

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

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

Inspection and Enforcement 89-6

Subject: D-Permit Phase Releases, General Procedure for
Division Personnel.

Effective: June 19, 1989

Purpose: To provide for internal consistency in bond release
procedures.

This Policy Procedure Directive replaces memoranda from John
Schalip of 5/9/83, 8/30/83, 8/21/86, 8/5/87, and from Gordon
Hufford of 12/21/87.

Pursuant to 1501:13-7-05 of the Ohio Administrative Code
basic items required for a complete Phase Bond Release request
are:

1. A phase release form;
2. Copies of letters sent to landowners, agencies and
authorities; and
3. A copy of the public advertisement that is to be
published in a newspaper of general circulation in the
locality of the coal mining operation.

Items 1 and 2 must be submitted simultaneously to the
district office. Item 3 must be submitted within thirty (30)
days of submittal of items 1 and 2. If all (items 1, 2, and 3
above) the required items are not included with the release
request, the request will be deemed incomplete and will be
returned to the operator with a letter indicating the
deficiencies. Resubmission of the release request with the
required documents will be processed as a new submission.

Upon receipt of a complete release request, the inspector,
utilizing the format of the attached letters, will notify all
landowners on the area to be released of the date and time of the
release inspection. Such letters are to be mailed within five
(5) days of receipt of a complete request.

The Inspector is to conduct the initial inspection within
fifteen (15) days after receipt of the complete release request,
along with the District Supervisor or his designee, interested
landowners, and the operator. Within thirty (30) days of receipt
of a complete release request all inspection and evaluation
activities shall be complete unless additional time is allowed
for minor repairs. During the inspection, and pursuant to

1501:13-7-05(A)(5)(b), the following considerations are to be made:

1. Whether the permittee has met the requirements of Chapter 1513. of the Revised Code and the rules, any orders issued during mining and reclamation, and the specifications of the approved mining and reclamation plan;
2. The degree of difficulty to complete any remaining reclamation;
3. Whether pollution of surface and sub-surface water is occurring;
4. The probability the pollution will continue or occur again; and
5. The estimated cost of abating the pollution.

Upon completion of the inspection, an inspection report will be prepared, and copies distributed to interested landowners and the operator. If additional work is required, it must be completed within thirty (30) days (or no later than forty-five (45) days after receipt of the complete request) of the initial inspection. The inspection report should indicate the date of the follow-up inspection, if one is necessary.

The bond release evaluation worksheet for D-Permits (attached) is to be filled out during the inspection(s). A copy may be given to operators if it will serve as a communication device for additional repairs. Correction notations are to be added to the worksheet when such repairs are made. A copy of this worksheet is to be attached to the Columbus copy of the bond release forms.

A notarized proof-of-publication or certified copy of such is to be submitted to the district office by the operator. The release package is not to be sent to Columbus until this document and all other required documentation can be included with the package.

Recommendations for approval or disapproval must be made within forty-five (45) days of receipt of the complete request and forwarded to Columbus for processing. Total processing time for a release request shall be no more than sixty (60) days.

Bond release requests which contain prime farmland (PFL) and non-prime farmland cropland:

In addition to the above items required for a complete bond release package, and pursuant to PPD Regulatory 88-3, all Phase II release requests which include PFL must include an approved Operator Notification of Completion of PFL Resoiling form with

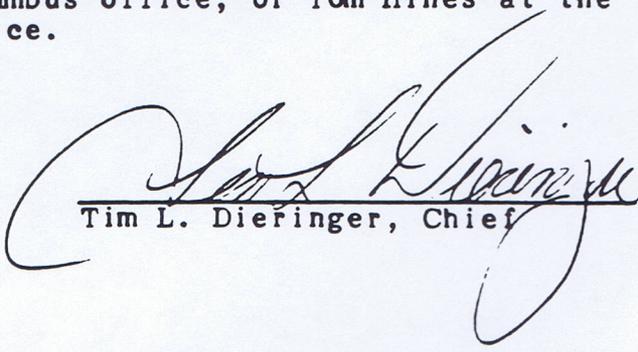
the release package. All Phase II and Phase III release requests which include PFL must also include the yield data required by 1501:13-9-15 of the Ohio Administrative Code in order to be deemed complete. Phase III release requests for non-prime farmland cropland must include yield data pursuant to 1501:13-9-15.

When a request for a Phase II or III release which includes PFL, or a Phase III release which includes non-prime farmland cropland is received in the district office and is determined to be complete, the district technician shall then immediately copy and forward the release request package to the New Philadelphia Technical Section using the attached transmittal form. This will facilitate concurrent District and Technical Section review.

The Technical Section will return the release package with the completed transmittal form (indicating approval/disapproval of yield data) to the district office within fourteen (14) calendar days of receipt of the package from the district.

The district office will forward the release package with recommendations for approval or disapproval to Columbus within the time frames described above for all release requests. Recommendations of approval/disapproval of PFL or non-prime farmland cropland release requests will be consistent with the Technical Section findings. For example, if the yield evaluation performed by the Technical Section reveals that the yield data is unacceptable, the release request will be recommended for disapproval and a Chief's Order will be drafted. The Chief's Order will disapprove the release request and include all deficiencies noted by the soil scientist and the inspection staff. In addition, pursuant to ORC Chapter 1513.16(F)(4) the order shall indicate reasons for unacceptability, ordering further (remedial) actions to be taken, and setting a time limit for compliance.

If you have any questions regarding this directive, please contact Shari Zook at the Columbus office, or Tom Hines at the New Philadelphia District office.



Tim L. Dieringer, Chief

TLD/sz/tl

Ohio Department of Natural Resources
Division of Mineral Resources Management
2050 E. Wheeling Avenue
Cambridge, Ohio 43725

RE: Phase I Bond Release Inspection on Coal Mining and Reclamation Permit Year

Dear :

has filed a request for a Phase I Bond Release on acres of your property located in Section(s) , Township, County. Fifty percent (50%) of the bond will be released upon approval of this request.

Reclamation Phase I is deemed to be completed when in accordance with the approved mining and reclamation plan:

1. Backfilling of all highwalls is completed;
2. Grading of the area is completed; and
3. Drainage controls have been established and are functional.

Pursuant to Ohio Administrative Code Rule 1501:13-7-05 (A) (5), you may participate in the bond release inspection with the division's authorized representative. The release inspection will be conducted on at . The inspection will commence at .

Should you desire not to, or be unable to participate in this inspection but wish to comment on the bond release request, or if you have any questions, please contact me at (740) 439-9079 by . My office hours are on through from to .

Sincerely,

Mineral Resources Inspector

Cc:

Ohio Department of Natural Resources
Division of Mineral Resources Management
2050 E. Wheeling Avenue
Cambridge, Ohio 43725

RE: Phase II Bond Release Inspection on Coal Mining and Reclamation Permit Year

Dear :

has filed a request for a Phase II Bond Release on acres of your property located in Section(s) , Township, County. A total of eighty-five percent (85%) of the bond will be released upon approval of this request.

Reclamation Phase II is deemed to be completed when in accordance with the approved mining and reclamation plan:

1. Resoiling has been completed to the required depth;
2. Revegetation has been established and the standards for the success of revegetation are met;
3. The lands are not contributing suspended solids to stream flow or run-off outside the permit area in excess of current water quality standards;
4. With respect to prime farmlands, soil productivity has been returned to the level of yields required by current standards; and
5. The provisions of a plan for the future management of any permanent structures (ponds, roads, etc.) have been implemented to the satisfaction of the division.

Pursuant to Ohio Administrative Code Rule 1501:13-7-05 (A) (5), you may participate in the bond release inspection with the division's authorized representative. The release inspection will be conducted on at . The inspection will commence at .

Should you desire not to, or be unable to participate in this inspection but wish to comment on the bond release request, or if you have any questions, please contact me at (740) 439-9079 by . My office hours are on through from to .

Sincerely,

Mineral Resources Inspector

Cc:

Ohio Department of Natural Resources
Division of Mineral Resources Management
2050 E. Wheeling Avenue
Cambridge, Ohio 43725

RE: Phase III Bond Release Inspection on Coal Mining and Reclamation Permit Year

Dear :

has filed a request for a Phase III Bond Release on acres of your property located in Section(s) , Township, County. All remaining bond or the final fifteen percent (15%) will be released upon approval of this request.

Reclamation Phase III is deemed to be completed when in accordance with the approved mining and reclamation plan:

1. All surface coal mining and reclamation operations have been successfully completed in accordance with the approved reclamation plan and has met the Phase III revegetation success standards in accordance with rule 1501:13-9-15 of the Ohio Administrative Code;
2. With respect to non-prime farmland cropland, soil productivity has been returned to the level of yields required by current standards;
3. The permittee has achieved compliance with the Ohio Mining and Reclamation Laws and Rules; and
4. The applicable period of responsibility for revegetation has expired.

Pursuant to Ohio Administrative Code Rule 1501:13-7-05 (A) (5), you may participate in the bond release inspection with the division's authorized representative. The release inspection will be conducted on at . The inspection will commence at .

Should you desire not to, or be unable to participate in this inspection but wish to comment on the bond release request, or if you have any questions, please contact me at (740) 439-9079 by . My office hours are on through from to .

Sincerely,

Mineral Resources Inspector

Cc:

BOND RELEASE EVALUATION WORKSHEET (D-PERMITS)

OPERATOR _____

PERMIT NUMBER _____

YEAR _____ TOTAL ACRES _____

PHASE RELEASE: PHASE I PHASE II PHASE III

COMPLETE PHASE RELEASE RECEIVED: DATE _____

COPY OF ADVERTISEMENT RECEIVED: YES NO

IF YES, DATE _____

(INDICATE ONE)

- YES NO 1. Have the approved reclamation plan and permit conditions been reviewed?
- YES NO 2. Are any modifications of the plan required? If yes, list.
- YES NO 3. Are any permanent structures to be left? If yes, list.
- YES NO 4. Have all permanent structures been certified and reviewed by an engineering intern?
- YES NO 5. Has backfilling and grading been completed? If no, explain.
- YES NO 6. Has the approved land configuration been restored? If no, explain.
- YES NO 7. Has resoiling been completed? If no, explain.
- YES NO 8. Has the topsoil been replaced in the amounts approved in the permit? If no, explain.

- YES NO 9. Have the results of soil tests (phase II) been received?
- YES NO 10. Does the permit contain prime farmland? If yes, has the area been restored as per the plan? Yes No
- YES NO 11. Have all areas been stabilized (erosion, slippage)? If no, explain.
- YES NO 12. Has all debris been removed (rocks, vegetation, mining)? If no, list items remaining.
- YES NO 13. Describe the operator's planting plan (seeding mixtures and tree/shrub species).
- YES NO 14. Has the operator established a successful planting? Refer to Grass/Legume Evaluation Worksheet.
- YES NO 15. If prime farmland or cropland, has the operator demonstrated the restored productivity? If no, explain.
- YES NO 16. Has the operation completed the required maintenance period? Refer to the vegetation establishment date. If no, indicate the date when the maintenance period will be fulfilled.
- YES NO 17. Are all discharges or water accumulations of acceptable water quality? If no, explain.
- YES NO 18. Other factors – Comment (i.e., exposed toxics, poor quality seeps, etc.)

Inspector

Date