

OHIO DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF RECLAMATION

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

Underground 90-1

**Replaces Underground 89-4 Remove from PPD File**

**Subject:** Surface Owner Notification - Underground Mining Operations

**Effective:** April 1, 1990

**Purpose:** To establish the procedures for notifying landowners in advance of conducting underground coal mining beneath such property. See O.A.C. 1501:13-12-03(O).

Underground coal mining operators are required to provide written notification to owners and occupants of surface property or structures at least six months in advance of conducting mining operations beneath such property. This notification is to be provided to owners of surface property, owners and occupants of structures, and owners of wells, and buried oil, gas or utility lines, whose property either overlies the proposed underground workings, or is property which the operator reasonably anticipates will experience more than a minimal effect from full coal recovery operations.

The notification is to include at a minimum the following information:

1. The name and address of the owner/occupants of the property or structure, well or utility line.
2. The method of mining to be conducted, and a statement as to whether or not planned subsidence will occur; if planned subsidence will occur and the Company has not yet contacted the surface owner, a statement that the surface owner may contact \_\_\_\_\_ (name) at \_\_\_\_\_ (address), \_\_\_\_\_ (telephone no). to discuss the effects of planned subsidence which the Company reasonably anticipates.
3. Identification of the specific areas that will be mined and the relationship of such areas to surface property and structures to be undermined. For surface owners whose properties will be undermined by a full extraction mining process, such as longwall or pillar extraction, and who have not been contacted by a Company representative regarding the Company's planned subsidence program at least six months prior to the

time the Company undermines the surface owner's property, a map or exhibit that describes the specific location of the underground workings, the surface property location, and the location of significant structures to be undermined.

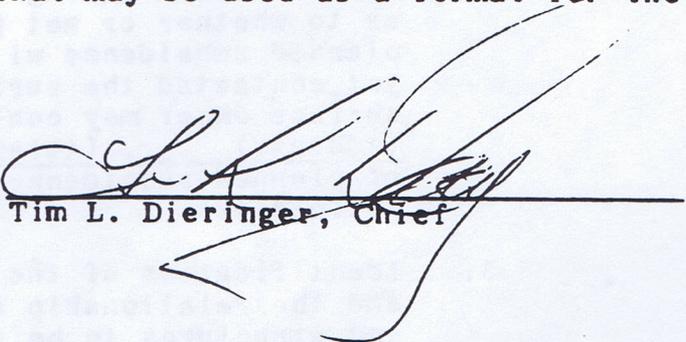
4. The timing of the mining activities under the property.
5. The operator's address and telephone number, and the name of the person to contact regarding the proposed mining activities.
6. A statement that the property owner may review the operator's subsidence control plan, as well as the mine progress maps, at the above location during normal working hours.

Such notifications are to be reissued whenever areas are to be mined that were not previously identified in the notification.

Requests to provide notification for a period less than six months prior to mining may be approved by the Chief. Requests must be submitted in writing thirty (30) days before mining and within the six month time period. A property owner may waive the six month notice requirement as part of a repair or compensation agreement and the Division will accept such waiver.

The Division will review such notifications during complete quarterly inspections to verify they are complete and timely. Certified mail receipts should be utilized as proof of service of such notification. In the event that a certified mail notice is returned to the operator, the operator may then send the notice by regular mail and the Division will consider notice to have been given at the time the notice is deposited in the regular mail.

Attached is an example that may be used as a format for the required notice.

  
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Tim L. Dieringer, Chief

TLD/sz/tp

Attachment