

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

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

UNDERGROUND 93-2

SUBJECT: REPLACEMENT OF INTERIM WATER SUPPLIES DIMINISHED BY
SUBSIDENCE

EFFECTIVE: February 15, 1993

PURPOSE: TO PROVIDE PROCEDURES FOR RESPONDING TO LANDOWNER
COMPLAINTS CONCERNING WATER SUPPLY LOSSES CAUSED BY
SUBSIDENCE.

Pursuant to a decision of the Fourth District Court of Appeals for Meigs County, the Division of Reclamation interprets Ohio Revised Code (R.C.) section 1513.162 to require operators of underground coal mining operations to: establish a specific system whereby landowners may report claims of water loss to the company; establish specific deadlines for responding to such claims and determining liability; establish specific deadlines for replacing or repairing impacted water supplies; and continue to provide a replacement water supply throughout any period of review under R.C. section 1513.13. An approved water replacement plan must address each of the specific elements of this decision.

Whenever an operator denies liability for a reported water loss, and provides this determination in writing to the landowner, the operator shall also inform the landowner of his right to pursue his complaint with the Division of Reclamation.

In the event the landowner elects to file a complaint with the Division of Reclamation concerning the water supply loss the appropriate District office shall assign an inspector to conduct a preliminary investigation. Within two working days of receipt of the complaint the inspector shall attempt to determine if the water supply loss is related to the underground mining activities. This determination shall be based upon a review of the deep mine progress maps as well as other available relevant information. If the inspector determines that the water supply is located within 500 feet (measured horizontally) of the surface projection of an active longwall or pillar recovery panel, and the timing of the mining activities coincides with the reported loss, then the underground mine operator shall be required to implement the interim water replacement plan. The Division inspector shall notify the operator by telephone to provide interim water and shall fax the attached form, "NOTIFICATION TO IMPLEMENT INTERIM WATER REPLACEMENT PLAN" as soon as possible after the verbal notice.

If a loss is determined related to the mining operation interim water replacement plans require that a temporary supply be installed and operational within 48 hours of the report of water

loss by either the landowner or the Division. At the landowner's option, reimbursement of all reasonable costs necessary to provide his own interim water may be required.

The operator must notify the Division inspector when the interim water supply is in place and available for use.

Subsequent to interim water replacement, the Division's Technical Section Hydrologist will determine the need for any permanent replacement of an affected water supply. Since water supplies impacted by subsidence may recover to pre-mining levels, the Division's final determination may be delayed by one to two years. Throughout this time period, as well as any appeal of either the notice to provide interim water or an order to permanently replace a water supply, the landowner shall continue to be provided with interim water. Interim water is to be provided until a permanent replacement has been established, or until the Division has determined that the original water supply has recovered from the impacts of subsidence to the extent that pre-mining uses are maintained and foreseeable land uses are supported. A permanent water supply may be provided to the landowner at the operator's own initiative without awaiting a final decision from the Division on the need for permanent replacement.


Glen G. Kizer, Chief

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