



Ohio Administrative Code

Rule 1501:14-3-03 Permanent water impoundments.

Effective: December 18, 2017

(A) To insure that upon completion of reclamation any lake or pond located within the area of land affected is free of substances resulting from mining in amounts or concentrations that are harmful to persons, fish, waterfowl, or other beneficial species of aquatic life, the operator shall:

- (1) Construct dams or otherwise provide that the water level within any permanent water impoundment is maintained at no less than four feet above any acid producing materials within the impoundment;
- (2) Cover with non-acid producing material to a minimum depth of three feet, any acid producing material resulting from mining located within the drainage area of the lake or pond;
- (3) Prevent surface water resulting from mining which contains substances in amounts or concentrations that are harmful to persons, fish, waterfowl, or other beneficial species of aquatic life from flowing into any permanent impoundment;
- (4) Maintain all impounded water at a pH of 6.0 or above; and
- (5) Maintain a minimum water depth of six feet in each impoundment, unless otherwise required by the future intended use and approved in the mining and reclamation plan.
- (6) Lime mining waste may be employed as a component of developing fish spawning zones or reef zones within a permanent impoundment. These zones shall be constructed in consultation with accredited wildlife biologists. The designated areas shall be sufficiently covered with a minimum cover of four feet of non-toxic earthen material, unless an alternative plan for cover or treatment is approved by the chief based upon a showing by the applicant that the alternative plan is as effective for protecting water quality and sustaining vegetative growth, before other materials such as sand, stone or rock are employed to create the spawning or reef surfaces.



(B) To insure public safety the operator shall:

(1) Stabilize the banks of the impoundments;

(2) Provide egress from the impoundment;

(a) Lime mining waste may be employed in final reclamation of a highwall to provide additional egress from the impounded area. The egress area shall be no steeper than fifteen degrees in accordance with paragraph (C) of this rule beginning at the anticipated low water level and extending beyond the highest level of normal annual fluctuation at least twelve feet. A minimum of four feet of non-toxic earthen material shall cover the submerged slope, with an additional six inches of topsoil used to cap any exposed slope, unless an alternative plan for cover or treatment is approved by the chief based upon a showing by the applicant that the alternative plan is as effective for protecting water quality and sustaining vegetative growth. The earthen cover shall be planted with a diverse vegetative cover in accordance with this chapter.

(3) Restrict access to the impoundment where access is not required for the future intended use; and

(4) Perform other measures as are necessary to insure public safety because of the particular site conditions.

(C) To assure safe access where permanent impoundments are intended for recreational use, the operator shall construct designated access areas consistent with the intended recreational use, which access areas shall be no steeper than fifteen degrees beginning at the anticipated low water level and extending beyond the highest level of normal annual water fluctuation at least twelve feet.

(D) To prevent hazards to adjoining properties, the operator shall construct any dams that are part of a permanent impoundment in accordance with the requirements of rule 1501:14-3-11 of the Administrative Code and all other applicable federal, state, or local laws.