

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

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

Inspection and Enforcement 89-1

Subject: Reclamation, "C" Permits
Effective: February 10, 1989
Purpose: To determine when reclamation becomes delinquent on C-permits and to provide guidance in taking enforcement action when reclamation is determined to be delinquent.

SM-7 Reclamation

Ohio Revised Code sections 1513.16(H)(1) & (2) set the standard for timing of backfilling, grading, resoiling, and other work, except planting on "C" permits. This work must be completed within a year after the end of the permit year identified in the annual/final report.

The Division shall conduct an inspection upon receipt of a request from the permittee for SM-7 release to determine if site conditions meet bond release requirements. If no SM-7 bond release request is received, the Division shall conduct the inspection twelve months after the end of the permit year. If site conditions are acceptable for the SM-7 bond release, then the request should be approved. If the inspection was conducted without receipt of an SM-7 bond release request, then the operator will be notified in writing to submit the request. If in either case the site conditions do not meet bond release requirements, then an Order by the Chief is to be issued disapproving the SM-7 reclamation. The Order shall give the reasons for disapproving the reclamation, describe additional work that is needed, and set a time by which the work is to be completed.

By May 1, 1989, all C-permits except those that have been forfeited, or are in the process of being forfeited, should either have an approved SM-7 release or have been issued an Order by the Chief disapproving the SM-7 reclamation.

If the operator does not comply with the Order within the time period specified in the Order or any extensions approved under the Order, a notice of violation for delinquent reclamation

shall be issued immediately as described in paragraph (B) of rule 1501:13-14-02. Failure to abate the notice of violation will result in forfeiture of the bond. Bond forfeiture procedures are to be initiated immediately upon noncompliance with any delinquent reclamation notices of violation.

SM-8 Reclamation

All "C" permits or annual segments with an approved SM-7 bond release, except those permits that have been forfeited or are in the process of being forfeited, shall be reviewed by May 1, 1989 and Steps 1 through 9, as appropriate, initiated. If three (3) unsuccessful attempts have already been made to correct the deficiencies causing the unsuccessful vegetation, then the chronology described in Step 8 should be submitted as soon as possible, but no later than June 2, 1989.

Step 1

At the end of the next appropriate planting season following resoiling, an inspection is to be conducted to determine if the planting has been completed. If the planting has not been completed, then a notice of violation for delinquent reclamation is to be issued for failure to comply with paragraph (C) of rule 1501:13-2-15 of the Ohio Administrative Code. The notice of violation shall require the planting to be completed during the next appropriate planting season. If the notice of violation is not complied with, then bond forfeiture procedures are to be immediately initiated. If the notice of violation is complied with, then the success of the vegetation is to be evaluated as described in Steps 2-9.

Step 2

Upon receipt of a request from the permittee for an SM-8 release, an inspection is to be conducted to determine the success of the vegetation using the criteria in rule 1501:13-2-15 of the Ohio Administrative Code. If no release request is received, then the inspection shall be conducted at the end of two growing seasons. If site conditions are acceptable for an SM-8 bond release, then the operator will be requested to submit an SM-8 bond release request and any other required data, i.e. P.F.L. yield data, if he has not already done so, and the request will be approved.

Step 3

If the release inspection conducted in Step 2 shows that the site conditions are not acceptable for a SM-8 bond release, then a Chief's Order shall be issued indicating the reasons for

disapproving the reclamation and describing the remedial measures and time for compliance. Remedial measures are to include only the physical work necessary for establishment of vegetation and not actual establishment of successful vegetation.

Step 4

If the operator complies with the Chief's Order issued in Step 3, the site is to be inspected at the end of the growing season to determine the success of the vegetation. If the success standards are met, the bond release is to be approved as described in Step 2. If the success standards are not met, a second Chief's Order shall be issued as described in Step 3.

Step 5

If the operator fails to comply with the Chief's Order issued in Step 3, a notice of violation is to be issued for failing to comply with a Chief's Order. The notice shall cite the reasons listed in the Chief's Order and give remedial measures and a time for abatement as described in Step 3.

Step 6

If the operator complies with the second Chief's Order issued as described in Step 4, or if applicable, with the notice of violation issued as described in Step 5, the site is to be inspected at the end of the growing season to determine the success of the vegetation. If the success standards are met, the bond release is to be approved as described in Step 2. If the success standards are not met, a third Chief's Order shall be issued as described in Step 3.

Step 7

If the operator does not comply with the notice of violation issued as described in Step 5, or, if applicable with the second Chief's Order issued as described in Step 4, a delinquent reclamation notice of violation is to be issued as described in paragraph (B) of rule 1501:13-14-02 of the Ohio Administrative Code. If the delinquent reclamation notice is not complied with, then bond forfeiture procedures are to be immediately initiated.

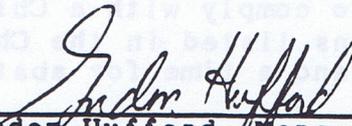
Step 8

If the operator complies with the third Chief's Order issued as described in Step 6, the site is to be inspected at the end of the growing season to determine the success of the vegetation. If the success standards are met, the bond release is to be approved as described in Step 2. If the success standards are not

met, the inspector/supervisor is to prepare a chronology of events leading up to the present and forward it to the Inspection and Enforcement manager. The chronology is to be accompanied by recommendations on what actions should be taken to get the permit into compliance, or to proceed with bond forfeiture.

Step 9

If the operator does not comply with the third Chief's Order issued as described in Step 6, then bond forfeiture procedures are to be immediately initiated.



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Inspection and Enforcement

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