



RAILROAD COMMISSION OF TEXAS
SURFACE MINING AND RECLAMATION DIVISION

ADVISORY NOTICE

ADVISORY ID:
AG-PS-395(c)

REVISION NO.:

EFFECTIVE DATE:
July 24, 1998

SUBJECT: Initiation of the Extended Responsibility Period (ERP)

APPROVAL

Melvin B. Hodgskin

TITLE: Director

I. PURPOSE

This Advisory Notice provides guidance regarding procedures for initiation of the extended responsibility period (ERP).

All reclaimed mining-related disturbance, except those lands returned to industrial/commercial, residential or developed water resources land use, are required to complete an operator ERP for either 5 or 10 years (depending on annual precipitation) prior to being eligible for release from complete reclamation performance bond.

The regulations revised on November 4, 1997 do not include specific procedures requiring permittees to notify the Railroad Commission of their intent to initiate the extended responsibility period. In order for Commission inspectors to effectively monitor and evaluate the success of the reclamation plan, they must know when a permittee has begun the ERP.

II. REGULATION REFERENCE

Coal Mining Regulations **12.395(c)** states that the period of extended responsibility for successful revegetation shall begin after the last year of augmented seeding, fertilizing, irrigation, or other work, excluding husbandry practices that are approved by the Commission.

III. REQUIREMENTS FOR INITIATION

The Commission shall be provided written notice when a permittee has completed planting permanent vegetation in accordance with the approved reclamation plan and desires to begin the extended responsibility period (ERP). The ERP shall begin on the date notice is provided. The notice will include the following information relative to the extended responsibility area:

- A. A reclamation plan map depicting the following:
 - 1. The boundaries delineating the extended responsibility area,
 - 2. Delineation and identification of the approved postmine land use within the extended responsibility area,
 - 3. The location and identification of temporary or permanent structures (roads, ponds, diversions) located within the extended responsibility area.
- B. List of permanent vegetative species planted for each land use delineated.
- C. Field demarcation of the extended responsibility area.
- D. Compliance with the approved minesoil-monitoring plan as it relates to ERP initiation.