

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

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

INSPECTION AND ENFORCEMENT 89-03

Subject: Notification of Abatement of Violations
Effective: March 1, 1989
Purpose: To provide direction to the mine operators in notifying the Division when violations and cessation orders are abated.

This policy procedure directive replaces D.A.M. #42 and a memorandum by Robert Rothwell dated July 29, 1985.

The Division expects permittees to notify the appropriate district office when they abate a Notice of Violation or Cessation Order. The district office should be notified by no later than 5:00 P.M. on the work day following abatement.

The notification may be made in person, by phone or in writing. The notification should include the following information:

Permittee Name

N.O.V. or C.O. #

Inspector's Name

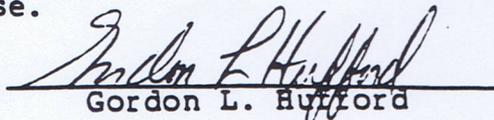
Date of Abatement

The information provided will be recorded by the district in the Notice of Violation log and in the space below the "terminated" line on the Notice of Violation or Cessation Order.

The information provided is used by the Division in calculating the civil penalty assessments and in making determinations on "good faith".

Notification is not necessary if the violation is abated on the abatement date for the Notice of Violation or on the 30th day after issuance of a Cessation Order. In the case of a Cessation Order, however it is advisable to notify the district office immediately upon abatement, since an assessment of \$750.00 per day will be made during the thirty day period following issuance of the Cessation Order.

The abatement time given in the notification will be assumed to be the correct abatement date unless subsequent verifications and inspections prove otherwise.


Gordon L. Hufford