



Ohio Administrative Code Rule 1501:13-9-03 Topsoil handling.

Effective: October 28, 2010

(A) To prevent topsoil from being contaminated by spoil or waste materials or otherwise wasted, the permittee or operator shall remove the topsoil as a separate operation from areas to be disturbed. Topsoil shall be immediately redistributed according to the requirements of paragraph (C) of this rule on areas graded to the approved postmining configuration. The topsoil shall be segregated, stockpiled, and protected from wind and water erosion and from contaminants which lessen its capability to support vegetation if sufficient graded areas are not immediately available for redistribution. Areas of surplus soil materials may be identified for use in future reclamation.

(B) Topsoil to be salvaged shall be removed before any drilling for blasting, mining, spoil or other surface disturbance.

(1) All topsoil shall be removed and if the topsoil is less than six inches, a six-inch layer that includes the topsoil and the unconsolidated materials immediately below the "A" horizon shall be removed and segregated for resoiling, unless an alternative material is approved by the chief in accordance with paragraph (B)(3) of this rule.

(2) Where necessary to obtain soil productivity consistent with postmining land use, the chief may require that the subsoil be segregated and replaced prior to the redistribution of the topsoil.

(3) Alternative resoiling materials may be used instead of, or as a supplement to, topsoil where the resulting soil medium is equal to or more suitable for vegetation or if the topsoil is of insufficient quantity or quality for sustaining vegetation and if all the following requirements are met:

(a) The applicant or permittee demonstrates that the alternative resoiling materials, or an overburden topsoil mixture is more suitable for restoring land capability and productivity by the results of chemical and physical analyses. These analyses shall include determinations of pH, per cent organic material, phosphorus, potassium, and texture class, and such other analyses as required by the chief. The chief may require the results of field-site trials or greenhouse tests be used to demonstrate the



feasibility of using such alternative resoiling;

(b) The chemical and physical analysis and the results of field-site trials and greenhouse tests are accompanied by a certification from a qualified soil scientist or agronomist; and

(c) If alternative resoiling materials are used, such materials are removed, segregated, and replaced in conformance with this rule.

(4) If there is insufficient topsoil on the permit area, the applicant or permittee shall:

(a) Identify the alternative resoiling materials to be used for resoiling;

(b) Submit the results of the analysis required by paragraph (B)(3)(a) of this rule;

(c) Submit certification by a qualified soil scientist or agronomist that the alternative resoiling materials are suitable for establishing the permanent vegetative species proposed by the applicant in the mining and reclamation plan; and

(d) If alternative resoiling materials are to be used, submit a plan, where appropriate, for the removal, segregation, and replacement of such materials.

(5) Limits on topsoil removal area. Where the removal of vegetation materials, topsoil, or other materials may result in erosion which may cause air or water pollution:

(a) The size of the area from which topsoil is removed at any one time shall be limited;

(b) The surface soil layer shall be redistributed at a time when the physical and chemical properties of topsoil can be protected and erosion can be minimized; and

(c) Such other measures shall be taken as the chief may approve or require to control erosion.

(6) The chief may choose not to require the removal of topsoil for minor disturbances which:



(a) Occur at the site of small structures, such as power poles, signs, or fence lines; or

(b) Will not destroy the existing vegetation and will not cause erosion.

(C) Final grading and replacement of topsoil. Final grading shall follow the completion of backfilling and rough grading within a time that will allow replacement of topsoil or approved resoiling materials to begin and be completed during either the current normal period for favorable planting or at the start of the first appropriate normal period for favorable planting following final grading, whichever occurs first. After final grading and before the topsoil or approved alternative resoiling materials are replaced, regraded land shall be scarified or otherwise treated to eliminate slippage surfaces and to promote root penetration. Resoiling shall begin, continue reasonably uninterrupted, and be completed prior to the end of the normal period for favorable planting unless the permittee receives an extension of the time limit because of climatic conditions in accordance with paragraph (D) of this rule. Topsoil or approved alternative resoiling materials shall be redistributed in a manner that:

(1) Achieves an approximately uniform, stable thickness when consistent with the postmining land use, contours, and surface-water drainage systems. Soil thickness may also be varied to the extent such variations help meet the specific revegetation goals identified in the permit;

(2) Prevents excess compaction of the spoil and topsoil; and

(3) Protects from wind and water erosion before and after seeding and planting.

(D) If resoiling and protection of that resoiling cannot reasonably be done within a prescribed time limit because of climatic conditions existing at that time of the year, the permittee may apply to the chief for an extension of the time limit and the chief shall not issue a notice under paragraph (A) of rule 1501:13-7-06 of the Administrative Code during such time extension.

(E) If the permit allows storage of topsoil or approved alternative resoiling materials, such materials shall be placed on a stable area within the permit area where it will not be disturbed or exposed to excessive water, wind erosion, unnecessary compaction and contamination by undesirable materials. Stockpiled materials shall be protected from wind and water erosion, unnecessary compaction, and



contaminants either by: an effective cover of non-noxious, quick-growing annual and perennial plants, seeded or planted during the first normal period after removal for favorable planting conditions; or other methods demonstrated and approved by the chief to provide equal protection. Unless approved by the chief, stockpiled topsoil or approved alternative resoiling materials shall not be moved until required for redistribution on a disturbed area.

(F) Nutrients and soil amendments in the amounts and analysis as determined by soil tests taken in accordance with agronomically acceptable practices shall be applied to the surface soil layer so that it will support the postmining requirements of rule 1501:13-9-17 of the Administrative Code and the revegetation requirements of rule 1501:13-9-15 of the Administrative Code.