

SUBJECT: Clarification of the Applicability and Certification for (AOC- Plus) Operations

1. Policy/Procedures:

The West Virginia Surface Mining Reclamation Regulations provide for objective and well-defined methods for determining Approximate Original Contour (AOC) and to assure compliance. The Final AOC Guidance Document applies to steep-slope surface mining applications submitted after March 24, 2000. This Guidance Document is commonly referred to as (AOC-Plus) and is located within Section 29 of the Permit Handbook.

The Guidance Document does not apply to underground, refuse, contour or non-steep slope surface mining facilities. Inspection and Enforcement along with Permit Review staff must first determine from the individual permit document if the Policy applies. If questions arise, Regional or Headquarters Engineering staff should be consulted.

For permits that the procedure applies, the field (on-ground) regrade should periodically be compared to the nearest representative regrade cross-sections of the permit document. In addition, Sections 10.1 and 10.2 provide criteria and guidance for Semi-Annual Certifications by a Registered Professional Engineer (RPE). The criteria are as follows:

1. the operation is in compliance with its spoil handling plan which was developed as part of the AOC Final Guidance Document, and;
2. the operation can maintain the excess spoil optimization plan as included in the approved permit
3. there have been no material changes in, or if any material changes are anticipated in, the following items:
 - a. the volume of overburden generated
 - b. the areal extent of coal to be mined
 - c. the overall spoil balance
 - d. the final regrade configuration
 - e. increases in the Excess Spoil Disposal Volume (ESDV)
 - f. moving the toe of any valley fill downstream, or,
 - g. other changes that impact the approved excess spoil optimization plan, such as changes in mining method or equipment
4. and finally, if any changes have occurred or are anticipated in the above, justification should be included in the certification.

These certifications should be submitted by the 15th day of January and July for the preceding (July 1 to December 31) and (January 1 to June 30) periods, respectively. The Certification requirement applies to both AOC and AOC Variance permits designed in accordance with the Guidance Document.