OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

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

INSPECTION AND ENFORCEMENT 90-2

Subject: Certification of Construction of Primary Roads

Effective: August 10, 1990

Purpose: To describe the certification requirement for the construction of primary roads.

Paragraph YYYY of rule 1501: 13-1-02 defines a "road" to mean:

> A surface right-of-way for purposes of travel by land vehicles used in coal exploration or coal mining and reclamation operations. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side areas, approaches, structures, ditches and surface. The term includes any access or haul road, other than a public roadway, constructed, used, reconstructed, improved or maintained for use in coal exploration or within the affected area of coal mining and reclamation operation, including use by coal hauling vehicles leading to transfer, processing, or storage areas. The term does not include pioneer or construction roadway used for part of the road construction procedure or roads within the immediate mining-pit area.

If it is determined the route is a "road" subject to rule 1501: 13-10-01 then it is necessary to determine if it is a "primary road" or a "secondary road." Primary roads are those roads which are:

1. Used for transporting coal or spoil;

2. Frequently used for access or other purposes for a period in excess of six months; or

3. To be retained for an approved postmining land use.

If the road meets one or more of the above three criteria, then it is considered to be a primary road and is subject to the construction certification requirements of rule 1501: 13-10-01 (G).

In making the determination it is important to be aware that roads within the immediate mining-pit are exluded from the definition of road. The Division would consider the following examples of roads to be excluded by the definition of road since these types of roads are subject to frequent surface changes and locations:

1. Ramps and routes within the pit and spoil placement areas;

2. Temporary routes within excess spoil disposal and coal mine waste disposal areas;

3. Routes to where topsoil and overburden are being moved; or

4. Routes used to facilitate reclamation within areas being actively reclaimed.

All roads which are not determined to be primary roads are considered secondary roads. Secondary roads are not subject to the construction certification requirement. Roads used to access support facilities would be considered secondary roads unless one of the criteria for primary roads is met.

Each primary road constructed or reconstructed on or after October 1, 1988 is required to be certified. The attached form is a suggested format for use in certifying the construction. The certification is not required to be filed with the Chief but it is required to be on file in your office or at the mine site.

The district reclamation inspector will review your records when conducting a complete inspection to determine whether the construction certification has been filed. The construction certification should be filed immediately upon completion of construction or reconstruction of the primary road. Failure to have the certification will result in the issuance of a notice of violation.

Gordon L. Hufford

Gordon L. Hufford