



Ohio Administrative Code

Rule 1501:13-13-04 Mountaintop removal mining.

Effective: October 1, 1988

(A) Mountaintop removal mining operations shall be exempt from the requirements of rule 1501:13-9-14 of the Administrative Code for achieving approximate original contour, if the following requirements are met:

(1) The chief grants a variance under paragraph (C) of rule 1501:13-4-12 of the Administrative Code;

(2) An industrial, commercial, agricultural, residential, or public facility (including recreation facilities) use is proposed for the affected land;

(3) The alternative land use criteria in rule 1501:13-9-17 of the Administrative Code are met and the proposal is approved by the chief; and

(4) All other applicable requirements of these rules and the requirements of division (B) of section 1513.16 of the Revised Code will be met.

(B) Coal mining and reclamation operations conducted under this rule shall comply with the following standards:

(1) An outcrop barrier of sufficient width, consisting of the toe of the lowest coal seam and its associated overburden, shall be retained to prevent slides and erosion. The chief may permit an exemption to the requirement that the coal barrier be retained if the following conditions are satisfied:

(a) The proposed mine site was mined prior to May 3, 1978, and the toe of the lowest seam has been removed; or

(b) A coal barrier adjacent to a head-of-hollow fill may be removed after the elevation of head-of-



hollow fill attains the elevation of the coal barrier if the head-of-hollow fill provides the stability otherwise ensured by the retention of a coal barrier;

(2) The final graded top plateau slopes on the mined area shall be less than 1v:5h so as to create a level plateau or gently rolling configuration and the outsoles of the plateau shall not exceed 1v:2h, except where engineering data substantiates and the chief finds that a minimum static safety factor of 1.5 will be attained;

(3) The resulting level or gently rolling contour shall be graded to drain inward from the outslope except at specific points where it drains over the outslope in protected stable channels. The chief may waive this requirement if environmental problems would be caused by such inward drainage;

(4) Natural watercourses below the area to be mined shall not be damaged;

(5) Spoil shall be placed on the mountaintop bench as is necessary to achieve the postmining land use approved under rule 1501:13-9-17 of the Administrative Code. All excess spoil material not retained on the mountaintop shall be placed in accordance with the standards of rule 1501:13-9-07 of the Administrative Code; and

(6) All waste and acid-forming or toxic-forming materials, including the strata immediately below the coal seam, shall be covered with non-toxic spoil to prevent pollution and achieve the approved postmining land use.

(C) All permits giving approval for mountaintop removal mining shall be reviewed not more than three years from the date of issuance of the permit, unless the operator affirmatively demonstrates and the chief finds that all operations are proceeding in accordance with the terms of the permit and applicable requirements of Chapter 1513. of the Revised Code.