

OHIO DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINES & RECLAMATION  
**\*\*POLICY/PROCEDURE DIRECTIVE\*\***

Forfeiture #99-1  
(Replaces 95-1)

**SUBJECT:** Coal Forfeiture Time Frames, Project Scope Development and Site Inventory,  
Design Methods, Contracting, Inspection, and Payment Procedures

**DATE:** January 1, 1999

**PURPOSE:** To coordinate and expedite the completion of forfeiture projects between Field  
and Support Teams. Replaces Forfeiture PPD 95-1.

TIME FRAMES

The Division's goal is to have a forfeited site under contract within 24 months after the Forfeiture Reclamation Coordinator (FRC) is notified by the Field Team Administrator (FTA) to begin design. Timely reclamation of forfeitures is a priority of the Division.

The Division will emphasize re-mining of the forfeited permit or those portions of the permit where the Division makes a determination that mineable and marketable quantities of coal remain. Upon issuance of the bond forfeiture order, the appropriate Field Team Leader (FTL) will contact local coal mine operators to determine if there is interest in re-mining the area. If an interested mine operator is found, the FTL shall notify the FRC and shall inform the mine operator that the permit application should be submitted within six months of date of notification by the FTL. This re-mining may be accomplished by transferring the existing permit in total or in part or by having a new permit issued. If only a portion of the forfeited permit is transferred or re-permitted, the Division will attempt to contract with the new permittee for the balance of the forfeited area. If an interested mine operator cannot be found within six months after the FRC is notified to begin design, then the FTL is to notify the FRC so that the design and contracting process may resume.

If site conditions are resulting in off - site environmental problems, or if conditions exist that present a danger to the health and safety of the public, the FTL will contact the FRC. The FRC, depending on the condition, will enter into a work agreement with the Civilian Conservation Corps (CCC) or contract to have the condition corrected.

The FRC will be responsible for requesting aerial photography and mylars through the central office staff person assigned this responsibility. The FRC should make this determination as early as possible, but no later than at the time the decision is made to forfeit the bond. The FRC should take into consideration the size and complexity of the required reclamation and the purposes of the aerials (i.e. for mapping, contracting, or as a visual aid) in making the decision to order the aerials and mylars.

### PROJECT SCOPE DEVELOPMENT AND SITE INVENTORY

The FTL is responsible for determining the number of acres affected and either outlining the affected area on a mylar or determining that the final map is correct. The FTL is responsible for ensuring that the Forfeiture Site Evaluation Form (Attachment 1) is properly completed. The FRC shall notify the FTL that the design process has started and that the Forfeiture Site Evaluation Form needs to be completed. The FTL is responsible for assuring that the Forfeiture Site Evaluation Form is completed in conjunction with the next inspection (partial or complete) of the forfeited permit. Within ten days of the Form's completion, the FTL will schedule a joint field review with the FRC. This review will determine if the site can be reclaimed using the Approved Permit Reclamation Plan or whether the Design and Construct method will be used to reclaim the site.

### DESIGN METHODS

1. **Approved Permit Reclamation Plan:** If the Approved Permit Reclamation Plan is to be used to reclaim the site, it is still necessary for the FTL to determine if revisions to the plan are needed. If revisions are necessary and the FTL determines that the revisions can be prepared by Division staff, then the FTL will be responsible for ensuring the preparation of the needed Application to Revise the Permit (ARP) and coordinating the review with the other Division staff (e.g. engineers, hydrologist, permitting.) The FTL should begin the ARP process immediately after the joint field review is completed. If the FTL needs assistance in preparing the ARP he shall contact the FRC. Depending on the nature of the ARP, the FRC shall contact the appropriate team leader for assistance. If the FTL determines that the ARP cannot be completed by Division staff, the FTL shall notify the FRC of the needed ARP'S. The FRC shall include the costs for preparation of the needed ARP's in the contract and the successful contractor shall prepare and submit the ARP's to the FTL. Regardless of who prepares the ARP, construction related to the ARP should not begin until the ARP is approved. The timely approval of the ARP is important. The FTL is responsible for monitoring the ARP for timely approval. The FRC shall be responsible for ensuring that the approved ARP is incorporated into the contract.

2. **Design and Construct:** The Design and Construct method will be used for sites where conditions vary significantly from the reclamation plan. Bids inclusive of design and engineering costs will be solicited. Attachment 2, Design and Construct, is an example of a Design and Construct project and provides further explanation on the Design and Construct method.

Regardless of the design method, the following apply:

1. The Field Team will handle complaints and investigations associated with the forfeiture, with the assistance normally provided by other teams on non-forfeited permits.
2. The FTL will invite the landowners, in writing, to the joint field review and request their input on the design of the project. Any questions, concerns, or explanations will be followed up, in writing, to the landowners by the FTL.
3. The landowners will be given the opportunity to review the final plans and specifications prior to the DOR entering into a contract for the project. The FRC will notify the landowners, in writing, where the plans and specifications may be reviewed and who to contact to make arrangements for review. This notice shall establish a date by which the review must be completed (no sooner than 10 calendar days after notice date.)
4. A pre-bid meeting is required. The meeting will be mandatory for the FTL, the DOR person to inspect the project, the FRC or representative, and all prospective bidders. Only the Chief of DMR may grant waivers for bidder attendance. The FRC will coordinate the date and time of the pre-bid meeting.
5. Prior to start of construction, the FRC will notify the landowners, in writing, of the name, address, and telephone number of the Field Team person responsible for inspecting the project and the date that construction may begin.

### CONTRACTING

The contracting PPD Fiscal 95-1 will be followed. The Contractor should call the Division's Fiscal Section at 614-265-1086 for clarification and assistance on the required documentation needed to execute a contract.

### INSPECTION

The Field Team will assume full inspection responsibility for the project. The FRC or representative will attend pre-construction meetings, assist in the completion of pay estimates, handling of payroll certification forms, verification of weight slips for materials where applicable, certification of payment forms, and mechanics lien requirements.

The FRC will notify the landowners, in writing, when the site is ready for the substantial and final completion inspections. The notice shall identify the purpose of the inspection, give the date and time of the inspection, let the landowners know that they may attend the inspection, and ask that they notify the FRC, in writing prior to the meeting date, of any concerns they have. At a minimum, the landowners should be given at least 10 calendar days notice. The notice should also inform the landowners that they may submit their concerns in writing within 10 calendar days after the date of the inspection. The Field Team person should address any concerns during the inspection and follow up, in writing to the landowner(s), on the resolution of each concern. If the Field Team person is not able to address a concern during the inspection, then the resolution of the concern will be addressed in the follow up letter or by action specified by the FRC.

### PAYMENT PROCEDURE

The Contractor and the Field Team person will meet on-site to review job progress and fill out preliminary pay estimate requests. The Contractor and the Field Team person must agree on quantity and percent of work completed for all items listed in the contract. No payment will be approved for work not completed or for work not accepted by the Field Team person. Field verification is required of all lump sum quantities and weight slips for all unit price quantities invoiced which have not been previously submitted.

The Contractor shall prepare formal partial payment requests and submit them to the Field Team person for review and approval. Each application for payment shall be accompanied by certification by the Contractor that:

- A. The quantities shown represent the actual value of accomplishments under the terms and conditions of the contract documents, including full compliance with all labor provisions.
- B. The wage rates required by the contract have been paid during the invoice period. The payroll certification form will be utilized.

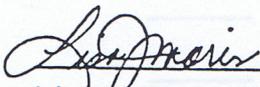
The Division may require that certification of payment forms be submitted with each partial payment request, if there is any indication or complaints that subcontractors and/or material suppliers have not been paid. .

Further procedures on processing payment requests are enumerated by pages 5-20 to 5-34 of the AML Procedures Manual. Only Division - generated Computerized Pay Estimate Forms will be accepted. The Field Team person will forward Pay Estimates to the FRC, if circumstances require, or to the Division's Fiscal Section (Support Team).

A minimum of one substantial completion inspection will be undertaken when the Contractor and the Field Team person believe all work under the contract is complete. If deficiencies are noted during the substantial completion inspection, the Field Team person will prepare a punch list identifying the remedial work required. This list will be provided to the Contractor (see format for Substantial Completion Inspection in AML Manual) and a copy sent to the FRC. A

minimum of one additional inspection will be made to verify that the remedial work has been completed. If the work is satisfactory, the substantial completion estimate and associated documents will be requested of the Contractor. Upon receipt of these items, the Division will issue a Certificate of Substantial Completion to the Contractor. When the Substantial Completion Certificate is forwarded to the FRC for processing, all supporting documents being held by the Field Team person will be forwarded as well. **At the time the Substantial Completion Certificate is submitted there will be no additional Extra Orders written.** All retainage held on the project, as well as any earned interest, will be returned to the contractor, unless there is a request by the FRC to hold the escrow until a problem has been resolved.

The substantial completion inspection date will mark the beginning of the one year maintenance period. Upon completion of the one-year maintenance period, a final project inspection will be made. If deficiencies are noted, the Field Team person will develop and send to the Contractor, in writing, a final punch list. A minimum of one additional final inspection will be made. A final completion shall occur one year after the substantial completion certificate is issued or 90 days after the drainage controls are removed, whichever date is later. Upon satisfactory completion of the work, the Contractor will be issued a Contract Completion Certificate and any posted performance bond will be released. The landowner is responsible for maintaining the reclaimed area, including any permanent impoundments, after issuance of the Contract Completion Certificate.



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Lisa J. Morris, Chief  
Division of Mines & Reclamation

ATTACHMENT 1

FORFEITURE SITE EVALUATION FORM

1. GENERAL INFORMATION

Permittee \_\_\_\_\_ Permit # \_\_\_\_\_  
Permit Date \_\_\_/\_\_\_/\_\_\_ Final Map Date \_\_\_/\_\_\_/\_\_\_  
Inspector(s) \_\_\_\_\_, \_\_\_\_\_ District \_\_\_\_\_  
County \_\_\_\_\_ Township(s) \_\_\_\_\_  
Permitted Acreage \_\_\_\_\_ Affected Acreage \_\_\_\_\_

2. RECLAMATION STATUS

Backfilled - Acres Completed \_\_\_\_\_ ; Acres Remaining \_\_\_\_\_  
Graded - Acres Completed \_\_\_\_\_ ; Acres Remaining \_\_\_\_\_  
Resoiled - Acres Completed \_\_\_\_\_ ; Acres Remaining \_\_\_\_\_  
Planted - Acres Completed \_\_\_\_\_ ; Acres Remaining \_\_\_\_\_  
Highwall Length \_\_\_\_\_ Ft; Average Highwall Height \_\_\_\_\_ Ft

3. LAND USE INFORMATION

Pasture - Pre-mining Acres \_\_\_\_\_ ; Reclaimed Acres \_\_\_\_\_  
Forest - Pre-mining Acres \_\_\_\_\_ ; Reclaimed Acres \_\_\_\_\_  
Fish/Wild - Pre-mining Acres \_\_\_\_\_ ; Reclaimed Acres \_\_\_\_\_  
Cropland - Pre-mining Acres \_\_\_\_\_ ; Reclaimed Acres \_\_\_\_\_  
PFL - Pre-mining Acres \_\_\_\_\_ ; Reclaimed Acres \_\_\_\_\_  
Undeveloped- Pre-mining Acres \_\_\_\_\_ ; Reclaimed Acres \_\_\_\_\_

Will the reclaimed post-mining land uses require a land use change to comply with the post-mining land uses approved in the permit application? \_\_\_ Yes; \_\_\_ No

**4. WATER IMPOUNDMENTS**

a. Does the approved plan include permanent impoundments?  
 \_\_\_ Yes; \_\_\_ No. If "Yes", list the impoundment numbers.  
 \_\_\_\_\_

b. Are there temporary impoundments that should be retained as permanent? \_\_\_ Yes; \_\_\_ No. If "Yes", list the impoundment numbers.  
 \_\_\_\_\_

c. If "Yes" 4.b., have the landowners been contacted to determine if they will agree to provide a letter of maintenance? \_\_\_ Yes; \_\_\_ No. If "Yes" list the names of the landowners and indicate if they are willing to sign for maintenance. \_\_\_\_\_  
 \_\_\_\_\_

d. Provide the following information for any impoundments that should be removed:

Pond #	Surf Area	Depth	pH	L/O Maint*		Stable		Functional	
				Yes	No	Yes	No	Yes	No
_____	_____ Ac	_____	_____	Yes	No	Yes	No	Yes	No
_____	_____ Ac	_____	_____	Yes	No	Yes	No	Yes	No
_____	_____ Ac	_____	_____	Yes	No	Yes	No	Yes	No
_____	_____ Ac	_____	_____	Yes	No	Yes	No	Yes	No

\* L/O Maint. - Letter of assurance of maintenance from landowner

**5. STRUCTURES/FACILITIES**

a. Does the approved plan include permanent structures/facilities including roads? \_\_\_ Yes; \_\_\_ No. If "Yes", identify the structures below and include a reference to the map.  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Are there structures/facilities on the site that will require demolition? \_\_\_ Yes; \_\_\_ No. If "Yes", describe the structures, include map references and provide an estimated demolition cost. \_\_\_\_\_  
 \_\_\_\_\_

c. Are there mine entries requiring closure? \_\_\_ Yes; \_\_\_ No. If "Yes" describe the type and size of the entries and provide an estimated cost for reclaiming each. \_\_\_\_\_  
 \_\_\_\_\_

d. Is there equipment, trailers, tanks, conveyors, etc. on the site that needs disposed of?  Yes;  No. If "Yes", describe the items, including the make, model, and serial #.

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**6. SPECIFIC SITE CONDITIONS**

**a. RESOILING:**

- (1) Is sufficient topsoil material stockpiled?  Yes  No. If "No", what is the estimated cubic yard of additional resoiling material needed? \_\_\_\_\_ CuYd.
- (2) If "No" to 6.a.(1) is there an alternative resoiling material present on the permit area?  Yes  No. If "Yes", is it sufficient in quantity to replace the deficient topsoil?  Yes;  No.
- (3) If there is not sufficient alternative resoiling material to supplement the topsoil, is there soil available from areas adjacent to the permit area?  Yes;  No.
- (4) Is the spoil acidic or alkaline? \_\_\_\_\_

**b. PIT IMPOUNDMENTS:**

- (1) Are there pit impoundments present?  Yes;  No. If "Yes", provide the approximate surface acreage and depth of each. \_\_\_\_\_
- (2) What is the pH of each pit impoundment. \_\_\_\_\_
- (3) Are the pits suitable for the construction of final cut impoundments?  Yes;  No.

**c. LAND SLIDES:**

(1) Are land slides present?  Yes;  No. If "Yes" provide the requested information:

<u>Slide #</u>	<u>Surf Ac</u>	<u>Escarpment height/length</u>	<u>Causes</u>		
_____	_____	_____	1	2	3
_____	_____	_____	1	2	3
_____	_____	_____	1	2	3

Causes: 1. Undercutting at toe of hillside  
 2. Overloading of head/crown  
 3. Saturation by water seepage

**7. MISCELLANEOUS:**

a. Are there unresolved public or landowner complaints associated with offsite effects?  Yes;  No. If "Yes", submit as an attachment, the name, address, telephone number of the complainant, and describe the nature of the complaint and the current investigative status of the complaint.

b. Is there an NPDES permit issued for the site?  Yes;  No.

(1) How will the Non-Point Pollution requirements, adopted by ODNR under the General Permit, be addressed? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

c. Are there any indications of long term acid mine drainage problems on the site?  Yes,  No. If Yes, describe the conditions below and include a reference to the map. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

d. Would this site be suitable for the construction of a wetland?  Yes;  No.

e. Will treatment of water be required during the reclamation?  Yes,  No. If "Yes", indicate the approximate quantities and the source of the water, e.g. is it pit water requiring a one time treatment prior to discharge or is it a continuous discharge from an impoundment. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

f. Additional Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Form Completed By: \_\_\_\_\_

Date Completed: \_\_\_\_/\_\_\_\_/\_\_\_\_

NOTE: IF ADDITIONAL SPACE IS NEEDED, PLEASE USE THE BACK OF THE PAGES AND INCLUDE THE ITEM NUMBER, e.g. 7.b.

January 1, 1999

NNNN Mining Incorporated  
42410 NNNNNNNNNN Road  
Belmont, Ohio 43718-9727

RE: \_\_\_\_\_ RECLAMATION PROJECT, \_\_\_\_\_ COUNTY, OHIO  
PROJECT NUMBER \_\_\_\_\_

Dear Sirs:

The Ohio Department of Natural Resources, Division of Reclamation, is seeking bid proposals from coal companies to design and construct the aforementioned reclamation projects which are located in Sections 19 and 20 of Osnaburg Township, Stark County, Ohio, approximately 2 miles south of East Canton on Township Road 0169A (Hedge-Rose Road) as shown on the location map.

A pre-bid meeting has been scheduled for 11:00 a.m. August 10, 1994 at the site to review the scope and intent of the work. Completed cost proposals for the design and construction of this project will then be accepted in the Division's Central Office until 3:00 p.m. on August 24th, 1994. The proposals should be directed to the attention of Elaine Clemens, Contracts Section,, Division of Reclamation, 1855 Fountain Square Court, Building H, Columbus, Ohio 43224-1327. Attendance at the pre-bid meeting is mandatory for acceptance of a bid proposal,

The bid proposal shall include the cost necessary to perform the work included in the general list of work items described on Page 02000-1 in Section 1100 of the Detailed Conditions. All work completed on this project must meet or exceed the requirements of section 1513,16 of the Ohio Revised Code and resultant reclamation rules. This proposal shall also include the cost for design work and certifications by a registered, professional engineer, where needed, to revise or replace the reclamation plan on file. A Storm Water Pollution Plan that meets the Ohio Environmental Protection Agency's storm water regulations for this site will also be required. This plan shall be done on ODNR forms for storm water regulations. The work items to be considered include: mobilization, earthwork erosion repair, access road repair, pond repair, water treatment, channel protection, underdrains, resoiling, revegetation, and engineering. There will be a one year maintenance period on this project after acceptance by the Chief,

Upon acceptance of the proposal by the Division, the low bidder will have sixty (60) days to submit a complete project design which includes detailed plans, detailed specifications, and a detailed line item cost breakdown describing the quantity of the material needed and the cost for both labor and material respectively for each line item.

The Division will then review the project design to insure that the design satisfactorily meets the scope and intent of the project. If the design is not satisfactory, the low bidder will be given two (2) weeks to revise the design,

Failure to meet any of the above time frames may be cause for the Division to consider the next lowest bidder, The completion date for this project is June 30, 1995.

The following criteria also applies to this contract:

1. There will be one year maintenance period upon acceptance of the work by the Chief.
2. The Division's average wage rate scale under Sections 1513.02 and 1513.18 of the Ohio Revised Code apply to this contract.

The successful bidder will be required to provide the following:

1. A project bond in the amount of 10% of the total contract cost.
2. A current EEO (equal Employment opportunity Certificate).
3. Proof of your current insurance liability:

Bodily Injury \$100,000.00 / \$300,000.00 Limit Minimum  
Property Damage \$100,000.00 / \$300,000.00 Limit Minimum

If you have any questions concerning this proposal, please contact our Forfeiture Reclamation Coordinator, at (740) 439-9079 or the \_\_\_\_\_ Team Leader, \_\_\_\_\_, at (000) 000-0000.

Sincerely,

\_\_\_\_\_, Coordinator  
Forfeiture Reclamation  
Abandoned Mine Lands Program  
Division of Mines & Reclamation

cc: Contracts  
Record Copy  
FRC  
Inspector