



## Ohio Administrative Code

### Rule 1501:13-9-13 Contemporaneous reclamation.

Effective: [October 28, 2010](#)

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(A) Timing. Reclamation efforts, including, but not limited to, backfilling, grading, topsoil replacement, revegetation, and any other work necessary to fulfill the approved mining and reclamation plan, to secure each phase of performance security release in accordance with rule 1501:13-7-05 or rule 1501:13-7-05.1 of the Administrative Code, and to reduce potential reclamation cost liability on all land that is disturbed by surface mining activities shall occur as contemporaneously as practicable with mining operations, and in accordance with the following:

(1) Contour mining. Backfilling and rough grading shall be completed within sixty days or one thousand five hundred linear feet following coal removal, whichever occurs first;

(2) Area mining. Backfilling and rough grading shall be completed within one hundred eighty days following coal removal and shall not be more than four spoil ridges behind the pit being worked, the spoil from the active pit constituting the first ridge;

(3) Other mining method or combination of methods. The chief may approve an alternate schedule for backfilling and rough grading if the permittee or operator demonstrates that an alternate schedule from that required for contour or area mining is necessary due to the mining method utilized, provided that backfilling and rough grading shall be completed not more than one hundred eighty days following coal removal or the minimum distance necessary to continue the coal mining operation following coal removal;

(4) Auger/highwall mining. Auger/highwall mining shall occur as contemporaneously as practicable and within one hundred eighty days after creation of the highwall to be augered/mined unless an alternative schedule is approved by the chief;

(5) Final grading and replacement of topsoil. Final grading and replacement of topsoil or approved resoiling materials shall occur in accordance with rule 1501:13-9-03 of the Administrative Code;



(6) Seeding and planting. Mulching, seeding, planting, and application of nutrients and soil amendments, as required by these rules and the approved reclamation plan, shall follow resoiling as soon as practicable to minimize erosion of the resoiled area. Seeding and planting shall take place not later than the next appropriate planting and growing season following the completion of backfilling, grading, resoiling, and other reclamation work;

(7) Tree planting. The normal expected time for tree planting is March through April. If the approved reclamation plan specifies use of the forestry reclamation approach, end-dumped soil placed after April shall not be planted with trees until the following spring. Mulching and seeding may occur when the trees are planted or in the fall to help minimize herbaceous competition;

(8) The chief may grant additional time for backfilling and rough grading:

(a) If the chief finds that the permittee or operator cannot comply with the time limits of paragraph (A) of this rule because of a labor dispute;

(b) For periods of not more than one year if the permittee or operator needs more time than otherwise allowed under this rule, for the purpose of removing limestone, clay, or shale which was uncovered by surface mining operations, if the permittee or operator is in a business which substantially utilizes limestone, clay, or shale, and if the chief determines that the permittee or operator has a bona fide need for the extension of time in order to carry out limestone, clay, or shale removal. Removal of limestone, clay, and shale shall be performed under rules adopted by the chief for the purpose of ensuring compliance with the requirements and objectives of Chapter 1513. of the Revised Code. An extension of time made under this rule shall not delay reclamation on any part of the area of land affected for which the extension is not necessary in order to carry out the limestone, clay, or shale removal; or

(c) If the permittee or operator can demonstrate, through a detailed written analysis of the backfilling, soil stabilization and grading information provided under paragraph (D)(2)(b) of rule 1501:13-4-05 of the Administrative Code as part of the approved reclamation plan, that additional time is necessary. The analysis shall include a map or other description of the area for which additional time is needed;



(9) A request for additional time for backfilling and rough grading that is not addressed in the approved permit shall be filed with the chief as a revision to the permit in accordance with rule 1501:13-4-06 of the Administrative Code. The revision request shall include sufficient justification for the additional time and a time schedule that describes the length of the anticipated delay in backfilling and grading;

(a) Reasons for additional time may include, but are not limited to, auger mining, highwall mining, waste disposal, coal processing, permitting of an adjacent area, mining of a lower coal seam, or mining other minerals;

(b) If the activity that justified the additional time does not take place as stated in the revision to the permit, the permittee shall begin reclamation immediately and continue until completion; and

(10) For purposes of this rule, areas that are backfilled and rough graded shall closely resemble the final ground surface configuration approved in the mining and reclamation plan, but are not necessarily ready for resoiling or eligible for phase I performance security release.

(B) As provided in paragraph (G) of rule 1501:13-4-12 of the Administrative Code, the chief may grant a variance to the requirements of this rule where the applicant proposes to combine surface coal mining and underground coal mining operations.

(C) For underground mining, reclamation efforts, including, but not limited to, backfilling, grading, topsoil replacement and revegetation of all areas affected by surface operations, shall occur as contemporaneously as practicable with mining operations.