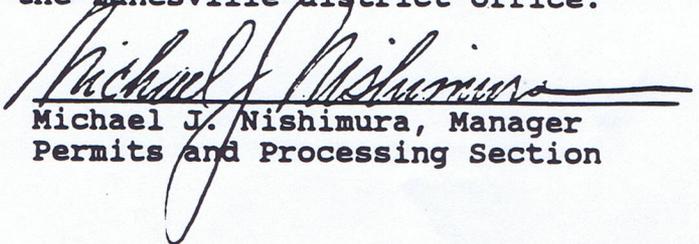
While geology and hydrology information gathered for the landfill PTI may be used to comply with DOR statutory requirements, the information must be submitted on DOR forms and be complete. Narrative responses for geology and hydrology in the DOR permit cannot merely reference the landfill PTI and must be able to "stand alone" in conveying information pertinent to the local hydrologic balance. Additionally, DOR does not wish to make the PTI a part of the coal mining permit. DOR staff may ask to view certain portions of the PTI, but the PTI as a complete document should not be submitted with the coal mining permit application.

No changes to DOR's pre-initial review process are anticipated in processing coal permits with landfill activities. It may be necessary, however, for the application manager, field environmental specialist, and hydrologist to coordinate their reviews more closely and involve, to a greater extent, the applicant/consultant during the review process. If the applicant is revising a PTI application at the same time as DOR's review, it may be necessary to obtain copies of the OEPA revision letters in order to avoid later contradictions in information. All coal mining permit applications with associated landfill operations

will be conditionally issued. The condition language will address reclamation of the area should abandonment of the landfill occur.

In the event the landfill operation is abandoned while the coal mining permit is still in effect, the coal operator must submit an Application to Revise a Permit (ARP) within 30 days detailing revisions to the application necessary to facilitate reclamation. Reclamation must be contemporaneous as defined by 1501:13-9-13(A) of the O.A.C. If the coal operator proposes to continue mining the site following landfill abandonment, then an ARP and an Incidental Boundary Revision (IBR) will be required to address all associated activities (e.g. overburden storage, drainage control systems) needed to support the mining operation which are no longer regulated by the OEPA under the landfill PTI.

If you have any questions, please contact Bill Sterling in Columbus or Jeff Emmons in the Zanesville district office.


Michael J. Nishimura, Manager
Permits and Processing Section

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