

As Passed by the Senate

**123rd General Assembly
Regular Session
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Sub. H. B. No. 601

**Representatives Vesper, Amstutz, Gardner, Terwilliger, Willamowski, Corbin,
Hollister, R. Miller
Senators Gardner, Carnes, White, Watts, Wachtmann**

A B I L L

To amend sections 121.04, 124.24, 127.16, 317.08, 1
1501.01, 1501.022, 1505.10, 1507.02 to 1507.07, 2
1507.071, 1507.08 to 1507.11, 1509.01 to 1509.05, 3
1509.06, 1509.061, 1509.07, 1509.071, 1509.072, 4
1509.08, 1509.09 to 1509.15, 1509.17, 1509.18, 5
1509.21, 1509.22, 1509.221, 1509.222, 1509.223, 6
1509.224, 1509.225, 1509.226, 1509.23 to 1509.29, 7
1509.31 to 1509.33, 1509.36, 1509.38 to 1509.40, 8
1510.01, 1510.08, 1513.01 to 1513.03, 1513.07, 9
1513.072, 1513.073, 1513.08, 1513.09, 1513.11, 10
1513.13, 1513.15, 1513.16, 1513.161, 1513.17, 11
1513.18, 1513.181, 1513.20 to 1513.37, 1513.39 to 12
1513.41, 1514.02, 1514.021, 1514.03 to 1514.08, 13
1514.10, 1514.11, 1521.01, 1521.03, 1521.99, 14
1561.01 to 1561.07, 1561.10, 1561.13, 1561.26 to 15
1561.28, 1561.31 to 1561.35, 1561.351, 1561.36 to 16
1561.38, 1561.45, 1561.47 to 1561.51, 1561.53, 17
1561.54, 1561.99, 1563.04 to 1563.06, 1563.11, 18
1563.111, 1563.12, 1563.13, 1563.17, 1563.20, 19
1563.24, 1563.26, 1563.33 to 1563.35, 1563.37, 20
1563.40 to 1563.43, 1563.46, 1565.05 to 1565.08, 21
1565.11, 1565.12, 1565.15, 1567.02, 1567.08 to 22
1567.11, 1567.13, 1567.17 to 1567.19, 1567.23, 23

1567.34, 1567.35, 1567.39, 1567.45, 1567.52, 24
1567.54, 1567.55, 1567.57, 1567.61, 1567.69 to 25
1567.71, 1567.73, 1567.74, 1567.78, 1571.01 to 26
1571.06, 1571.08 to 1571.11, 1571.14, 1571.16, 27
1571.99, 5749.02, 6111.044, and 6121.04; to amend, 28
for the purpose of adopting new section numbers as 29
indicated in parentheses, sections 1507.02 30
(1521.20), 1507.03 (1521.21), 1507.04 (1521.22), 31
1507.05 (1521.23), 1507.06 (1521.24), 1507.07 32
(1521.25), 1507.071 (1521.26), 1507.08 (1521.27), 33
1507.09 (1521.28), 1507.10 (1521.29), and 1507.11 34
(1521.30); and to repeal section 1507.99 of the 35
Revised Code and to amend Section 72 of Am. Sub. 36
H.B. 283 of the 123rd General Assembly to create 37
the Division of Mineral Resources Management in 38
the Department of Natural Resources by combining 39
the Division of Mines and Reclamation with the 40
Division of Oil and Gas, to transfer 41
responsibility for the control of shore erosion 42
along Lake Erie from the Division of Engineering 43
to the Division of Water in that Department, and 44
to declare an emergency. 45

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 121.04, 124.24, 127.16, 317.08, 46
1501.01, 1501.022, 1505.10, 1507.02, 1507.03, 1507.04, 1507.05, 47
1507.06, 1507.07, 1507.071, 1507.08, 1507.09, 1507.10, 1507.11, 48
1509.01, 1509.02, 1509.03, 1509.04, 1509.05, 1509.06, 1509.061, 49
1509.07, 1509.071, 1509.072, 1509.08, 1509.09, 1509.10, 1509.11, 50
1509.12, 1509.13, 1509.14, 1509.15, 1509.17, 1509.18, 1509.21, 51
1509.22, 1509.221, 1509.222, 1509.223, 1509.224, 1509.225, 52

1509.226, 1509.23, 1509.24, 1509.25, 1509.26, 1509.27, 1509.28,	53
1509.29, 1509.31, 1509.32, 1509.33, 1509.36, 1509.38, 1509.39,	54
1509.40, 1510.01, 1510.08, 1513.01, 1513.02, 1513.03, 1513.07,	55
1513.072, 1513.073, 1513.08, 1513.09, 1513.11, 1513.13, 1513.15,	56
1513.16, 1513.161, 1513.17, 1513.18, 1513.181, 1513.20, 1513.21,	57
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1513.36, 1513.37, 1513.39, 1513.40, 1513.41, 1514.02, 1514.021,	60
1514.03, 1514.04, 1514.05, 1514.06, 1514.07, 1514.08, 1514.10,	61
1514.11, 1521.01, 1521.03, 1521.99, 1561.01, 1561.02, 1561.03,	62
1561.04, 1561.05, 1561.06, 1561.07, 1561.10, 1561.13, 1561.26,	63
1561.27, 1561.28, 1561.31, 1561.32, 1561.33, 1561.34, 1561.35,	64
1561.351, 1561.36, 1561.37, 1561.38, 1561.45, 1561.47, 1561.48,	65
1561.49, 1561.50, 1561.51, 1561.53, 1561.54, 1561.99, 1563.04,	66
1563.05, 1563.06, 1563.11, 1563.111, 1563.12, 1563.13, 1563.17,	67
1563.20, 1563.24, 1563.26, 1563.33, 1563.34, 1563.35, 1563.37,	68
1563.40, 1563.41, 1563.42, 1563.43, 1563.46, 1565.05, 1565.06,	69
1565.07, 1565.08, 1565.11, 1565.12, 1565.15, 1567.02, 1567.08,	70
1567.09, 1567.10, 1567.11, 1567.13, 1567.17, 1567.18, 1567.19,	71
1567.23, 1567.34, 1567.35, 1567.39, 1567.45, 1567.52, 1567.54,	72
1567.55, 1567.57, 1567.61, 1567.69, 1567.70, 1567.71, 1567.73,	73
1567.74, 1567.78, 1571.01, 1571.02, 1571.03, 1571.04, 1571.05,	74
1571.06, 1571.08, 1571.09, 1571.10, 1571.11, 1571.14, 1571.16,	75
1571.99, 5749.02, 6111.044, and 6121.04 be amended and sections	76
1507.02 (1521.20), 1507.03 (1521.21), 1507.04 (1521.22), 1507.05	77
(1521.23), 1507.06 (1521.24), 1507.07 (1521.25), 1507.071	78
(1521.26), 1507.08 (1521.27), 1507.09 (1521.28), 1507.10	79
(1521.29), and 1507.11 (1521.30) of the Revised Code be amended	80
for the purpose of adopting new section numbers as indicated in	81
parentheses to read as follows:	82

Sec. 121.04. Offices are created within the several 83

departments as follows:	84
In the department of commerce:	85
Commissioner of securities;	86
Superintendent of real estate and professional licensing;	87
Superintendent of financial institutions;	88
Fire marshal;	89
Beginning on July 1, 1997,	90
Superintendent of liquor control;	91
Superintendent of industrial compliance.	92
In the department of administrative services:	93
State architect and engineer;	94
Equal employment opportunity coordinator.	95
In the department of agriculture:	96
Chiefs of divisions as follows:	97
Administration;	98
Animal industry;	99
Dairy;	100
Food safety;	101
Plant industry;	102
Markets;	103
Meat inspection;	104
Consumer analytical laboratory;	105
Amusement ride safety;	106
Enforcement;	107
Weights and measures.	108
In the department of natural resources:	109
Chiefs of divisions as follows:	110
Water;	111
Mines and Reclamation <u>Mineral resources management;</u>	112

Forestry;	113
Natural areas and preserves;	114
Wildlife;	115
Geological survey;	116
Parks and recreation;	117
Watercraft;	118
Oil and gas;	119
Recycling and litter prevention;	120
Civilian conservation;	121
Soil and water conservation;	122
Real estate and land management;	123
Engineering.	124
Until July 1, 1997, in the department of liquor control:	125
Chiefs of divisions as follows:	126
Accounting and finance;	127
Store management;	128
Personnel;	129
Beer.	130
In the department of insurance:	131
Deputy superintendent of insurance;	132
Assistant superintendent of insurance, technical;	133
Assistant superintendent of insurance, administrative;	134
Assistant superintendent of insurance, research.	135
Sec. 124.24. Notwithstanding sections 124.01 to 124.64 and	136
145.01 to 145.57 of the Revised Code, the examinations of	137
applicants for the position <u>positions</u> of deputy mine inspector,	138
superintendent of rescue stations, assistant superintendent of	139
rescue stations, electrical inspectors, gas storage well	140
inspector, and mine chemists in the division of mines and	141
reclamation <u>mineral resources management</u> , department of natural	142

resources, as provided in Chapters 1561., 1563., 1565., and 1567. 143
of the Revised Code shall be ~~previed~~ provided for, conducted, and 144
administered by the mine examining board created by section 145
1561.10 of the Revised Code. 146

From the returns of the examinations the mine examining board 147
shall prepare eligible lists of the persons whose general average 148
standing upon examinations for such grade or class is not less 149
than the minimum fixed by the rules of ~~said~~ the board and who are 150
otherwise eligible. All appointments to ~~the said~~ a position shall 151
be made from such eligible list in the same manner as appointments 152
are made from eligible lists prepared by the director of 153
administrative services. Any person upon being appointed to fill 154
one of the positions provided for in this section, from any such 155
eligible list, shall have the same standing, rights, privileges, 156
and status as other state employees in the classified service. 157

Sec. 127.16. (A) Upon the request of either a state agency or 158
the director of budget and management and after the controlling 159
board determines that an emergency or a sufficient economic reason 160
exists, the controlling board may approve the making of a purchase 161
without competitive selection as provided in division (B) of this 162
section. 163

(B) Except as otherwise provided in this section, no state 164
agency, using money that has been appropriated to it directly, 165
shall: 166

(1) Make any purchase from a particular supplier, that would 167
amount to fifty thousand dollars or more when combined with both 168
the amount of all disbursements to the supplier during the fiscal 169
year for purchases made by the agency and the amount of all 170
outstanding encumbrances for purchases made by the agency from the 171
supplier, unless the purchase is made by competitive selection or 172

with the approval of the controlling board;	173
(2) Lease real estate from a particular supplier, if the	174
lease would amount to seventy-five thousand dollars or more when	175
combined with both the amount of all disbursements to the supplier	176
during the fiscal year for real estate leases made by the agency	177
and the amount of all outstanding encumbrances for real estate	178
leases made by the agency from the supplier, unless the lease is	179
made by competitive selection or with the approval of the	180
controlling board.	181
(C) Any person who authorizes a purchase in violation of	182
division (B) of this section shall be liable to the state for any	183
state funds spent on the purchase, and the attorney general shall	184
collect the amount from the person.	185
(D) Nothing in division (B) of this section shall be	186
construed as:	187
(1) A limitation upon the authority of the director of	188
transportation as granted in sections 5501.17, 5517.02, and	189
5525.14 of the Revised Code;	190
(2) Applying to medicaid provider agreements under Chapter	191
5111. of the Revised Code or payments or provider agreements under	192
disability assistance medical assistance established under Chapter	193
5115. of the Revised Code;	194
(3) Applying to the purchase of examinations from a sole	195
supplier by a state licensing board under Title XLVII of the	196
Revised Code;	197
(4) Applying to entertainment contracts for the Ohio state	198
fair entered into by the Ohio expositions commission, provided	199
that the controlling board has given its approval to the	200
commission to enter into such contracts and has approved a total	201
budget amount for such contracts as agreed upon by commission	202

action, and that the commission causes to be kept itemized records 203
of the amounts of money spent under each contract and annually 204
files those records with the clerk of the house of representatives 205
and the clerk of the senate following the close of the fair; 206

(5) Limiting the authority of the chief of the division of 207
~~mines and reclamation~~ mineral resources management to contract for 208
reclamation work with an operator mining adjacent land as provided 209
in section 1513.27 of the Revised Code; 210

(6) Applying to investment transactions and procedures of any 211
state agency, except that the agency shall file with the board the 212
name of any person with whom the agency contracts to make, broker, 213
service, or otherwise manage its investments, as well as the 214
commission, rate, or schedule of charges of such person with 215
respect to any investment transactions to be undertaken on behalf 216
of the agency. The filing shall be in a form and at such times as 217
the board considers appropriate. 218

(7) Applying to purchases made with money for the per cent 219
for arts program established by section 3379.10 of the Revised 220
Code; 221

(8) Applying to purchases made by the rehabilitation services 222
commission of services, or supplies, that are provided to persons 223
with disabilities, or to purchases made by the commission in 224
connection with the eligibility determinations it makes for 225
applicants of programs administered by the social security 226
administration; 227

(9) Applying to payments by the department of job and family 228
services under section 5111.13 of the Revised Code for group 229
health plan premiums, deductibles, coinsurance, and other 230
cost-sharing expenses; 231

(10) Applying to any agency of the legislative branch of the 232
state government; 233

(11) Applying to agreements or contracts entered into under section 5101.11, 5101.21, or 5101.211 of the Revised Code;	234 235
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	236 237 238 239
(13) Applying to dues or fees paid for membership in an organization or association;	240 241
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	242 243
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	244 245 246 247
(16) Applying to purchases of tickets for passenger air transportation;	248 249
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	250 251 252
(18) Applying to the judicial branch of state government;	253
(19) Applying to purchases of liquor for resale by the department or, on and after July 1, 1997, the division of liquor control;	254 255 256
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	257 258 259
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	260 261 262 263

(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	264 265 266
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	267 268
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	269 270 271 272
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code;	273 274
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	275 276 277 278 279
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under sections 5123.18, 5123.182, and 5111.252 of the Revised Code;	280 281 282
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	283 284 285
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.	286 287 288 289 290 291
(30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract	292 293

between the vendor and an inter-university purchasing group 294
comprised of purchasing officers of state institutions of higher 295
education; 296

(31) Applying to the department of job and family services' 297
purchases of health assistance services under the children's 298
health insurance program part I provided for under section 5101.50 299
of the Revised Code or the children's health insurance program 300
part II provided for under section 5101.51 of the Revised Code. 301

(E) Notwithstanding division (B)(1) of this section, the 302
cumulative purchase threshold shall be seventy-five thousand 303
dollars for the departments of mental retardation and 304
developmental disabilities, mental health, rehabilitation and 305
correction, and youth services. 306

(F) When determining whether a state agency has reached the 307
cumulative purchase thresholds established in divisions (B)(1), 308
(B)(2), and (E) of this section, all of the following purchases by 309
such agency shall not be considered: 310

(1) Purchases made through competitive selection or with 311
controlling board approval; 312

(2) Purchases listed in division (D) of this section; 313

(3) For the purposes of the thresholds of divisions (B)(1) 314
and (E) of this section only, leases of real estate. 315

(G) As used in this section, "competitive ~~section~~ selection," 316
"purchase," "supplies," and "services" have the same meanings as 317
in section 125.01 of the Revised Code. 318

Sec. 317.08. Except as provided in division (F) of this 319
section, the county recorder shall keep six separate sets of 320
records as follows: 321

(A) A record of deeds, in which shall be recorded all deeds 322

and other instruments of writing for the absolute and 323
unconditional sale or conveyance of lands, tenements, and 324
hereditaments; all notices as provided for in sections 5301.47 to 325
5301.56 of the Revised Code; all judgments or decrees in actions 326
brought under section 5303.01 of the Revised Code; all 327
declarations and bylaws as provided for in Chapter 5311. of the 328
Revised Code; affidavits as provided for in section 5301.252 of 329
the Revised Code; all certificates as provided for in section 330
5311.17 of the Revised Code; all articles dedicating 331
archaeological preserves accepted by the director of the Ohio 332
historical society under section 149.52 of the Revised Code; all 333
articles dedicating nature preserves accepted by the director of 334
natural resources under section 1517.05 of the Revised Code; all 335
agreements for the registration of lands as archaeological or 336
historic landmarks under section 149.51 or 149.55 of the Revised 337
Code; all conveyances of conservation easements and agricultural 338
easements under section 5301.68 of the Revised Code; all 339
instruments extinguishing agricultural easements under section 340
901.21 or 5301.691 of the Revised Code or pursuant to terms of 341
such an easement granted to a charitable organization under 342
section 5301.68 of the Revised Code; all instruments or orders 343
described in division (B)(1)(c)(ii) of section 5301.56 of the 344
Revised Code; all no further action letters issued under section 345
3746.11 of the Revised Code; all covenants not to sue issued under 346
section 3746.12 of the Revised Code; any restrictions on the use 347
of property identified pursuant to division (C)(3) of section 348
3746.10 of the Revised Code; all memoranda of trust, as described 349
in division (A) of section 5301.255 of the Revised Code, that 350
describe specific real property; and all agreements entered into 351
under division (A) of section ~~1507.071~~ 1521.26 of the Revised 352
Code; 353

(B) A record of mortgages, in which shall be recorded all of 354

the following:	355
(1) All mortgages, including amendments, supplements,	356
modifications, and extensions of mortgages, or other instruments	357
of writing by which lands, tenements, or hereditaments are or may	358
be mortgaged or otherwise conditionally sold, conveyed, affected,	359
or encumbered;	360
(2) All executory installment contracts for the sale of land	361
executed after September 29, 1961, that by their terms are not	362
required to be fully performed by one or more of the parties to	363
them within one year of the date of the contracts;	364
(3) All options to purchase real estate, including	365
supplements, modifications, and amendments of the options, but no	366
option of that nature shall be recorded if it does not state a	367
specific day and year of expiration of its validity;	368
(4) Any tax certificate sold under section 5721.33 of the	369
Revised Code, or memorandum thereof, that is presented for filing	370
of record.	371
(C) A record of powers of attorney, including all memoranda	372
of trust, as described in division (A) of section 5301.255 of the	373
Revised Code, that do not describe specific real property;	374
(D) A record of plats, in which shall be recorded all plats	375
and maps of town lots, of the subdivision of town lots, and of	376
other divisions or surveys of lands, any center line survey of a	377
highway located within the county, the plat of which shall be	378
furnished by the director of transportation or county engineer,	379
and all drawings as provided for in Chapter 5311. of the Revised	380
Code;	381
(E) A record of leases, in which shall be recorded all	382
leases, memoranda of leases, and supplements, modifications, and	383
amendments of leases and memoranda of leases;	384

(F) A record of declarations executed pursuant to section 385
2133.02 of the Revised Code and durable powers of attorney for 386
health care executed pursuant to section 1337.12 of the Revised 387
Code. 388

All instruments or memoranda of instruments entitled to 389
record shall be recorded in the proper record in the order in 390
which they are presented for record. The recorder may index, keep, 391
and record in one volume unemployment compensation liens, internal 392
revenue tax liens and other liens in favor of the United States as 393
described in division (A) of section 317.09 of the Revised Code, 394
personal tax liens, mechanic's liens, agricultural product liens, 395
notices of liens, certificates of satisfaction or partial release 396
of estate tax liens, discharges of recognizances, excise and 397
franchise tax liens on corporations, broker's liens, and liens 398
provided for in sections 1513.33, 1513.37, 3752.13, 5111.021, and 399
5311.18 of the Revised Code. 400

The recording of an option to purchase real estate, including 401
any supplement, modification, and amendment of the option, under 402
this section shall serve as notice to any purchaser of an interest 403
in the real estate covered by the option only during the period of 404
the validity of the option as stated in the option. 405

(G) In lieu of keeping the six separate sets of records 406
required in divisions (A) to (F) of this section and the records 407
required in division (H) of this section, a county recorder may 408
record all the instruments required to be recorded by this section 409
in two separate sets of record books. One set shall be called the 410
"official records" and shall contain the instruments listed in 411
divisions (A), (B), (C), (E), (F), and (H) of this section. The 412
second set of records shall contain the instruments listed in 413
division (D) of this section. 414

(H) Except as provided in division (G) of this section, the 415

county recorder shall keep a separate set of records containing 416
all corrupt activity lien notices filed with the recorder pursuant 417
to section 2923.36 of the Revised Code and a separate set of 418
records containing all medicaid fraud lien notices filed with the 419
recorder pursuant to section 2933.75 of the Revised Code. 420

Sec. 1501.01. Except where otherwise expressly provided, the 421
director of natural resources shall formulate and institute all 422
the policies and programs of the department of natural resources. 423
The chief of any division of the department shall not enter into 424
any contract, agreement, or understanding unless it is approved by 425
the director. No appointee or employee of the director, other than 426
the assistant director, may bind the director in a contract except 427
when given general or special authority to do so by the director. 428

The director shall correlate and coordinate the work and 430
activities of the divisions in the department to eliminate 431
unnecessary duplications of effort and overlapping of functions. 432
The chiefs of the various divisions of the department shall meet 433
with the director at least once each month at a time and place 434
designated by the director. 435

The director may create advisory boards to any of those 436
divisions in conformity with section 121.13 of the Revised Code. 437

The director may accept and expend gifts, devises, and 438
bequests of money, lands, and other properties on behalf of the 439
department or any division thereof under the terms set forth in 440
section 9.20 of the Revised Code. Any political subdivision of 441
this state may make contributions to the department for the use of 442
the department or any division therein according to the terms of 443
the contribution. 444

The director may publish and sell or otherwise distribute 445

data, reports, and information.

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The director shall adopt rules in accordance with Chapter 119. of the Revised Code to permit the department to accept by means of a credit card the payment of fees, charges, and rentals at those facilities described in section 1501.07 of the Revised Code that are operated by the department, for any data, reports, or information sold by the department, and for any other goods or services provided by the department.

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Whenever authorized by the governor to do so, the director may appropriate property for the uses and purposes authorized to be performed by the department and on behalf of any division within the department. This authority shall be exercised in the manner provided in sections 163.01 to 163.22 of the Revised Code for the appropriation of property by the director of administrative services. This authority to appropriate property is in addition to the authority provided by law for the appropriation of property by divisions of the department. The director of natural resources also may acquire by purchase, lease, or otherwise such real and personal property rights or privileges in the name of the state as are necessary for the purposes of the department or any division therein. The director, with the approval of the governor and the attorney general, may sell, lease, or exchange portions of lands or property, real or personal, of any division of the department or grant easements or licenses for the use thereof, or enter into agreements for the sale of water from lands and waters under the administration or care of the department or any of its divisions, when the sale, lease, exchange, easement, agreement, or license for use is advantageous to the state, provided that such approval is not required for leases and contracts made under section 1507.12, if any, or section 1501.07, 1501.09, or 1520.03 or Chapter 1523. of the Revised Code. Water may be sold from a reservoir only to the

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extent that the reservoir was designed to yield a supply of water 478
for a purpose other than recreation or wildlife, and the water 479
sold is in excess of that needed to maintain the reservoir for 480
purposes of recreation or wildlife. 481

Money received from such sales, leases, easements, exchanges, 482
agreements, or licenses for use, except revenues required to be 483
set aside or paid into depositories or trust funds for the payment 484
of bonds issued under sections 1501.12 to 1501.15 of the Revised 485
Code, and to maintain the required reserves therefor as provided 486
in the orders authorizing the issuance of such bonds or the trust 487
agreements securing such bonds, revenues required to be paid and 488
credited pursuant to the bond proceeding applicable to obligations 489
issued pursuant to section 154.22, and revenues generated under 490
section 1520.05 of the Revised Code, shall be deposited in the 491
state treasury to the credit of the fund of the division of the 492
department having prior jurisdiction over the lands or property. 493
If no such fund exists, the money shall be credited to the general 494
revenue fund. All such money received from lands or properties 495
administered by the division of wildlife shall be credited to the 496
wildlife fund. 497

The director shall provide for the custody, safekeeping, and 498
deposit of all moneys, checks, and drafts received by the 499
department or its employees prior to paying them to the treasurer 500
of state under section 113.08 of the Revised Code. 501

The director shall cooperate with the nature conservancy, 502
other nonprofit organizations, and the United States fish and 503
wildlife service in order to secure protection of islands in the 504
Ohio river and the wildlife and wildlife habitat of those islands. 505

Any instrument by which real property is acquired pursuant to 506
this section shall identify the agency of the state that has the 507
use and benefit of the real property as specified in section 508

5301.012 of the Revised Code.

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Sec. 1501.022. There is hereby created in the state treasury the injection well review fund consisting of moneys transferred to it under section 6111.046 of the Revised Code. Moneys in the fund shall be used by the chiefs of the divisions of ~~oil and gas~~ mineral resources management, geological survey, and water in the department of natural resources exclusively for the purpose of executing their duties under sections 6111.043 to 6111.047 of the Revised Code.

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Sec. 1505.10. The chief of the division of geological survey shall prepare and publish for public distribution annual reports that shall include all of the following:

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(A) A list of the operators of mines, quarries, pits, or other mineral resource extraction operations in this state;

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(B) Information on the location of and commodity extracted at each operation;

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(C) Information on the employment at each operation;

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(D) Information on the tonnage of coal or other minerals extracted at each operation along with the method of extraction;

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(E) Information on the production, use, distribution, value, and other facts relative to the mineral resources of the state that may be of public interest.

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Each operator engaged in the extraction of minerals shall submit an accurate and complete annual report, on or before the last day of January each year, to the chief of the division of geological survey on forms provided by the chief and containing the information specified in divisions (A) to (E) of this section for the immediately preceding calendar year. The chief of the division of ~~mines and reclamation~~ mineral resources management may

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use all or portions of the information collected pursuant to this 538
section in preparing the annual report required by section 1561.04 539
of the Revised Code. 540

No person shall fail to comply with this section. 541

Sec. 1509.01. As used in this chapter: 542

(A) "Well" means any borehole, whether drilled or bored, 543
within the state for production, extraction, or injection of any 544
gas or liquid mineral, excluding potable water to be used as such, 545
but including natural or artificial brines and oil field waters. 546

(B) "Oil" means crude petroleum oil and all other 547
hydrocarbons, regardless of gravity, that are produced in liquid 548
form by ordinary production methods, but does not include 549
hydrocarbons that were originally in a gaseous phase in the 550
reservoir. 551

(C) "Gas" means all natural gas and all other fluid 552
hydrocarbons that are not oil, including condensate. 553

(D) "Condensate" means liquid hydrocarbons that were 554
originally in the gaseous phase in the reservoir. 555

(E) "Pool" means an underground reservoir containing a common 556
accumulation of oil or gas, or both, but does not include a gas 557
storage reservoir. Each zone of a geological structure that is 558
completely separated from any other zone in the same structure may 559
contain a separate pool. 560

(F) "Field" means the general area underlaid by one or more 561
pools. 562

(G) "Drilling unit" means the minimum acreage on which one 563
well may be drilled, but does not apply to a well for injecting 564
gas into or removing gas from a gas storage reservoir. 565

(H) "Waste" includes all of the following: 566

(1) Physical waste, as that term generally is understood in the oil and gas industry;	567 568
(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;	569 570
(3) Inefficient storing of oil or gas;	571
(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;	572 573 574 575 576 577
(5) Other underground or surface waste in the production or storage of oil, gas, or condensate, however caused.	578 579
(I) "Correlative rights" means the reasonable opportunity to every person entitled thereto to recover and receive the oil and gas in and under the person's tract or tracts, or the equivalent thereof, without having to drill unnecessary wells or incur other unnecessary expense.	580 581 582 583 584
(J) "Tract" means a single, individually taxed parcel of land appearing on the tax list.	585 586
(K) "Owner," unless referring to a mine, means the person who has the right to drill on a tract or drilling unit, to drill into and produce from a pool, and to appropriate the oil or gas produced therefrom either for the person or for others, except that a person ceases to be an owner with respect to a well when the well has been plugged in accordance with applicable rules adopted and orders issued under this chapter.	587 588 589 590 591 592 593
(L) "Royalty interest" means the fee holder's share in the production from a well.	594 595
(M) "Discovery well" means the first well capable of	596

producing oil or gas in commercial quantities from a pool. 597

(N) "Prepared clay" means a clay that is plastic and is 598
thoroughly saturated with fresh water to a weight and consistency 599
great enough to settle through saltwater in the well in which it 600
is to be used, except as otherwise approved by the chief of the 601
division of ~~oil and gas~~ mineral resources management. 602

(O) "Rock sediment" means the combined cutting and residue 603
from drilling sedimentary rocks and formation. 604

(P) "Excavations and workings," "mine," and "pillar" have the 605
same meanings as in section 1561.01 of the Revised Code. 606

(Q) "Coal bearing township" means a township designated as 607
such by the chief ~~of the division of mines and reclamation~~ under 608
section 1561.06 of the Revised Code. 609

(R) "Gas storage reservoir" means a continuous area of a 610
subterranean porous sand or rock stratum or strata into which gas 611
is or may be injected for the purpose of storing it therein and 612
removing it therefrom and includes a gas storage reservoir as 613
defined in section 1571.01 of the Revised Code. 614

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 615
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 616
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 617
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 618
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 619
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 620
regulations adopted under those acts. 621

(T) "Person" includes any political subdivision, department, 622
agency, or instrumentality of this state; the United States and 623
any department, agency, or instrumentality thereof; and any legal 624
entity defined as a person under section 1.59 of the Revised Code. 625

(U) "Brine" means all saline geological formation water 626

resulting from, obtained from, or produced in connection with the 627
exploration, drilling, or production of oil or gas. 628

(V) "Waters of the state" means all streams, lakes, ponds, 629
marshes, watercourses, waterways, springs, irrigation systems, 630
drainage systems, and other bodies of water, surface or 631
underground, natural or artificial, that are situated wholly or 632
partially within this state or within its jurisdiction, except 633
those private waters that do not combine or effect a junction with 634
natural surface or underground waters. 635

(W) "Exempt Mississippian well" means a well that meets all 636
of the following criteria: 637

(1) Was drilled and completed before January 1, 1980; 638

(2) Is located in an unglaciated part of the state; 639

(3) Was completed in a reservoir no deeper than the 640
Mississippian Big Injun sandstone in areas underlain by 641
Pennsylvanian or Permian stratigraphy, or the Mississippian berea 642
sandstone in areas directly underlain by Permian stratigraphy; 643

(4) Is used primarily to provide oil or gas for domestic use. 644

(X) "Exempt domestic well" means a well that meets all of the 646
following criteria: 647

(1) Is owned by the owner of the surface estate of the tract 648
on which the well is located; 649

(2) Is used primarily to provide gas for the owner's domestic 650
use; 651

(3) Is located more than two hundred feet horizontal distance 652
from any inhabited private dwelling house other than an inhabited 653
private dwelling house located on the tract on which the well is 654
located; 655

(4) Is located more than two hundred feet horizontal distance 656
from any public building that may be used as a place of resort, 657
assembly, education, entertainment, lodging, trade, manufacture, 658
repair, storage, traffic, or occupancy by the public. 659

Sec. 1509.02. There is hereby created in the department of 660
natural resources the division of ~~oil and gas~~ mineral resources 661
management, which shall be administered by the chief of the 662
division of ~~oil and gas~~ mineral resources management. 663

The chief shall not hold any other public office, nor shall 664
the chief be engaged in any occupation or business that might 665
interfere with or be inconsistent with the duties as chief. 666

All moneys collected by the chief pursuant to sections 667
1509.06, 1509.061, 1509.071, 1509.13, 1509.22, and 1509.222, 668
ninety per cent of moneys received by the treasurer of state from 669
the tax levied in divisions (A)(5) and (6) of section 5749.02, all 670
civil penalties paid under section 1509.33, and, notwithstanding 671
any section of the Revised Code relating to the distribution or 672
crediting of fines for violations of the Revised Code, all fines 673
imposed under divisions (A) and (B) of section 1509.99 of the 674
Revised Code and fines imposed under divisions (C) and (D) of 675
section 1509.99 of the Revised Code for all violations prosecuted 676
by the attorney general and for violations prosecuted by 677
prosecuting attorneys that do not involve the transportation of 678
brine by vehicle shall be deposited into the state treasury to the 679
credit of the oil and gas well fund, which is hereby created. 680
Fines imposed under divisions (C) and (D) of section 1509.99 of 681
the Revised Code for violations prosecuted by prosecuting 682
attorneys that involve the transportation of brine by vehicle 683
shall be paid to the county treasury of the county where the 684
violation occurred. 685

The fund shall be used for the purposes enumerated in 686

division (B) of section 1509.071 of the Revised Code, for the 687
expenses of the division associated with the administration of the 688
"Natural Gas Policy Act of 1978," 92 Stat. 3358, 15 U.S.C. 3301, 689
and for the division's other functions. The expenses of the 690
division in excess of the moneys available in the fund shall be 691
paid from general revenue fund appropriations to the department. 692

Sec. 1509.03. The chief of the division of ~~oil and gas~~ 693
mineral resources management shall ~~make~~, adopt, ~~repeal~~, rescind, 694
and amend, in accordance with ~~sections 119.01 to 119.13~~ Chapter 695
119. of the Revised Code, rules for the administration, 696
implementation, and enforcement of ~~Chapter 1509. of the Revised~~ 697
~~Code~~ this chapter No person shall violate any rule of the chief 698
adopted under this chapter. 699

Any order issuing, denying, or modifying a permit or notices 700
required to be made by the chief pursuant to ~~Chapter 1509. of the~~ 701
~~Revised Code~~ this chapter shall be made in compliance with ~~the~~ 702
~~provisions of sections 119.01 to 119.13~~ Chapter 119. of the 703
Revised Code, except that personal service may be used in lieu of 704
service by mail. Every order issuing, denying, or modifying a 705
permit under ~~Chapter 1509. of the Revised Code~~ this chapter and 706
described as such shall be considered an adjudication order for 707
purposes of ~~sections 119.01 to 119.13~~ Chapter 119. of the Revised 708
Code. 709

Where notice to the owners is required by ~~Chapter 1509. of~~ 710
~~the Revised Code~~ such this chapter, the notice shall be given as 711
prescribed by a rule adopted by the chief to govern the giving of 712
notices. Such rule shall provide for notice by publication except 713
in those cases where other types of notice are necessary in order 714
to meet the requirements of the law. 715

The chief or ~~his~~ the chief's authorized representative may at 716
any time enter upon lands, public or private, for the purpose of 717

administration or enforcement of ~~Chapter 1509. of the Revised Code~~ 718
this chapter, the rules adopted or orders made thereunder, or 719
terms or conditions of permits or registration certificates issued 720
thereunder and may examine and copy records pertaining to the 721
drilling, conversion, or operation of a well for injection of 722
fluids and logs required by division (C) of section 1509.223 of 723
the Revised Code. No person shall prevent or hinder the chief or 724
~~his~~ the chief's authorized representative in the performance of 725
~~his~~ official duties. If entry is prevented or hindered, the chief 726
or ~~his~~ the chief's authorized representative may apply for, and 727
the court of common pleas may issue, an appropriate inspection 728
warrant necessary to achieve the purposes of this chapter within 729
the court's territorial jurisdiction. 730

The chief may issue orders to enforce this chapter, rules 731
adopted thereunder, and terms or conditions of permits issued 732
thereunder. Any such order shall be considered an adjudication 733
order for the purposes of Chapter 119. of the Revised Code. No 734
person shall violate any order of the chief issued under this 735
chapter. No person shall violate a term or condition of a permit 736
or registration certificate issued under ~~the~~ this chapter. 737

Orders of the chief denying, suspending, or revoking a 738
registration certificate; approving or denying approval of an 739
application for revision of a registered transporter's plan for 740
disposal; or to implement, administer, or enforce division (A) of 741
section 1509.224 and sections 1509.22, 1509.222, 1509.223, 742
1509.225, and 1509.226 of the Revised Code pertaining to the 743
transportation of brine by vehicle and the disposal of brine so 744
transported are not adjudication orders for purposes of Chapter 745
119. of the Revised Code. The chief shall issue such orders under 746
division (A) or (B) of section 1509.224 of the Revised Code, as 747
appropriate. 748

~~Sec. 1509.04. In both coal bearing and noncoal bearing~~ 749
~~townships, the~~ The chief of the division of ~~oil and gas mineral~~ 750
~~resources management,~~ or ~~his~~ the chief's authorized 751
representatives, shall enforce ~~the provisions of Chapter 1509. of~~ 752
~~the Revised Code~~ this chapter and the rules, terms and conditions 753
of permits and registration certificates, and orders adopted or 754
issued pursuant thereto, except that any "peace officer," as 755
defined in section 2935.01 of the Revised Code, may arrest for 756
violations of this chapter involving transportation of brine by 757
vehicle. The prosecuting attorney of the county or the attorney 758
general, upon the request of the chief, may apply to the court of 759
common pleas in the county in which any of the provisions of 760
~~Chapter 1509. of the Revised Code~~ this chapter or any rules, terms 761
or conditions of a permit or registration certificate, or orders 762
adopted or issued pursuant to ~~Chapter 1509. of the Revised Code~~ 763
this chapter are being violated for a temporary restraining order, 764
preliminary injunction, or permanent injunction restraining any 765
person from such violation. 766

~~In a coal bearing township, the chief of the division of~~ 767
~~mines and reclamation, or his authorized representatives, shall~~ 768
~~enforce sections 1509.09, 1509.12, 1509.13, 1509.14, 1509.15,~~ 769
~~1509.17, and 1509.18 of the Revised Code and the rules adopted and~~ 770
~~terms and conditions of permits and orders issued pursuant~~ 771
~~thereto. The prosecuting attorney of the county or the attorney~~ 772
~~general, upon the request of the chief of the division of mines~~ 773
~~and reclamation, may apply to the court of common pleas in the~~ 774
~~county in which section 1509.09, 1509.12, 1509.13, 1509.14,~~ 775
~~1509.15, 1509.17, or 1509.18 of the Revised Code, or any rules~~ 776
~~adopted or terms or conditions of permits or orders issued~~ 777
~~pursuant thereto are being violated for a temporary restraining~~ 778
~~order, preliminary injunction, or permanent injunction restraining~~ 779
~~any person from such violation.~~ 780

Sec. 1509.05. No person shall drill a new well, drill an existing well any deeper, reopen a well, convert a well to any use other than its original purpose, or plug back a well to a source of supply different from the existing pool, without having a permit to do so issued by the chief of the division of ~~oil and gas~~ mineral resources management, and until the original permit or a photostatic copy thereof is posted or displayed in a conspicuous and easily accessible place at the well site, with the name, current address, and telephone number of the permit holder and the telephone numbers for fire and emergency medical services maintained on the posted permit or copy. The permit or a copy shall be continuously displayed in such manner at all times during the work authorized by the permit.

Such permit shall be issued by the chief in accordance with ~~Chapter 1509. of the Revised Code~~ this chapter and shall be valid for twelve months.

Sec. 1509.06. An application for a permit to drill a new well, drill an existing well deeper, reopen a well, convert a well to any use other than its original purpose, or plug back a well to a different source of supply shall be filed with the chief of the division of ~~oil and gas~~ mineral resources management upon such form as the chief prescribes and shall contain each of the following that is applicable:

(A) The name and address of the owner and, if a corporation, the name and address of the statutory agent;

(B) The signature of the owner or the owner's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as such agent.

(C) The names and addresses of all persons holding the royalty interest in the tract upon which the well is located or is

to be drilled or within a proposed drilling unit;	811
(D) The location of the tract or drilling unit on which the well is located or is to be drilled identified by section or lot number, city, village, township, and county;	812 813 814
(E) Designation of the well by name and number;	815
(F) The geological formation to be tested or used and the proposed total depth of the well;	816 817
(G) The type of drilling equipment to be used;	818
(H) If the well is for the injection of a liquid, identity of the geological formation to be used as the injection zone and the composition of the liquid to be injected;	819 820 821
(I) A sworn statement that all requirements of any municipal corporation, county, or township having jurisdiction over any activity related to the drilling or operation of an oil or gas well that have been filed with the division of oil and gas <u>mineral resources management</u> and are in effect at the time the application is filed, including, but not limited to, zoning ordinances and resolutions and the requirements of section 4513.34 of the Revised Code, will be complied with until abandonment of the well;	822 823 824 825 826 827 828 829
(J) A plan for restoration of the land surface disturbed by drilling operations. The plan shall provide for compliance with the restoration requirements of division (A) of section 1509.072 of the Revised Code and any rules adopted by the chief pertaining to that restoration.	830 831 832 833 834
(K) A description by name or number of the county, township, and municipal corporation roads, streets, and highways that the applicant anticipates will be used for access to and egress from the well site;	835 836 837 838
(L) Such other relevant information as the chief prescribes by rule.	839 840

Each application shall be accompanied by a map, on a scale 841
not smaller than four hundred feet to the inch, prepared by an 842
Ohio registered surveyor, showing the location of the well and 843
containing such other data as may be prescribed by the chief. If 844
the well is or is to be located within the excavations and 845
workings of a mine, the map also shall include the location of the 846
mine, the name of the mine, and the name of the person operating 847
the mine. 848

The chief shall cause a copy of the weekly circular prepared 849
by the division to be provided to the county engineer of each 850
county that contains active or proposed drilling activity. The 851
weekly circular shall contain, in the manner prescribed by the 852
chief, the names of all applicants for permits, the location of 853
each well or proposed well, the information required by division 854
(K) of this section, and any additional information the chief 855
prescribes. 856

The chief shall not issue a permit for at least ten days 857
after the date of filing of the application for the permit unless, 858
upon reasonable cause shown, the chief waives that period or a 859
request for expedited review is filed under this section. However, 860
the chief shall issue a permit within twenty-one days of the 861
filing of the application unless the chief denies the application 862
by order. 863

An applicant may file a request with the chief for expedited 864
review of a permit application if the well is not or is not to be 865
located in a gas storage reservoir or reservoir protective area, 866
as "reservoir protective area" is defined in section 1571.01 of 867
the Revised Code. If the well is or is to be located in a coal 868
bearing township, the application shall be accompanied by the 869
affidavit of the landowner prescribed in section 1509.08 of the 870
Revised Code. 871

In addition to a complete application for a permit that meets 872
the requirements of this section and the permit fee prescribed by 873
this section, a request for expedited review shall be accompanied 874
by a separate nonrefundable filing fee of five hundred dollars. 875
Upon the filing of a request for expedited review, the chief shall 876
cause ~~the chief of the division of mines and reclamation and the~~ 877
county engineer of the county in which the well is or is to be 878
located to be notified of the filing of the permit application and 879
the request for expedited review by telephone or other means that 880
in the judgment of the chief will provide timely notice of the 881
application and request. The chief shall issue a permit within 882
seven days of the filing of the request unless the chief denies 883
the application by order. Notwithstanding the provisions of this 884
section governing expedited review of permit applications, the 885
chief may refuse to accept requests for expedited review if, in 886
the chief's judgment, the acceptance of the requests would prevent 887
the issuance, within twenty-one days of their filing, of permits 888
for which applications are pending. 889

A well shall be drilled and operated in accordance with the 890
plans, sworn statements, and other information submitted in the 891
approved application. 892

The chief shall issue an order denying a permit if the chief 893
finds that there is a substantial risk that the operation will 894
result in violations of this chapter or rules adopted under it 895
that will present an imminent danger to public health or safety or 896
damage to the environment, provided that where the chief finds 897
that terms or conditions to the permit can reasonably be expected 898
to prevent such violations, the chief shall issue the permit 899
subject to those terms or conditions. 900

Each application for a permit required by section 1509.05 of 901
the Revised Code, except an application for a well drilled or 902
reopened for purposes of section 1509.22 of the Revised Code, also 903

shall be accompanied by a nonrefundable fee of two hundred fifty
dollars.

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The chief may order the immediate suspension of drilling,
operating, or plugging activities after finding that any person is
causing, engaging in, or maintaining a condition or activity that
in the chief's judgment presents an imminent danger to public
health or safety or results in or is likely to result in immediate
substantial damage to natural resources or for nonpayment of the
fee required by this section. The chief may order the immediate
suspension of the drilling or reopening of a well ~~after being so~~
~~requested by the chief of the division of mines and reclamation~~
~~under section 1509.08 of the Revised Code~~ in a coal bearing
township after determining that the drilling or reopening
activities present an imminent and substantial threat to public
health or safety or to miners' health or safety. Before issuing
any such order, the chief shall notify the owner in such manner as
in the chief's judgment would provide reasonable notification that
the chief intends to issue a suspension order. The chief may issue
such an order without prior notification if reasonable attempts to
notify the owner have failed, but in such an event notification
shall be given as soon thereafter as practical. Within five
calendar days after the issuance of the order, the chief shall
provide the owner an opportunity to be heard and to present
evidence that the condition or activity is not likely to result in
immediate substantial damage to natural resources or does not
present an imminent danger to public health or safety or to
miners' health or safety, if applicable. In the case of activities
in a coal bearing township, if the chief, after considering
evidence presented by the owner, determines that the activities do
not present such a threat, the chief shall revoke the suspension
order. Notwithstanding any provision of this chapter, the owner
may appeal ~~the~~ a suspension order directly to the court of common

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pleas of the county in which the activity is located or, if in a 936
coal bearing township, to the mine examining board. 937

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Sec. 1509.061. An owner of a well who has been issued a 939
permit under section 1509.06 of the Revised Code may submit to the 940
chief of the division of ~~oil and gas~~ mineral resources management, 941
on a form prescribed by the chief, a request to revise an existing 942
tract upon which exists a producing or idle well. The chief shall 943
adopt, and may amend and rescind, rules under section 1509.03 of 944
the Revised Code that are necessary for the administration of this 945
section. The rules at least shall stipulate the information to be 946
included on the request form and shall establish a fee to be paid 947
by the person submitting the request, which fee shall not exceed 948
two hundred fifty dollars. 949

The chief shall approve a request submitted under this 950
section unless it would result in a violation of this chapter or 951
rules adopted under it, including provisions establishing spacing 952
or minimum acreage requirements. 953

Sec. 1509.07. An owner of any well, except an exempt 954
Mississippian well or an exempt domestic well, shall obtain 955
liability insurance coverage from a company authorized to do 956
business in this state in an amount of not less than three hundred 957
thousand dollars bodily injury coverage and three hundred thousand 958
dollars property damage coverage to pay damages for injury to 959
persons or damage to property caused by the drilling, operation, 960
or plugging of all the owner's wells in this state. The owner 961
shall maintain that coverage until all the owner's wells are 962
plugged and abandoned as required by law. The owner shall provide 963
proof of liability insurance coverage to the chief of the division 964
of ~~oil and gas~~ mineral resources management upon request. Upon 965
failure of the owner to provide that proof when requested, the 966

chief may order the suspension of any outstanding permits and 967
operations of the owner until the owner provides proof of the 968
required insurance coverage. 969

Except as otherwise provided in this section, an owner of any 970
well, before being issued a permit under section 1509.06 of the 971
Revised Code, shall execute and file with the division of ~~oil and~~ 972
~~gas~~ mineral resources management a surety bond conditioned on 973
compliance with the restoration requirements of section 1509.072, 974
the plugging requirements of section 1509.12, the permit 975
provisions of section 1509.13 of the Revised Code, and all rules 976
and orders of the chief relating thereto, in an amount set by rule 977
of the chief. 978

The owner may deposit with the chief, instead of a surety 979
bond, cash in an amount equal to the surety bond as prescribed 980
pursuant to this section or negotiable certificates of deposit or 981
irrevocable letters of credit, issued by any bank organized or 982
transacting business in this state or by any savings and loan 983
association as defined in section 1151.01 of the Revised Code, 984
having a cash value equal to or greater than the amount of the 985
surety bond as prescribed pursuant to this section. Cash or 986
certificates of deposit shall be deposited upon the same terms as 987
those upon which surety bonds may be deposited. If certificates of 988
deposit are deposited with the chief instead of a surety bond, the 989
chief shall require the bank or savings and loan association that 990
issued any such certificate to pledge securities of a cash value 991
equal to the amount of the certificate that is in excess of the 992
amount insured by any of the agencies and instrumentalities 993
created under the "Federal Deposit Insurance Act," 64 Stat. 873 994
(1950), 12 U.S.C. 1811, as amended, and regulations adopted under 995
it, including at least the federal deposit insurance corporation, 996
bank insurance fund, and savings association insurance fund. The 997
securities shall be security for the repayment of the certificate 998

of deposit.

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Immediately upon a deposit of cash, certificates of deposit,
or letters of credit with the chief, the chief shall deliver them
to the treasurer of state who shall hold them in trust for the
purposes for which they have been deposited.

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Instead of a surety bond, the chief may accept proof of
financial responsibility consisting of a sworn financial statement
showing a net financial worth within this state equal to twice the
amount of the bond for which it substitutes and, as may be
required by the chief, a list of producing properties of the owner
within this state or other evidence showing ability and intent to
comply with the law and rules concerning restoration and plugging
that may be required by rule of the chief. The owner of an exempt
domestic or exempt Mississippian well is not required to file
scheduled updates of the financial documents, but shall file
updates of those documents if requested to do so by the chief. The
owner of a nonexempt domestic or nonexempt Mississippian well
shall file updates of the financial documents in accordance with a
schedule established by rule of the chief. The chief, upon
determining that an owner for whom the chief has accepted proof of
financial responsibility instead of bond cannot demonstrate
financial responsibility, shall order that the owner execute and
file a bond or deposit cash, certificates of deposit, or
irrevocable letters of credit as required by this section for the
wells specified in the order within ten days of receipt of the
order. If the order is not complied with, all wells of the owner
that are specified in the order and for which no bond is filed or
cash, certificates of deposit, or letters of credit are deposited
shall be plugged. No owner shall fail or refuse to plug such a
well. Each day on which such a well remains unplugged thereafter
constitutes a separate offense.

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The surety bond provided for in this section shall be

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executed by a surety company authorized to do business in this 1031
state. 1032

The chief shall not approve any bond until it is personally 1033
signed and acknowledged by both principal and surety, or as to 1034
either by the principal's or surety's attorney in fact, with a 1035
certified copy of the power of attorney attached thereto. The 1036
chief shall not approve a bond unless there is attached a 1037
certificate of the superintendent of insurance that the company is 1038
authorized to transact a fidelity and surety business in this 1039
state. 1040

All bonds shall be given in a form to be prescribed by the 1041
chief and shall run to the state as obligee. 1042

An owner of an exempt Mississippian well or an exempt 1043
domestic well, in lieu of filing a surety bond, cash in an amount 1044
equal to the surety bond, certificates of deposit, irrevocable 1045
letters of credit, or a sworn financial statement, may file a 1046
one-time fee of fifty dollars, which shall be deposited in the oil 1047
and gas well plugging fund created in section 1509.071 of the 1048
Revised Code. 1049

Sec. 1509.071. (A) When the chief of the division of ~~oil and~~ 1050
~~gas~~ mineral resources management finds that an owner has failed to 1051
comply with the restoration requirements of section 1509.072, 1052
plugging requirements of section 1509.12, or permit provisions of 1053
section 1509.13 of the Revised Code, or rules and orders relating 1054
thereto, the chief shall make a finding of that fact and declare 1055
any surety bond filed to ensure compliance with those sections and 1056
rules forfeited in the amount set by rule of the chief. The chief 1057
thereupon shall certify the total forfeiture to the attorney 1058
general, who shall proceed to collect the amount of the 1059
forfeiture. 1060

In lieu of total forfeiture, the surety, at its option, may
cause the well to be properly plugged and abandoned and the area
properly restored or pay to the treasurer of state the cost of
plugging and abandonment.

(B) All moneys collected because of forfeitures of bonds as
provided in this section shall be deposited in the state treasury
to the credit of the oil and gas well fund created in section
1509.02 of the Revised Code. The fund shall be expended by the
chief for the following purposes in addition to the other purposes
specified in that section:

(1) In accordance with division (D) of this section, to plug
wells or to restore the land surface properly as required in
section 1509.072 of the Revised Code for which the bonds have been
forfeited, for abandoned wells for which no funds are available to
plug the wells in accordance with this chapter, or to use
abandoned wells for the injection of oil or gas production wastes;

(2) In accordance with division (E) of this section, to
correct conditions that the chief reasonably has determined are
causing imminent health or safety risks.

Expenditures from the fund shall be made only for lawful
purposes.

(C)(1) Upon determining that the owner of a well has failed
to properly plug and abandon it or to properly restore the land
surface at the well site in compliance with the applicable
requirements of this chapter and applicable rules adopted and
orders issued under it or that a well is an abandoned well for
which no funds are available to plug the well in accordance with
this chapter, the chief shall do all of the following:

(a) Determine from the records in the office of the county
recorder of the county in which the well is located the identity
of the owner of the land on which the well is located, the

identity of the owner of the oil or gas lease under which the well
was drilled or the identity of each person owning an interest in
the lease, and the identities of the persons having legal title
to, or a lien upon, any of the equipment appurtenant to the well;

(b) Mail notice to the owner of the land on which the well is
located informing the landowner that the well is to be plugged. If
the owner of the oil or gas lease under which the well was drilled
is different from the owner of the well or if any persons other
than the owner of the well own interests in the lease, the chief
also shall mail notice that the well is to be plugged to the owner
of the lease or to each person owning an interest in the lease, as
appropriate.

(c) Mail notice to each person having legal title to, or a
lien upon, any equipment appurtenant to the well, informing the
person that the well is to be plugged and offering the person the
opportunity to plug the well and restore the land surface at the
well site at the person's own expense in order to avoid forfeiture
of the equipment to this state.

(2) If none of the persons described in division (C)(1)(c) of
this section plugs the well within sixty days after the mailing of
the notice required by that division, all equipment appurtenant to
the well is hereby declared to be forfeited to this state without
compensation and without the necessity for any action by the state
for use to defray the cost of plugging and abandoning the well and
restoring the land surface at the well site.

(D) Expenditures from the fund for the purpose of division
(B)(1) of this section shall be made in accordance with either of
the following:

(1) The expenditures may be made pursuant to contracts
entered into by the chief with persons who agree to furnish all of
the materials, equipment, work, and labor as specified and

provided in such a contract. Agents or employees of persons 1123
contracting with the chief for the restoration, plugging, and 1124
injection projects may enter upon any land, public or private, for 1125
which a project has been approved by the controlling board and on 1126
which the well is located, for the purpose of performing the work. 1127
Prior to such entry, the chief shall give to the following persons 1128
written notice of the existence of a contract for a project to 1129
restore, plug, or inject oil or gas production wastes into a well, 1130
the names of the persons with whom the contract is made, and the 1131
date that the project will commence: the owner of the well, the 1132
owner of the land upon which the well is located, the owner or 1133
agents of adjoining land, and, if the well is located in the same 1134
township as or in a township adjacent to the excavations and 1135
workings of a mine and the owner or lessee of that mine has 1136
provided written notice identifying those townships to the chief 1137
at any time during the immediately preceding three years, the 1138
owner or lessee of the mine. 1139

The chief periodically shall submit project proposals under 1140
division (D)(1) of this section to the controlling board, together 1141
with benefit and cost data and other pertinent information. 1142
Expenditures from the fund for the purpose of division (D)(1) of 1143
this section may be made only for restoration, plugging, or 1144
injection projects that are approved by the controlling board, and 1145
expenditures for a particular project may not exceed any limits 1146
set by the board. 1147

(2)(a) The owner of the land on which a well is located who 1148
has received notice under division (C)(1)(b) of this section may 1149
plug the well and be reimbursed by the division for the reasonable 1150
cost of plugging the well. In order to plug the well, the 1151
landowner shall submit an application to the chief on a form 1152
prescribed by the chief and approved by the technical advisory 1153
council on oil and gas created in section 1509.38 of the Revised 1154

Code. The application, at a minimum, shall require the landowner
to provide the same information as is required to be included in
the application for a permit to plug and abandon under section
1509.13 of the Revised Code. The application shall be accompanied
by a copy of a proposed contract to plug the well prepared by a
contractor regularly engaged in the business of plugging oil and
gas wells. The proposed contract shall require the contractor to
furnish all of the materials, equipment, work, and labor necessary
to plug the well properly and shall specify the price for doing
the work, including a credit for the equipment appurtenant to the
well that was forfeited to the state through the operation of
division (C)(2) of this section. The application also shall be
accompanied by the permit fee required by section 1509.13 of the
Revised Code unless the chief, in the chief's discretion, waives
payment of the permit fee. The application constitutes an
application for a permit to plug and abandon the well for the
purposes of section 1509.13 of the Revised Code.

(b) Within thirty days after receiving an application and
accompanying proposed contract under division (D)(2)(a) of this
section, the chief shall determine whether the plugging would
comply with the applicable requirements of this chapter and
applicable rules adopted and orders issued under it and whether
the cost of the plugging under the proposed contract is
reasonable. If the chief determines that the proposed plugging
would comply with those requirements and that the proposed cost of
the plugging is reasonable, the chief shall notify the landowner
of that determination and issue to the landowner a permit to plug
and abandon the well under section 1509.13 of the Revised Code.
Upon approval of the application and proposed contract, the chief
shall transfer ownership of the equipment appurtenant to the well
to the landowner. The chief may disapprove an application
submitted under division (D)(2)(a) of this section if the chief

determines that the proposed plugging would not comply with the applicable requirements of this chapter and applicable rules adopted and orders issued under it, that the cost of the plugging under the proposed contract is unreasonable, or that the proposed contract is not a bona fide, arms length contract.

(c) After receiving the chief's notice of the approval of the application and permit to plug and abandon a well under division (D)(2)(b) of this section, the landowner shall enter into the proposed contract to plug the well. The plugging shall be completed within one hundred eight days after the landowner receives the notice of approval and permit.

(d) Upon determining that the plugging has been completed within the time required by division (D)(2)(c) of this section and has been completed in compliance with the applicable requirements of this chapter and applicable rules adopted and orders issued under it, the chief shall reimburse the landowner for the cost of the plugging as set forth in the proposed contract approved by the chief. The reimbursement shall be paid from the oil and gas well fund. If the chief determines that the plugging was not completed within the required time or was not completed in accordance with the applicable requirements, the chief shall not reimburse the landowner for the cost of the plugging, and the landowner or the contractor, as applicable, promptly shall transfer back to this state title to and possession of the equipment appurtenant to the well that previously was transferred to the landowner under division (D)(2)(b) of this section. If any such equipment was removed from the well during the plugging and sold, the landowner shall pay to the chief the proceeds from the sale of the equipment, and the chief promptly shall pay the moneys so received to the treasurer of state for deposit into the oil and gas well fund.

The chief may establish an annual limit on the number of

wells that may be plugged under division (D)(2) of this section or 1219
an annual limit on the expenditures to be made under that 1220
division. 1221

As used in division (D)(2) of this section, "plug" and 1222
"plugging" include the plugging of the well and the restoration of 1223
the land surface disturbed by the plugging. 1224

(E) Expenditures from the oil and gas well fund for the 1225
purpose of division (B)(2) of this section may be made pursuant to 1226
contracts entered into by the chief with persons who agree to 1227
furnish all of the materials, equipment, work, and labor as 1228
specified and provided in such a contract. The competitive bidding 1229
requirements of Chapter 153. of the Revised Code do not apply if 1230
the chief reasonably determines that correction of the applicable 1231
health or safety risk requires immediate action. The chief, 1232
designated representatives of the chief, and agents or employees 1233
of persons contracting with the chief under this division may 1234
enter upon any land, public or private, for the purpose of 1235
performing the work. 1236

(F) Contracts entered into by the chief under this section 1237
are not subject to either of the following: 1238

(1) Chapter 4115. of the Revised Code; 1239

(2) Section 153.54 of the Revised Code, except that the 1240
contractor shall obtain and provide to the chief as a bid guaranty 1241
a surety bond or letter of credit in an amount equal to ten per 1242
cent of the amount of the contract. 1243

(G) The owner of land on which a well is located who has 1244
received notice under division (C)(1)(b) of this section, in lieu 1245
of plugging the well in accordance with division (D)(2) of this 1246
section, may cause ownership of the well to be transferred to an 1247
owner who is lawfully doing business in this state and who has met 1248
the financial responsibility requirements established under 1249

section 1509.07 of the Revised Code, subject to the approval of 1250
the chief. The transfer of ownership also shall be subject to the 1251
landowner's filing the appropriate forms required under this 1252
chapter and providing to the chief sufficient information to 1253
demonstrate the landowner's or owner's right to produce a 1254
formation or formations. That information may include a deed, a 1255
lease, or other documentation of ownership or property rights. 1256

The chief shall approve or disapprove the transfer of 1257
ownership of the well. If the chief approves the transfer, the 1258
owner is responsible for operating the well in accordance with 1259
this chapter and rules adopted under it, including, without 1260
limitation, all of the following: 1261

(1) Filing an application with the chief under section 1262
1509.06 of the Revised Code if the owner intends to drill deeper 1263
or produce a formation that is not listed in the records of the 1264
division for that well; 1265

(2) Taking title to and possession of the equipment 1266
appurtenant to the well that has been identified by the chief as 1267
having been abandoned by the former owner; 1268

(3) Complying with all applicable requirements that are 1269
necessary to drill deeper, plug the well, or plug back the well. 1270

Sec. 1509.072. No oil or gas well owner or agent of an oil or 1271
gas well owner shall fail to restore the land surface within the 1272
area disturbed in siting, drilling, completing, and producing the 1273
well as required in this section. 1274

(A) Within five months after the date upon which the surface 1275
drilling of a well is commenced, the owner or the owner's agent, 1276
in accordance with the restoration plan filed under division (J) 1277
of section 1509.06 of the Revised Code, shall fill all the pits 1278
for containing brine, other waste substances resulting, obtained, 1279

or produced in connection with exploration or drilling for, or 1280
production of, oil or gas, or oil that are not required by other 1281
state or federal law or regulation, and remove all concrete bases, 1282
drilling supplies, and drilling equipment. Within nine months 1283
after the date upon which the surface drilling of a well is 1284
commenced, the owner or the owner's agent shall grade or terrace 1285
and plant, seed, or sod the area disturbed that is not required in 1286
production of the well where necessary to bind the soil and 1287
prevent substantial erosion and sedimentation. If the chief of the 1288
division of ~~oil and gas~~ mineral resources management finds that a 1289
pit used for containing brine, other waste substances, or oil is 1290
in violation of section 1509.22 of the Revised Code or rules 1291
adopted or orders issued under it, the chief may require the pit 1292
to be emptied and closed before expiration of the five-month 1293
restoration period. 1294

(B) Within six months after a well that has produced oil or 1295
gas is plugged, or after the plugging of a dry hole, the owner or 1296
the owner's agent shall remove all production and storage 1297
structures, supplies, and equipment, and any oil, salt water, and 1298
debris, and fill any remaining excavations. Within that period the 1299
owner or the owner's agent shall grade or terrace and plant, seed, 1300
or sod the area disturbed where necessary to bind the soil and 1301
prevent substantial erosion and sedimentation. 1302

The owner shall be released from responsibility to perform 1303
any or all restoration requirements of this section on any part or 1304
all of the area disturbed upon the filing of a request for a 1305
waiver with and obtaining the written approval of the chief, which 1306
request shall be signed by the surface owner to certify the 1307
approval of the surface owner of the release sought. The chief 1308
shall approve the request unless the chief finds upon inspection 1309
that the waiver would be likely to result in substantial damage to 1310
adjoining property, substantial contamination of surface or 1311

underground water, or substantial erosion or sedimentation. 1312

The chief, by order, may shorten the time periods provided 1313
for under division (A) or (B) of this section if failure to 1314
shorten the periods would be likely to result in damage to public 1315
health or the waters or natural resources of the state. 1316

The chief, upon written application by an owner or an owner's 1317
agent showing reasonable cause, may extend the period within which 1318
restoration shall be completed under divisions (A) and (B) of this 1319
section, but not to exceed a further six-month period, except 1320
under extraordinarily adverse weather conditions or when essential 1321
equipment, fuel, or labor is unavailable to the owner or the 1322
owner's agent. 1323

If the chief refuses to approve a request for waiver or 1324
extension, the chief shall do so by order. 1325

Sec. 1509.08. Upon receipt of an application for a permit 1326
required by section 1509.05 of the Revised Code, or upon receipt 1327
of an application for a permit to plug and abandon under section 1328
1509.13 of the Revised Code, the chief of the division of ~~oil and~~ 1329
gas mineral resources management shall determine whether the well 1330
is or is to be located in a coal bearing township. 1331

Whether or not the well is or is to be located in a coal 1332
bearing township, the chief, by order, may refuse to issue a 1333
permit required by section 1509.05 of the Revised Code to any 1334
applicant who at the time of applying for the permit is in 1335
material or substantial violation of this chapter or rules adopted 1336
or orders issued under it. The chief shall refuse to issue a 1337
permit to any applicant who at the time of applying for the permit 1338
has been found liable by a final nonappealable order of a court of 1339
competent jurisdiction for damage to streets, roads, highways, 1340
bridges, culverts, or drainways pursuant to section 4513.34 or 1341

5577.12 of the Revised Code until the applicant provides the chief 1342
with evidence of compliance with the order. No applicant shall 1343
attempt to circumvent this provision by applying for a permit 1344
under a different name or business organization name, by 1345
transferring responsibility to another person or entity, by 1346
abandoning the well or lease, or by any other similar act. 1347

If the well is not or is not to be located in a coal bearing 1348
township, or if it is to be located in a coal bearing township, 1349
but the landowner submits an affidavit attesting to ownership of 1350
the property in fee simple, including the coal, and has no 1351
objection to the well, the chief shall issue the permit. 1352

If the application to drill, reopen, or convert concerns a 1353
well that is or is to be located in a coal bearing township, the 1354
~~chief of the division of oil and gas shall transmit to the chief~~ 1355
~~of the division of mines and reclamation two copies of the~~ 1356
~~application and three copies of the map required in section~~ 1357
~~1509.06 of the Revised Code, except that, when the affidavit with~~ 1358
~~the waiver of objection described in the preceding paragraph is~~ 1359
~~submitted, the chief of the division of oil and gas shall not~~ 1360
~~transmit the copies.~~ 1361

~~The chief of the division of mines and reclamation~~ 1362
immediately shall notify the owner or lessee of any affected mine 1363
that the application has been filed and send to the owner or 1364
lessee two copies of the map accompanying the application setting 1365
forth the location of the well. 1366

If the owner or lessee objects to the location of the well or 1367
objects to any location within fifty feet of the original location 1368
as a possible site for relocation of the well, the owner or lessee 1369
shall notify the chief ~~of the division of mines and reclamation~~ of 1370
the objection, giving the reasons for the objection and, if 1371
applicable, indicating on a copy of the map the particular 1372

location or locations within fifty feet of the original location 1373
to which the owner or lessee objects as a site for possible 1374
relocation of the well, within six days after the receipt of the 1375
notice. If the chief ~~of the division of mines and reclamation~~ 1376
receives no objections from the owner or lessee of the mine within 1377
ten days after the receipt of the notice by the owner or lessee, 1378
or if in the opinion of the chief ~~of the division of mines and~~ 1379
~~reclamation~~ the objections offered by the owner or lessee are not 1380
sufficiently well founded, the chief immediately shall notify the 1381
owner or lessee of those findings. The owner or lessee may appeal 1382
the decision of the chief ~~of the division of mines and reclamation~~ 1383
to the mine examining board created under section 1561.10 of the 1384
Revised Code. The appeal shall be filed within fifteen days from 1385
the date on which the owner or lessee receives the notice. If the 1386
appeal is not filed within that time, the chief ~~of the division of~~ 1387
~~mines and reclamation~~ immediately shall approve the application, 1388
~~retain a copy of the application and map, and return a copy of the~~ 1389
~~application to the chief of the division of oil and gas with the~~ 1390
~~approval noted on it. The chief of the division of oil and gas~~ 1391
~~then shall and~~ issue the permit if the provisions of this chapter 1392
pertaining to the issuance of such a permit have been complied 1393
with. 1394

If the chief ~~of the division of mines and reclamation~~ 1395
receives an objection from the owner or lessee of the mine as to 1396
the location of the well within ten days after receipt of the 1397
notice by the owner or lessee, and if in the opinion of the chief 1398
the objection is well founded, the chief shall disapprove the 1399
application and ~~immediately return it to the chief of the division~~ 1400
~~of oil and gas together with the reasons for disapproval and a~~ 1401
~~suggestion for~~ suggest a new location for the well, provided that 1402
the suggested new location shall not be a location within fifty 1403
feet of the original location to which the owner or lessee has 1404
objected as a site for possible relocation of the well if the 1405

chief has determined that the objection is well founded. The chief 1406
~~of the division of oil and gas~~ immediately shall notify the 1407
applicant for the permit of the disapproval and any suggestion 1408
~~made by the chief of the division of mines and reclamation~~ as to a 1409
new location for the well. The applicant may withdraw the 1410
application or amend the application to drill the well at the 1411
location suggested by the chief ~~of the division of mines and~~ 1412
~~reclamation~~, or the applicant may appeal the disapproval of the 1413
application by the chief ~~of the division of mines and reclamation~~ 1414
to the mine examining board. 1415

If the chief ~~of the division of mines and reclamation~~ 1416
receives no objection from the owner or lessee of a mine as to the 1417
location of the well, but does receive an objection from the owner 1418
or lessee as to one or more locations within fifty feet of the 1419
original location as possible sites for relocation of the well 1420
within ten days after receipt of the notice by the owner or 1421
lessee, and if in the opinion of the chief the objection is well 1422
founded, the chief nevertheless shall approve the application and 1423
~~shall return it immediately to the chief of the division of oil~~ 1424
~~and gas together with the reasons for disapproving any of the~~ 1425
~~locations to which the owner or lessee objects as possible sites~~ 1426
~~for relocation of the well. The chief of the division of oil and~~ 1427
~~gas then shall~~ issue a permit if the provisions of this chapter 1428
pertaining to the issuance of such a permit have been complied 1429
with, incorporating as a term or condition of the permit that the 1430
applicant is prohibited from commencing drilling at any location 1431
within fifty feet of the original location that has been 1432
disapproved by the chief ~~of the division of mines and reclamation~~. 1433
The applicant may appeal to the mine examining board the terms and 1434
conditions of the permit prohibiting the commencement of drilling 1435
at any such location disapproved by the chief ~~of the division of~~ 1436
~~mines and reclamation~~. 1437

Any such appeal shall be filed within fifteen days from the 1438
date the applicant receives notice of the disapproval of the 1439
application, any other location within fifty feet of the original 1440
location, or terms or conditions of the permit, or the owner or 1441
lessee receives notice of the chief's decision. No approval or 1442
disapproval of an application shall be delayed by the chief ~~of the~~ 1443
~~division of mines and reclamation~~ for more than fifteen days from 1444
the date of sending the notice of the application to the mine 1445
owner or lessee as required by this section. 1446

All appeals provided for in this section shall be treated as 1447
expedited appeals. The mine examining board shall hear any such 1448
appeal in accordance with section 1561.53 of the Revised Code and 1449
render a decision within thirty days of the filing of the appeal. 1450

The chief ~~of the division of oil and gas~~ shall not issue a 1451
permit to drill a new well or reopen a well that is or is to be 1452
located within three hundred feet of any opening of any mine used 1453
as a means of ingress, egress, or ventilation for persons employed 1454
in the mine, nor within one hundred feet of any building or 1455
inflammable structure connected with the mine and actually used as 1456
a part of the operating equipment of the mine, unless the chief ~~of~~ 1457
~~the division of mines and reclamation~~ determines that life or 1458
property will not be endangered by drilling and operating the well 1459
in that location. 1460

~~The chief of the division of mines and reclamation may~~ 1461
~~suspend the drilling or reopening of a well in a coal bearing~~ 1462
~~township after determining that the drilling or reopening~~ 1463
~~activities present an imminent and substantial threat to public~~ 1464
~~health or safety or to miners' health or safety and having been~~ 1465
~~unable to contact the chief of the division of oil and gas to~~ 1466
~~request an order of suspension under section 1509.06 of the~~ 1467
~~Revised Code. Before issuing a suspension order for this purpose,~~ 1468
~~the chief of the division of mines and reclamation shall notify~~ 1469

~~the owner in a manner that in the chief's judgment would provide
reasonable notification that the chief intends to issue a
suspension order. The chief may issue such an order without prior
notification if reasonable attempts to notify the owner have
failed, but in that event notification shall be given as soon
thereafter as practical. Within five calendar days after the
issuance of the order, the chief shall provide the owner an
opportunity to be heard and to present evidence that the
activities do not present an imminent and substantial threat to
public health or safety or to miners' health or safety. If, after
considering the evidence presented by the owner, the chief
determines that the activities do not present such a threat, the
chief shall revoke the suspension order. An owner may appeal a
suspension order issued by the chief of the division of mines and
reclamation under this section to the mine examining board or may
appeal the order directly to the court of common pleas of the
county in which the well is located.~~

Sec. 1509.09. A well may be drilled under a permit only at
the location designated on the map required in section 1509.06 of
the Revised Code. The location of a well may be changed after the
issuance of a permit only with the approval of the chief of the
division of oil and gas and, if the well is located in a coal
bearing township, with the approval of the chief of the division
of mines and reclamation the same as required in section 1509.08
of the Revised Code for the application for a permit to drill a
well mineral resources management unless the permit holder
requests the issuance of an emergency drilling permit under this
section due to a lost hole under such circumstances that
completion of the well is not feasible at the original location.
If a permit holder requests a change of location, ~~he~~ the permit
holder shall return the original permit and file an amended map
indicating the proposed new location.

Drilling shall not be commenced at a new location until the original permit bearing a notation of approval by the chief is posted at the well site. However, a permit holder may commence drilling at a new location without first receiving the prior approval required by this section, if all of the following conditions are met:

(A) Within one working day after spudding the new well, the permit holder files a request for an emergency drilling permit and submits to the chief an application for a permit that meets the requirements of section 1509.06 of the Revised Code, including the permit fee required by that section, with an amended map showing the new location;

(B) ~~An oil and gas well~~ A mineral resources inspector is present before spudding operations are commenced at the location;

(C) The original well is plugged prior to the skidding of the drilling rig to the new location, and the plugging is witnessed or verified by ~~an oil and gas well~~ a mineral resources inspector or, if the well is located in a coal bearing township, ~~the gas storage well inspector or both~~ a deputy mine inspector and a mineral resources inspector unless the chief or ~~his~~ the chief's authorized representative temporarily waives the requirement, but in any event the original well shall be plugged before the drilling rig is moved from the location;

(D) The new location is within fifty feet of the original location unless, upon request of the permit holder, the chief ~~of the division of oil and gas, with the approval of the chief of the division of mines and reclamation if the well is located in a coal bearing township,~~ agrees to a new location farther than fifty feet from the original location;

(E) The new location meets all the distance and spacing requirements prescribed by rules adopted under sections 1509.23

and 1509.24 of the Revised Code; 1533

(F) If the well is located in a coal bearing township, use of 1534
the new well location has not been disapproved by the chief ~~of the~~ 1535
~~division of mines and reclamation~~ and has not been prohibited as a 1536
term or condition of the permit under section 1509.08 of the 1537
Revised Code. 1538

If the chief ~~of the division of oil and gas~~ approves the 1539
change of location, ~~he~~ the chief shall issue an emergency permit 1540
within two working days after the filing of the request for the 1541
emergency permit. If the chief disapproves the change of location, 1542
~~he~~ the chief shall, by order, deny the request and may issue an 1543
appropriate enforcement order under section 1509.03 of the Revised 1544
Code. 1545

Sec. 1509.10. Any person drilling within the state shall, 1546
within thirty days after the completion of the well, file with the 1547
division of ~~oil and gas~~ mineral resources management an accurate 1548
log designating: 1549

(A) The purpose for which the well was drilled; 1550

(B) The character, depth, and thickness of geological 1551
formations encountered, including fresh water, coal seams, mineral 1552
beds, brine, and oil and gas bearing formations; 1553

(C) The length in feet of the various sizes of casing and 1554
tubing used in drilling the well, the amount removed after 1555
completion, the type and setting depth of each packer, and all 1556
other data relating to mudding in the annular space behind such 1557
casing or tubing, indicating completion as a dry, gas, oil, 1558
combination oil and gas, brine, or artificial brine well; 1559

(D) The elevation above mean sea level of the point from 1560
which the depth measurements were made, stating also the height of 1561
the point above ground level at the well. 1562

The log shall be submitted in duplicate. The first copy shall 1563
be retained as a permanent record in the files of the division, 1564
and the second copy shall be transmitted by the chief of the 1565
division of ~~oil and gas~~ mineral resources management to the 1566
division of geological survey. 1567

Any electric log, or radioactivity log, or other geophysical 1568
log, if made in connection with the well shall be filed with the 1569
division and the chief shall transmit such logs to the division of 1570
geological survey. Such logs may be retained by the owner for a 1571
period of not more than six months, or such additional time as may 1572
be granted by the chief in writing, after the completion of the 1573
well substantially to the depth shown in the application required 1574
by section 1509.06 of the Revised Code. 1575

Upon request in writing by the chief of the division of 1576
geological survey prior to the beginning of drilling of the well, 1577
the person drilling the well shall make available a complete set 1578
of cuttings accurately identified as to depth. 1579

The form of the log required by this section shall be one 1580
~~which~~ that has been approved by the chief of the division of ~~oil~~ 1581
~~and gas~~ mineral resources management and the chief of the division 1582
of geological survey. The filing of a log as required by this 1583
section fulfills the requirement of filing a log with the chief of 1584
the division of geological survey in section 1505.04 of the 1585
Revised Code. 1586

Sec. 1509.11. The owner of any well producing or capable of 1587
producing oil or gas shall file with the chief of the division of 1588
~~oil and gas~~ mineral resources management, on or before the 1589
fifteenth day of April, a statement of production of oil, gas, and 1590
brine for the last preceding calendar year in such form as the 1591
chief may prescribe. 1592

Sec. 1509.12. No owner of any well shall permit defective casing or tubing in such well to leak fluids or gas ~~which that~~ may cause damage to other permeable strata. Upon notice from the chief of the division of ~~oil and gas~~ mineral resources management, such owner shall immediately repair such tubing or casing or plug and abandon such well.

Unless written permission is granted by the chief, any well ~~which that~~ is or becomes incapable of producing oil or gas in commercial quantities shall be plugged, but no well shall be required to be plugged under this section ~~which that~~ is being used to produce oil or gas for domestic purposes, or ~~which that~~ is being lawfully used for a purpose other than production of oil or gas. When the chief finds that a well should be plugged, ~~he the~~ chief shall notify the owner to that effect by order in writing and shall specify in such order a reasonable time within which to comply. No owner shall fail or refuse to plug a well within the time specified in the order. Each day on which such a well remains unplugged thereafter constitutes a separate offense.

Where the plugging method prescribed by rules adopted pursuant to section 1509.15 of the Revised Code cannot be applied or if applied would be ineffective in carrying out the protection ~~which that~~ the law is meant to give, the chief ~~of the division of oil and gas, or if a well is located in a coal bearing township, the chief of the division of mines and reclamation,~~ by order, may designate a different method of plugging. The abandonment report shall show the manner in which the well was plugged.

In case of oil or gas wells abandoned prior to September 1, 1951, the board of county commissioners of the county in which such wells are located may submit to the electors of the county the question of establishing a special fund, by special levy, bond issue, or out of current funds, which shall be approved by a

majority of the electors voting upon such question for the purpose 1624
of plugging such wells. The fund shall be administered by the 1625
board and the plugging of oil and gas wells shall be under the 1626
supervision of the chief ~~of the division of oil and gas~~, and the 1627
board shall let contracts for such purpose, provided that such 1628
fund shall not be used for the purpose of plugging oil and gas 1629
wells ~~which~~ that were abandoned subsequent to September 1, 1951. 1630

Sec. 1509.13. No person shall plug and abandon a well without 1631
having a permit to do so issued by the chief of the division of 1632
~~oil and gas~~ mineral resources management. The permit shall be 1633
issued by the chief in accordance with this chapter, and the chief 1634
may establish by rule a period of time from date of issue during 1635
which permits will be valid. Application by the owner for a permit 1636
to plug and abandon shall be filed as many days in advance as will 1637
be necessary for ~~an oil and gas well~~ a mineral resources inspector 1638
or, if the well is located in a coal bearing township, ~~the gas~~ 1639
~~storage well inspector~~ or both a deputy mine inspector and a 1640
mineral resources inspector to be present at the plugging. The 1641
application shall be filed with the chief upon a form that the 1642
chief prescribes and shall contain the following information: 1643

(A) The name and address of the owner; 1644
1645

(B) The signature of the owner or the owner's authorized 1646
agent. When an authorized agent signs an application, it shall be 1647
accompanied by a certified copy of the appointment as that agent. 1648

(C) The location of the well identified by section or lot 1649
number, city, village, township, and county; 1650

(D) Designation of well by name and number; 1651

(E) The total depth of the well to be plugged; 1652

(F) The date and amount of last production from the well; 1653

(G) Other data that the chief may require. 1654

If oil or gas has been produced from the well, the 1655
application shall be accompanied by a fee of fifty dollars. If a 1656
new dry well has been drilled in accordance with law and the 1657
permit is still valid, the permit holder may receive approval to 1658
plug the well from ~~an oil and gas well~~ a mineral resources 1659
inspector or, if the well is located in a coal bearing township, 1660
~~the gas storage well inspector or both~~ a deputy mine inspector and 1661
a mineral resources inspector so that the well can be plugged and 1662
abandoned without undue delay. No well ~~located outside a coal~~ 1663
~~bearing township~~ shall be plugged and abandoned without ~~an oil and~~ 1664
~~gas well~~ a mineral resources inspector present unless permission 1665
has been granted by the chief ~~of the division of oil and gas, and~~ 1666
~~no well located within a coal bearing township shall be plugged~~ 1667
~~and abandoned without the gas storage well inspector or a deputy~~ 1668
~~mine inspector present unless permission has been granted by the~~ 1669
~~chief of the division of mines and reclamation.~~ The owner of the 1670
well shall give written notice at the same time to the owner of 1671
the land upon which the well is located, the owners or agents of 1672
adjoining land, adjoining well owners or agents, and, if the well 1673
penetrates or passes within one hundred feet of the excavations 1674
and workings of a mine, the owner or lessee of that mine, of the 1675
well owner's intention to abandon the well and of the time when 1676
the well owner will be prepared to commence plugging it. 1677

An applicant may file a request with the chief ~~of the~~ 1678
~~division of oil and gas~~ for expedited review of an application for 1679
a permit to plug and abandon a well. The chief may refuse to 1680
accept a request for expedited review if, in the chief's judgment, 1681
acceptance of the request will prevent the issuance, within 1682
twenty-one days of filing, of permits for which applications filed 1683
under section 1509.06 of the Revised Code are pending. In addition 1684
to a complete application for a permit that meets the requirements 1685

of this section and the permit fee prescribed by this section, if 1686
applicable, a request shall be accompanied by a nonrefundable 1687
filing fee of two hundred fifty dollars unless the chief has 1688
ordered the applicant to plug and abandon the well. When a request 1689
for expedited review is filed, the chief shall immediately begin 1690
to process the application and shall issue a permit within seven 1691
days of the filing of the request unless the chief, by order, 1692
denies the application. 1693

~~Upon filing of an application for a permit to plug and 1694
abandon a well that is located in a coal bearing township, the 1695
chief shall cause the chief of the division of mines and 1696
reclamation to be notified of the filing of the permit application 1697
by telephone or other means that in the judgment of the chief 1698
would provide timely notice of the application. 1699~~

This section does not apply to a well plugged or abandoned in 1700
compliance with section 1571.05 of the Revised Code. 1701

Sec. 1509.14. Any person who abandons a well, when written 1702
permission has been granted by the chief of the division of ~~oil~~ 1703
~~and gas or the chief of the division of mines and reclamation~~ 1704
mineral resources management to abandon and plug the well without 1705
an inspector being present to supervise the plugging, shall make a 1706
written report of the abandonment to the chief ~~of the division of~~ 1707
~~oil and gas regardless of which chief granted permission for the~~ 1708
~~abandonment. The report shall be submitted to the chief of the~~ 1709
~~division of oil and gas~~ not later than thirty days after the date 1710
of abandonment and shall include all of the following: 1711

(A) The date of abandonment; 1712

(B) The name of the owner or operator of the well at the time 1713
of abandonment and the post-office address of the owner or 1714
operator; 1715

(C) The location of the well as to township and county and 1716
the name of the owner of the surface upon which the well is 1717
drilled, with the address thereof; 1718

(D) The date of the permit to drill; 1719

(E) The date when drilled; 1720

(F) The depth of the well; 1721

(G) The depth of the top of the formation to which the well 1722
was drilled; 1723

(H) The depth of each seam of coal drilled through; 1724

(I) A detailed report as to how the well was plugged, giving 1725
in particular the manner in which the coal and various formations 1726
were plugged, and the date of the plugging of the well, including 1727
the names of those who witnessed the plugging of the well. 1728

The report shall be signed by the owner or operator, or the 1729
agent of the owner or operator, who abandons and plugs the well 1730
and verified by the oath of the party so signing. For the purposes 1731
of this section, the ~~oil and gas well inspectors, gas storage well~~ 1732
~~inspectors, or deputy mine~~ mineral resources inspectors may take 1733
acknowledgments and administer oaths to the parties signing the 1734
report. 1735

Sec. 1509.15. When any well is to be abandoned, it shall 1736
first be plugged in accordance with a method of plugging adopted 1737
by rule by the chief of the division of ~~oil and gas, except that~~ 1738
~~if a well is located in a coal bearing township, it shall be~~ 1739
~~plugged in accordance with a method of plugging adopted by rule by~~ 1740
~~the chief of the division of mines and reclamation~~ mineral 1741
resources management. The abandonment report shall show the manner 1742
in which the well was plugged. 1743

Sec. 1509.17. Any person who drills a well shall, before 1744

drilling into the principal or major producing formation therein, 1745
encase such well with good and sufficient wrought iron or steel 1746
casing so as to exclude all surface, fresh, or salt water from any 1747
part of such well penetrating the oil or gas bearing sand or rock 1748
or fresh water strata. The method of placing such casing shall be 1749
approved by the chief of the division of ~~oil and gas~~, mineral 1750
resources management and shall be in accord with the most approved 1751
method used in the operation of such type of well. The chief may, 1752
in lieu of the casing method outlined in this section, accept 1753
adequate mudding methods with prepared clay in the annular space 1754
behind such casing in sufficient quantities to shut ~~of~~ OFF all gas 1755
or oil and ~~which~~ that will exclude all surface, fresh, or salt 1756
water from any part of such well penetrating the oil, gas, or 1757
mineral bearing formation, or fresh water strata. 1758

Written approval from the chief is required in each case. In 1759
the operation of a gas well, it is permissible, with the written 1760
consent of the chief, to withdraw all casing in such well, leaving 1761
only the tubing and the packer therein, provided that such well is 1762
filled with prepared clay from the top of such packer to the 1763
surface, as each succeeding string of casing in such well is 1764
withdrawn. When the well penetrates the excavations of a mine, the 1765
casing shall remain intact as provided in section 1509.18 of the 1766
Revised Code and be plugged and abandoned in accordance with 1767
section 1509.15 of the Revised Code. 1768

Sec. 1509.18. Any person who drills a well within the limits 1769
of a mining operation shall give consideration for the safety of 1770
the ~~men~~ personnel working in such mine, and, if possible, shall 1771
locate such well so as to penetrate a pillar. 1772

If a well is to be drilled within the limits of a mining 1773
operation ~~which~~ that may penetrate the excavation of a mine, the 1774
hole shall be reduced approximately fifteen feet above the roof of 1775

the mine. If roof conditions at the mine warrant, the hole shall 1776
be reduced in the rock formation immediately above such mine, and 1777
a string of casing placed upon the shoulder so as to shut off all 1778
water, then drilling shall be continued to a point approximately 1779
thirty feet below the floor of the mine and another string of 1780
casing set. Both strings of casing shall be approximately the same 1781
diameter as the diameter of the hole. 1782

If no water is encountered between the bottom of the drive 1783
pipe and the approximate casing shoulder above the roof of such 1784
mine, in lieu of the casing method outlined above, it is 1785
permissible to use the following casing method: the hole shall be 1786
drilled thirty feet below the floor of the mine and a string of 1787
casing shall be extended from the surface to a point thirty feet 1788
below the floor of the mine with a packer of sufficient size 1789
attached to such string of casing. Such packer shall be placed so 1790
that it will be below all water and will be located in the rock 1791
formation immediately above such mine and shall prevent water or 1792
destructive matter from entering therein. Then the annular space 1793
above such packer between the casing and well wall shall be filled 1794
with prepared clay a minimum distance of fifty feet. 1795

If a well is drilled within the limits of a mining operation 1796
and does not penetrate the excavations of a mine, the hole shall 1797
be reduced thirty feet below the coal or mineral ~~which~~ that is 1798
being mined and a string of casing placed at this point. The 1799
annular space behind such casing shall be filled with neat cement 1800
from the casing seat to a point not less than fifty feet above 1801
such seam of coal or mineral ~~which~~ that is being mined. The packer 1802
method, outlined in this section, is also permissible in this type 1803
of well. 1804

It is permissible to attach a release coupling or a right and 1805
left nipple to the string of casing that extends through the mine, 1806
but such release coupling or right and left nipple shall be placed 1807

in such a manner that it is above the packer or at least twenty 1808
feet above the coal or mineral that is being mined. 1809

In wells penetrating the excavation of a mine, the casing 1810
shall be enclosed, if possible, with a column extending from the 1811
floor to the roof of such mine, built of brick or other suitable 1812
material, subject to the approval of the chief of the division of 1813
~~mines and reclamation~~ mineral resources management. If the chief 1814
finds the method prescribed in this section unsafe, inadequate, or 1815
not suitable, ~~he~~ the chief shall require such method to be altered 1816
in such manner that it will be safe. 1817

Sec. 1509.21. No person shall, without first having obtained 1818
a permit from the chief of the division of ~~oil and gas~~ mineral 1819
resources management, conduct secondary or additional recovery 1820
operations, including any underground injection of fluids for the 1821
secondary or tertiary recovery of oil or natural gas or for the 1822
storage of hydrocarbons that are liquid at standard temperature or 1823
pressure, unless a rule of the chief expressly authorizes such 1824
operations without a permit. Such permit shall be in addition to 1825
any permit required by section 1509.05 of the Revised Code. 1826
Secondary or additional recovery operations shall be conducted in 1827
accordance with rules and orders of the chief and any terms or 1828
conditions of the permit authorizing such operations. Rules 1829
adopted under this section shall include provisions regarding 1830
applications for and the issuance of permits; the terms and 1831
conditions of permits; entry to conduct inspections and to examine 1832
records to ascertain compliance with this section and rules, 1833
orders, and terms and conditions of permits adopted or issued 1834
thereunder; the provision and maintenance of information through 1835
monitoring, recordkeeping, and reporting; and other provisions in 1836
furtherance of the goals of this section and the "Safe Drinking 1837
Water Act." To implement the goals of the "Safe Drinking Water 1838

Act, "~~88 Stat. 1661, 42 U.S.C.A 300(f)~~, as amended, the chief 1839
shall not issue a permit for the underground injection of fluids 1840
for the secondary or tertiary recovery of oil or natural gas or 1841
for the storage of hydrocarbons that are liquid at standard 1842
temperature and pressure, unless the chief concludes that the 1843
applicant has demonstrated that the injection will not result in 1844
the presence of any contaminant in underground water that supplies 1845
or can be reasonably expected to supply any public water system, 1846
such that the presence of any such contaminant may result in the 1847
system's not complying with any national primary drinking water 1848
regulation or may otherwise adversely affect the health of 1849
persons. Rules, orders, and terms or conditions of permits adopted 1850
or issued under this section shall be construed to be no more 1851
stringent ~~that~~ THAN required for compliance with the Safe Drinking 1852
Water Act, unless essential to ensure that underground sources of 1853
drinking water will not be endangered. 1854

Sec. 1509.22. (A) Except when acting in accordance with 1855
section 1509.226 of the Revised Code, no person shall place or 1856
cause to be placed brine in surface or ground water or in or on 1857
the land in such quantities or in such manner as actually causes 1858
or could reasonably be anticipated to cause either of the 1859
following: 1860

(1) Water used for consumption by humans or domestic animals 1861
to exceed the standards of the Safe Drinking Water Act; 1862

(2) Damage or injury to public health or safety or the 1863
environment. 1864

(B) No person shall store or dispose of brine in violation of 1865
a plan approved under division (A) of section 1509.222 or section 1866
1509.226 of the Revised Code, in violation of a resolution 1867
submitted under section 1509.226 of the Revised Code, or in 1868

violation of rules or orders applicable to those plans or
resolutions. 1869
1870

(C) The chief of the division of ~~oil and gas~~ mineral
resources management shall adopt rules and issue orders regarding 1871
1872
storage and disposal of brine and other waste substances; however, 1873
the storage and disposal of brine and the chief's rules relating 1874
to storage and disposal are subject to all of the following 1875
standards: 1876

(1) Brine from any well except an exempt Mississippian well 1877
shall be disposed of only by injection into an underground 1878
formation, including annular disposal if approved by rule of the 1879
chief, which injection shall be subject to division (D) of this 1880
section; by surface application in accordance with section 1881
1509.226 of the Revised Code; in association with a method of 1882
enhanced recovery as provided in section 1509.21 of the Revised 1883
Code; or by other methods approved by the chief for testing or 1884
implementing a new technology or method of disposal. Brine from 1885
exempt Mississippian wells shall not be discharged directly into 1886
the waters of the state. 1887

(2) Muds, cuttings, and other waste substances shall not be 1888
disposed of in violation of any rule; 1889

(3) Pits may be used for containing brine and other waste 1890
substances resulting from, obtained from, or produced in 1891
connection with drilling, fracturing, reworking, reconditioning, 1892
plugging back, or plugging operations, but the pits shall be 1893
constructed and maintained to prevent the escape of brine and 1894
other waste substances. A dike or pit may be used for spill 1895
prevention and control. A dike or pit so used shall be constructed 1896
and maintained to prevent the escape of brine, and the reservoir 1897
within such a dike or pit shall be kept reasonably free of brine 1898
and other waste substances. 1899

(4) Earthen impoundments constructed pursuant to the 1900
division's specifications may be used for the temporary storage of 1901
brine and other waste substances in association with a saltwater 1902
injection well, an enhanced recovery project, or a solution mining 1903
project; 1904

(5) No pit, earthen impoundment, or dike shall be used for 1905
the temporary storage of brine except in accordance with divisions 1906
(C)(3) and (4) of this section; 1907

(6) No pit or dike shall be used for the ultimate disposal of 1908
brine. 1909

(D) No person, without first having obtained a permit from 1910
the chief, shall inject brine or other waste substances resulting 1911
from, obtained from, or produced in connection with oil or gas 1912
drilling, exploration, or production into an underground formation 1913
unless a rule of the chief expressly authorizes the injection 1914
without a permit. The permit shall be in addition to any permit 1915
required by section 1509.05 of the Revised Code, and the permit 1916
application shall be accompanied by a permit fee of one hundred 1917
dollars. The chief shall adopt rules in accordance with Chapter 1918
119. of the Revised Code regarding the injection into wells of 1919
brine and other waste substances resulting from, obtained from, or 1920
produced in connection with oil or gas drilling, exploration, or 1921
production. The rules shall include provisions regarding 1922
applications for and issuance of the permits required by this 1923
division; entry to conduct inspections and to examine and copy 1924
records to ascertain compliance with this division and rules, 1925
orders, and terms and conditions of permits adopted or issued 1926
under it; the provision and maintenance of information through 1927
monitoring, recordkeeping, and reporting; and other provisions in 1928
furtherance of the goals of this section and the Safe Drinking 1929
Water Act. To implement the goals of the Safe Drinking Water Act, 1930
the chief shall not issue a permit for the injection of brine or 1931

other waste substances resulting from, obtained from, or produced 1932
in connection with oil or gas drilling, exploration, or production 1933
unless the chief concludes that the applicant has demonstrated 1934
that the injection will not result in the presence of any 1935
contaminant in ground water that supplies or can reasonably be 1936
expected to supply any public water system, such that the presence 1937
of the contaminant may result in the system's not complying with 1938
any national primary drinking water regulation or may otherwise 1939
adversely affect the health of persons. This division and rules, 1940
orders, and terms and conditions of permits adopted or issued 1941
under it shall be construed to be no more stringent than required 1942
for compliance with the Safe Drinking Water Act unless essential 1943
to ensure that underground sources of drinking water will not be 1944
endangered. 1945

(E) The owner holding a permit, or an assignee or transferee 1946
who has assumed the obligations and liabilities imposed by this 1947
chapter and any rules adopted or orders issued under it pursuant 1948
to section 1509.31 of the Revised Code, and the operator of a well 1949
shall be liable for a violation of this section or any rules 1950
adopted or orders or terms or conditions of a permit issued under 1951
it. 1952

(F) An owner shall replace the water supply of the holder of 1953
an interest in real property who obtains all or part of the 1954
holder's supply of water for domestic, agricultural, industrial, 1955
or other legitimate use from an underground or surface source 1956
where the supply has been substantially disrupted by 1957
contamination, diminution, or interruption proximately resulting 1958
from the owner's oil or gas operation, or the owner may elect to 1959
compensate the holder of the interest in real property for the 1960
difference between the fair market value of the interest before 1961
the damage occurred to the water supply and the fair market value 1962
after the damage occurred if the cost of replacing the water 1963

supply exceeds this difference in fair market values. However, 1964
during the pendency of any order issued under this division, the 1965
owner shall obtain for the holder or shall reimburse the holder 1966
for the reasonable cost of obtaining a water supply from the time 1967
of the contamination, diminution, or interruption by the operation 1968
until the owner has complied with an order of the chief for 1969
compliance with this division or such an order has been revoked or 1970
otherwise becomes not effective. If the owner elects to pay the 1971
difference in fair market values, but the owner and the holder 1972
have not agreed on the difference within thirty days after the 1973
chief issues an order for compliance with this division, within 1974
ten days after the expiration of that thirty-day period, the owner 1975
and the chief each shall appoint an appraiser to determine the 1976
difference in fair market values, except that the holder of the 1977
interest in real property may elect to appoint and compensate the 1978
holder's own appraiser, in which case the chief shall not appoint 1979
an appraiser. The two appraisers appointed shall appoint a third 1980
appraiser, and within thirty days after the appointment of the 1981
third appraiser, the three appraisers shall hold a hearing to 1982
determine the difference in fair market values. Within ten days 1983
after the hearing, the appraisers shall make their determination 1984
by majority vote and issue their final determination of the 1985
difference in fair market values. The chief shall accept a 1986
determination of the difference in fair market values made by 1987
agreement of the owner and holder or by appraisers under this 1988
division and shall make and dissolve orders accordingly. This 1989
division does not affect in any way the right of any person to 1990
enforce or protect, under applicable law, the person's interest in 1991
water resources affected by an oil or gas operation. 1992

(G) In any action brought by the state for a violation of 1993
division (A) of this section involving any well at which annular 1994
disposal is used, there shall be a rebuttable presumption 1995

available to the state that the annular disposal caused the 1996
violation if the well is located within a one-quarter mile radius 1997
of the site of the violation. 1998

Sec. 1509.221. No person, without first having obtained a 1999
permit from the chief of the division of ~~oil and gas~~ mineral 2000
resources management, shall drill a well or inject a substance 2001
into a well for the exploration for or extraction of minerals or 2002
energy, other than oil or natural gas, including, but not limited 2003
to, the mining of sulfur by the Frasch process, the solution 2004
mining of minerals, the in situ combustion of fossil fuel, or the 2005
recovery of geothermal energy to produce electric power, unless a 2006
rule of the chief expressly authorizes the activity without a 2007
permit. The permit shall be in addition to any permit required by 2008
section 1509.05 of the Revised Code. The chief shall adopt rules 2009
in accordance with Chapter 119. of the Revised Code governing the 2010
issuance of permits under this section. The rules shall include 2011
provisions regarding the matters the applicant for a permit shall 2012
demonstrate to establish eligibility for a permit; the form and 2013
content of applications for permits; the terms and conditions of 2014
permits; entry to conduct inspections and to examine and copy 2015
records to ascertain compliance with this section and rules, 2016
orders, and terms and conditions of permits adopted or issued 2017
thereunder; provision and maintenance of information through 2018
monitoring, recordkeeping, and reporting; and other provisions in 2019
furtherance of the goals of this section and the "Safe Drinking 2020
Water Act," ~~88 Stat. 1661, 42 U.S.C.A. 300(f)~~, as amended. To 2021
implement the goals of the Safe Drinking Water Act, the chief 2022
shall not issue a permit under this section, unless ~~he~~ the chief 2023
concludes that the applicant has demonstrated that the drilling, 2024
injection of a substance, and extraction of minerals or energy 2025
will not result in the presence of any contaminant in underground 2026
water that supplies or can reasonably be expected to supply any 2027

public water system, such that the presence of the contaminant may 2028
result in the system's not complying with any national primary 2029
drinking water regulation or may otherwise adversely affect the 2030
health of persons. The chief may issue, without a prior 2031
adjudication hearing, orders requiring compliance with this 2032
section and rules, orders, and terms and conditions ~~of~~ OF permits 2033
adopted or issued thereunder. This section and rules, orders, and 2034
terms and conditions of permits adopted or issued thereunder shall 2035
be construed to be no more stringent than required for compliance 2036
with the Safe Drinking Water Act, unless essential to ensure that 2037
underground sources of drinking water will not be endangered. 2038

In an action under section 1509.04 or 1509.33 of the Revised 2039
Code to enforce this section, the court shall grant preliminary 2040
and permanent injunctive relief and impose a civil penalty upon 2041
the showing that the person against whom the action is brought has 2042
violated, is violating, or will violate this section or rules, 2043
orders, or terms or conditions of permits adopted or issued 2044
thereunder. The court shall not require, prior to granting such 2045
preliminary and permanent injunctive relief or imposing a civil 2046
penalty, proof that the violation was, is, or will be the result 2047
of intentional conduct or negligence. In any such action, any 2048
person may intervene as a plaintiff upon the demonstration that 2049
the person has an interest that is or may be adversely affected by 2050
the activity for which injunctive relief or a civil penalty is 2051
sought. 2052

Sec. 1509.222. (A)(1) Except as provided in section 1509.226 2053
of the Revised Code, no person shall transport brine by vehicle in 2054
this state unless the business entity that employs the person 2055
first registers with and obtains a registration certificate and 2056
identification number from the chief of the division of ~~oil and~~ 2057
gas mineral resources management. 2058

(2) No more than one registration certificate shall be 2059
required of any business entity. Registration certificates issued 2060
under this section are not transferable. An applicant shall file 2061
an application with the chief, containing such information in such 2062
form as the chief prescribes, but including a plan for disposal 2063
that provides for compliance with the requirements of this chapter 2064
and rules of the chief pertaining to the transportation of brine 2065
by vehicle and the disposal of brine so transported and that lists 2066
all disposal sites that the applicant intends to use, the bond 2067
required by section 1509.225 of the Revised Code, and a 2068
certificate issued by an insurance company authorized to do 2069
business in this state certifying that the applicant has in force 2070
a liability insurance policy in an amount not less than three 2071
hundred thousand dollars bodily injury coverage and three hundred 2072
thousand dollars property damage coverage to pay damages for 2073
injury to persons or property caused by the collecting, handling, 2074
transportation, or disposal of brine. The policy shall be 2075
maintained in effect during the term of the registration 2076
certificate. The policy or policies providing the coverage shall 2077
require the insurance company to give notice to the chief if the 2078
policy or policies lapse for any reason. Upon such termination of 2079
the policy, the chief may suspend the registration certificate 2080
until proper insurance coverage is obtained. Each application for 2081
a registration certificate shall be accompanied by a nonrefundable 2082
fee of five hundred dollars. 2083

(B) The chief shall issue an order denying an application for 2084
a registration certificate if the chief finds that either of the 2085
following applies: 2086

(1) The applicant, at the time of applying for the 2087
registration certificate, has been found liable by a final 2088
nonappealable order of a court of competent jurisdiction for 2089
damage to streets, roads, highways, bridges, culverts, or 2090

drainways pursuant to section 4513.34 or 5577.12 of the Revised Code until the applicant provides the chief with evidence of compliance with the order;

(2) The applicant's plan for disposal does not provide for compliance with the requirements of this chapter and rules of the chief pertaining to the transportation of brine by vehicle and the disposal of brine so transported.

(C) No applicant shall attempt to circumvent division (B) of this section by applying for a registration certificate under a different name or business organization name, by transferring responsibility to another person or entity, or by any similar act.

(D) A registered transporter shall apply to revise a disposal plan under procedures that the chief shall prescribe by rule. However, at a minimum, an application for a revision shall list all sources and disposal sites of brine currently transported. The chief shall deny any application for a revision of a plan under this division if the chief finds that the proposed revised plan does not provide for compliance with the requirements of this chapter and rules of the chief pertaining to the transportation of brine by vehicle and the disposal of brine so transported. Approvals and denials of revisions shall be by order of the chief.

(E) The chief may adopt rules, issue orders, and attach terms and conditions to registration certificates as may be necessary to administer, implement, and enforce sections 1509.222 to 1509.226 of the Revised Code for protection of public health or safety or conservation of natural resources.

Sec. 1509.223. (A) No permit holder or owner of a well shall enter into an agreement with or permit any person to transport brine produced from the well who is not registered pursuant to

section 1509.222 of the Revised Code or exempt from registration 2121
under section 1509.226 of the Revised Code. 2122

(B) Each registered transporter shall file with the chief of 2123
the division of ~~oil and gas~~ mineral resources management, on or 2124
before the fifteenth day of April, a statement concerning brine 2125
transported, including quantities transported and source and 2126
delivery points, during the last preceding calendar year, and such 2127
other information in such form as the chief may prescribe. 2128

(C) Each registered transporter shall keep on each vehicle 2129
used to transport brine a daily log and have it available upon the 2130
request of the chief or an authorized representative of the chief 2131
or a peace officer. The log shall, at a minimum, include all of 2132
the following information: 2133

(1) The name of the owner or owners of the well or wells 2134
producing the brine to be transported; 2135

(2) The date and time the brine is loaded; 2136

(3) The name of the driver; 2137

(4) The amount of brine loaded at each collection point; 2138

(5) The disposal location; ~~and~~ 2139

(6) The date and time the brine is disposed of and the amount 2140
of brine disposed of at each location. 2141

No registered transporter shall falsify or fail to keep or 2142
submit the log required by this division. 2143

(D) Each registered transporter shall legibly identify with 2144
reflective paints all vehicles employed in transporting or 2145
disposing of brine. Letters shall be no less than four inches in 2146
height and shall indicate the identification number issued by the 2147
chief, the word "brine," and the name and telephone number of the 2148
transporter. 2149

(E) The chief shall maintain and keep a current list of 2150
persons registered to transport brine under section 1509.222 of 2151
the Revised Code. The list shall be open to public inspection. It 2152
is an affirmative defense to a charge under division (A) of this 2153
section that at the time the permit holder or owner of a well 2154
entered into an agreement with or permitted a person to transport 2155
brine, the person was shown on the list as currently registered to 2156
transport brine. 2157

Sec. 1509.224. (A) In addition to any other remedies provided 2158
in ~~Chapter 1509. of the Revised Code~~ this chapter, if the chief of 2159
the division of ~~oil and gas~~ mineral resources management has 2160
reason to believe that a pattern of the same or similar violations 2161
of any requirements of sections 1509.22, 1509.222, or 1509.223 of 2162
the Revised Code, or any rule adopted thereunder or term or 2163
condition of the registration certificate issued thereunder exists 2164
or has existed, and the violations are caused by the transporter's 2165
indifference, lack of diligence, or lack of reasonable care, or 2166
are willfully caused by the transporter, the chief shall 2167
immediately issue an order to the transporter to show cause why 2168
the certificate should not be suspended or revoked. After the 2169
issuance of the order, the chief shall provide the transporter an 2170
opportunity to be heard and to present evidence at an informal 2171
hearing conducted by the chief. If, at the conclusion of the 2172
hearing, the chief finds that such a pattern of violations exists 2173
or has existed, ~~he~~ the chief shall issue an order suspending or 2174
revoking the transporter's registration certificate. An order 2175
suspending or revoking a certificate under this section may be 2176
appealed under sections 1509.36 and 1509.37 of the Revised Code, 2177
or notwithstanding any other provision of this chapter, may be 2178
appealed directly to the court of common pleas of Franklin county. 2179
2180

(B) Before issuing an order denying a registration certificate; approving or denying approval of an application for revision of a registered transporter's plan for disposal; or to implement, administer, or enforce section 1509.22, 1509.222, 1509.223, 1509.225, or 1509.226 of the Revised Code and rules and terms and conditions of registration certificates adopted or issued thereunder pertaining to the transportation of brine by vehicle and the disposal of brine so transported, the chief shall issue a preliminary order indicating the chief's intent to issue a final order. The preliminary order shall clearly state the nature of the chief's proposed action and the findings on which it is based and shall state that the preliminary order becomes a final order thirty days after its issuance unless the person to whom the preliminary order is directed submits to the chief a written request for an informal hearing before the chief within that thirty-day period. At the hearing the person may present evidence as to why the preliminary order should be revoked or modified. Based upon the findings from the informal hearing, the chief shall revoke, issue, or modify and issue the preliminary order as a final order. A final order may be appealed under sections 1509.36 and 1509.37 of the Revised Code.

Sec. 1509.225. (A) Before being issued a registration certificate under section 1509.222 of the Revised Code, an applicant shall execute and file with the division of ~~oil and gas~~ mineral resources management a surety bond for fifteen thousand dollars to provide compensation for damage and injury resulting from transporters' violations of sections 1509.22, 1509.222, and 1509.223 of the Revised Code, all rules and orders of the chief of the division of ~~oil and gas~~ mineral resource management relating thereto, and all terms and conditions of the registration certificate imposed thereunder. The applicant may deposit with the chief, in lieu of a surety bond, cash in an amount equal to the

surety bond as prescribed in this section, or negotiable 2213
certificates of deposit issued by any bank organized or 2214
transacting business in this state, or certificates of deposit 2215
issued by any building and loan association as defined in section 2216
1151.01 of the Revised Code, having a cash value equal to or 2217
greater than the amount of the surety bond as prescribed in this 2218
section. Cash or certificates of deposit shall be deposited upon 2219
the same terms as those upon which surety bonds may be deposited. 2220
If certificates of deposit are deposited with the chief in lieu of 2221
a surety bond, ~~he~~ the chief shall require the bank or building and 2222
loan association that issued any such certificate to pledge 2223
securities of a cash value equal to the amount of the certificate 2224
that is in excess of the amount insured by any of the agencies and 2225
instrumentalities created ~~by or~~ under the ~~following acts and~~ 2226
~~amendments thereto:~~ 2227

~~(1) "Federal Deposit Insurance Corporation Act," 64 Stat. 873 2228~~
~~(1950), 12 U.S.C. 1811;~~ 2229

~~(2) Federal Savings and Loan Insurance Corporation, 48 Stat. 2230~~
~~1256, 12 U.S.C. 1726;~~ 2231

~~(3) Deposit guaranty association, sections 1151.80 to 1151.92 2232~~
~~of the Revised Code, as amended, and regulations adopted under it, 2233~~
~~including at least the federal deposit insurance corporation, bank 2234~~
~~insurance fund, and savings association insurance fund. 2235~~

Such securities shall be security for the repayment of the 2237
certificate of deposit. Immediately upon a deposit of cash or 2238
certificates with the chief, ~~he~~ the chief shall deliver it to the 2239
treasurer of ~~the~~ state who shall hold it in trust for the purposes 2240
for which it has been deposited. 2241

(B) The surety bond provided for in this section shall be 2242
executed by a surety company authorized to do business in this 2243

state. The chief shall not approve any bond until it is personally 2244
signed and acknowledged by both principal and surety, or as to 2245
either by ~~his~~ an attorney in fact, with a certified copy of the 2246
power of attorney attached thereto. The chief shall not approve 2247
such bond unless there is attached a certificate of the 2248
superintendent of insurance that the company is authorized to 2249
transact a fidelity and surety business in this state. All bonds 2250
shall be given in a form to be prescribed by the chief. 2251

(C) If a registered transporter is found liable for a 2252
violation of section 1509.22, 1509.222, or 1509.223 of the Revised 2253
Code or a rule, order, or term, or condition of a certificate 2254
involving, in any case, damage or injury to persons or property, 2255
or both, the court may order the forfeiture of any portion of the 2256
bond, cash, or other securities required by this section in full 2257
or partial payment of damages to the person to whom the damages 2258
are due. The treasurer of state and the chief shall deliver the 2259
bond or any cash or other securities deposited in lieu of bond, as 2260
specified in the court's order, to the person to whom the damages 2261
are due; however, execution against the bond, cash, or other 2262
securities, if necessary, is the responsibility of the person to 2263
whom the damages are due. The chief shall not release the bond, 2264
cash, or securities required by this section except by court order 2265
or until two years after the date on which a registration is 2266
terminated. 2267

Sec. 1509.226. (A) If a board of county commissioners, a 2268
board of township trustees, or the legislative authority of a 2269
municipal corporation wishes to permit the surface application of 2270
brine to roads, streets, highways, and other similar land surfaces 2271
it owns or has the right to control for control of dust or ice, it 2272
may adopt a resolution permitting such application as provided in 2273
this section. If a board or legislative authority does not adopt 2274

such a resolution, then no such surface application of brine is 2275
permitted on such roads, streets, highways, and other similar 2276
surfaces. If a board or legislative authority votes on a proposed 2277
resolution to permit such surface application of brine, but the 2278
resolution fails to receive the affirmative vote of a majority of 2279
the board or legislative authority, the board or legislative 2280
authority shall not adopt such a resolution for one year following 2281
the date on which the vote was taken. A board or legislative 2282
authority shall hold at least one public hearing on any proposal 2283
to permit surface application of brine under this division and may 2284
hold additional hearings. The board or legislative authority shall 2285
publish notice of the time and place of each such public hearing 2286
in a newspaper of general circulation in the political subdivision 2287
at least five days before the day on which the hearing is to be 2288
held. 2289

(B) If a board or legislative authority adopts a resolution 2290
permitting the surface application of brine to roads, streets, 2291
highways, and other similar land surfaces under division (A) of 2292
this section, the board or legislative authority shall, within 2293
thirty days after the adoption of the resolution, prepare and 2294
submit to the chief of the division of ~~oil and gas~~ mineral 2295
resources management a copy of the resolution. Any department, 2296
agency, or instrumentality of this state or the United States that 2297
wishes to permit the surface application of brine to roads, 2298
streets, highways, and other similar land surfaces it owns or has 2299
a right to control shall prepare and submit guidelines for such 2300
application, but need not adopt a resolution under division (A) of 2301
this section permitting such surface application. 2302

All resolutions and guidelines shall be subject to the 2303
following standards: 2304

(1) Brine shall not be applied: 2305

(a) To a water-saturated surface;	2306
(b) Directly to vegetation near or adjacent to surfaces being treated;	2307 2308
(c) Within twelve feet of structures crossing bodies of water or crossing drainage ditches;	2309 2310
(d) Between sundown and sunrise, except for ice control.	2311
(2) The discharge of brine through the spreader bar shall stop when the application stops+.	2312 2313
(3) The applicator vehicle shall be moving at least five miles per hour at all times while the brine is being applied+.	2314 2315
(4) The maximum spreader bar nozzle opening shall be three-quarters of an inch in diameter+.	2316 2317
(5) The maximum uniform application rate of brine shall be three thousand gallons per mile on a twelve-foot-wide road or three gallons per sixty square feet on unpaved lots+.	2318 2319 2320
(6) The applicator vehicle discharge valve shall be closed between the brine collection point and the specific surfaces that have been approved for brine application+.	2321 2322 2323
(7) Any valves that provide for tank draining other than through the spreader bar shall be closed during the brine application and transport+.	2324 2325 2326
(8) The angle of discharge from the applicator vehicle spreader bar shall not be greater than sixty degrees from the perpendicular to the unpaved surface+.	2327 2328 2329
(9) Only the last twenty-five per cent of an applicator vehicle's contents shall be allowed to have a pressure greater than atmospheric pressure; therefore, the first seventy-five per cent of the applicator vehicle's contents shall be discharged under atmospheric pressure.	2330 2331 2332 2333 2334

If a resolution or guidelines contain only the standards 2335
listed in division (B)(1) to (9) of this section, without addition 2336
or qualification, the resolution or ~~guidelines~~ GUIDELINES shall 2337
be deemed effective when submitted to the chief without further 2338
action by the chief. All other resolutions and guidelines shall 2339
comply with and be no less stringent than this chapter, rules 2340
concerning surface application that the chief shall adopt under 2341
division (C) of section 1509.22 of the Revised Code, and other 2342
rules of the chief. Within fifteen days after receiving such other 2343
resolutions and guidelines, the chief shall review them for 2344
compliance with the law and rules and disapprove them if they do 2345
not comply. 2346

The board, legislative authority, or department, agency, or 2347
instrumentality may revise and resubmit any resolutions or 2348
guidelines that the chief disapproves after each disapproval, and 2349
the chief shall again review and approve or disapprove them within 2350
fifteen days after receiving them. The board, legislative 2351
authority, or department, agency, or instrumentality may amend any 2352
resolutions or guidelines previously approved by the chief and 2353
submit them, as amended, to the chief. The chief shall receive, 2354
review, and approve or disapprove the amended resolutions or 2355
guidelines on the same basis and in the same time as original 2356
resolutions or guidelines. The board, legislative authority, or 2357
department, agency, or instrumentality shall not implement amended 2358
resolutions or guidelines until they are approved by the chief 2359
under this division. 2360

(C) Any person, other than a political subdivision required 2361
to adopt a resolution under division (A) of this section or a 2362
department, agency, or instrumentality of this state or the United 2363
States, who owns or has a legal right or obligation to maintain a 2364
road, street, highway, or other similar land surface may file with 2365
the board of county commissioners a written plan for the 2366

application of brine to the road, street, highway, or other surface. The board need not approve any such plans, but if it approves a plan, the plan shall comply with this chapter, rules adopted thereunder, and the board's resolutions, if any. Disapproved plans may be revised and resubmitted for the board's approval. Approved plans may also be revised and submitted to the board. A plan or revised plan shall do all of the following:

(1) Identify the sources of brine to be used under the plan;

(2) Identify by name, address, and registration certificate, if applicable, any transporters of the brine;

(3) Specifically identify the places to which the brine will be applied; ~~and~~

(4) Specifically describe the method, rate, and frequency of application.

(D) The board may attach terms and conditions to approval of a plan, or revised plan, and may revoke approval for any violation of this chapter, rules adopted thereunder, resolutions adopted by the board, or terms or conditions attached by the board. The board shall conduct at least one public hearing before approving a plan or revised plan, publishing notice of the time and place of each such public hearing in a newspaper of general circulation in the county at least five days before the day on which the hearing is to be held. The board shall record the filings of all plans and revised plans in its journal. The board shall approve, disapprove, or revoke approval of a plan or revised plan by the adoption of a resolution. Upon approval of a plan or revised plan, the board shall send a copy of the plan to the chief. Upon revoking approval of a plan or revised plan, the board shall notify the chief of the revocation.

(E) No person shall:

(1) Apply brine to a water-saturated surface;	2397
(2) Apply brine directly to vegetation adjacent to the	2398
surface of roads, streets, highways, and other surfaces to which	2399
brine may be applied.	2400
(F) Each political subdivision that adopts a resolution under	2401
divisions (A) and (B) of this section, each department, agency, or	2402
instrumentality of this state or the United States that submits	2403
guidelines under division (B) of this section, and each person who	2404
files a plan under divisions (C) and (D) of this section shall, on	2405
or before the fifteenth day of April of each year, file a report	2406
with the chief concerning brine applied within his <u>the person's</u> or	2407
its <u>governmental entity's</u> jurisdiction, including the quantities	2408
transported and the sources and application points during the last	2409
preceding calendar year and such other information in such form as	2410
the chief requires.	2411
(G) Any political subdivision or department, agency, or	2412
instrumentality of this state or the United States that applies	2413
brine under this section may do so with its own personnel,	2414
vehicles, and equipment without registration under or compliance	2415
with section 1509.222 or 1509.223 of the Revised Code and without	2416
the necessity for filing the surety bond or other security	2417
required by section 1509.225 of the Revised Code. However, each	2418
such entity shall legibly identify vehicles used to apply brine	2419
with reflective paint in letters no less than four inches in	2420
height, indicating the word "brine" and that the vehicle is a	2421
vehicle of the political subdivision, department, agency, or	2422
instrumentality. Except as stated in this division, such entities	2423
shall transport brine in accordance with sections 1509.22 to	2424
1509.226 of the Revised Code.	2425
(H) A surface application plan filed for approval under	2426
division (C) of this section shall be accompanied by a	2427

nonrefundable fee of fifty dollars, which shall be credited to the
general fund of the county. An approved plan is valid for one year
from the date of its approval unless it is revoked before that
time. An approved revised plan is valid for the remainder of the
term of the plan it supersedes unless it is revoked before that
time. Any person who has filed such a plan or revised plan and had
it approved may renew it by refiling it in accordance with
divisions (C) and (D) of this section within thirty days before
any anniversary of the date on which the original plan was
approved. The board shall notify the chief of renewals and
nonrenewals of plans. Even if a renewed plan is approved under
those divisions, the plan is not effective until notice is
received by the chief, and until notice is received, the chief
shall enforce this chapter and rules adopted thereunder with
regard to the affected roads, streets, highways, and other similar
land surfaces as if the plan had not been renewed.

(I) A resolution adopted under division (A) of this section
by a board or legislative authority shall be effective for one
year following the date of its adoption and from month to month
thereafter until the board or legislative authority, by
resolution, terminates the authority granted in the original
resolution. The termination shall be effective not less than seven
days after enactment of the resolution, and a copy of the
resolution shall be sent to the chief.

~~(J) As used in this section, "board of county commissioners"~~
~~includes any other county legislative authority established by~~
~~law.~~

Sec. 1509.23. Rules of the chief of the division of ~~oil and~~
~~gas~~ mineral resources management may specify practices to be
followed in the drilling of wells and production of oil and gas
for protection of public health or safety or to prevent damage to

natural resources, including specification of devices, minimum 2459
distances that wells and other excavations, structures, and 2460
equipment shall be located from water wells, streets, roads, 2461
highways, railroad tracks, and buildings, other methods of 2462
operation, and procedures, methods, and equipment and other 2463
requirements for equipment to prevent and contain discharges of 2464
oil from oil production facilities and oil drilling and workover 2465
facilities consistent with and equivalent in scope, content, and 2466
coverage to section 311(j)(1)(c) of the "Federal Water Pollution 2467
Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, 2468
as amended, and regulations adopted under it. 2469

Sec. 1509.24. The chief of the division of ~~oil and gas~~ 2470
mineral resources management, with the approval of the technical 2471
advisory council on oil and gas created in section 1509.38 of the 2472
Revised Code, may adopt, amend, ~~modify~~, or rescind rules relative 2473
to minimum acreage requirements for drilling units and minimum 2474
distances from which a new well may be drilled or an existing well 2475
deepened, plugged back, or reopened to a source of supply 2476
different from the existing pool from boundaries of tracts, 2477
drilling units, and other wells for the purpose of conserving oil 2478
and gas reserves. Rules ~~made pursuant to~~ adopted under this 2479
section and special orders made under section 1509.25 of the 2480
Revised Code shall apply only to new wells to be drilled or 2481
existing wells to be deepened, plugged back, or reopened to a 2482
source of supply different from the existing pool for the purpose 2483
of extracting oil or gas in their natural state. 2484

Sec. 1509.25. The chief of the division of ~~oil and gas~~ 2485
mineral resources management, upon ~~his~~ the chief's own motion or 2486
upon application of an owner, may hold a hearing to consider the 2487
need or desirability of adopting a special order for drilling unit 2488

requirements in a particular pool different from those established 2489
under section 1509.24 of the Revised Code. The chief shall notify 2490
every owner of land within the area proposed to be included within 2491
the order, of the date, time, and place of the hearing and the 2492
nature of the order being considered at least thirty days prior to 2493
the date of the hearing. Each application for such an order shall 2494
be accompanied by such information as the chief may request. If 2495
the chief finds that the pool can be defined with reasonable 2496
certainty, that the pool is in the initial state of development, 2497
and that the establishment of such different requirements for 2498
drilling a well on a tract or drilling unit in such pool is 2499
reasonably necessary to protect correlative rights or to provide 2500
effective development, use, or conservation of oil and gas, the 2501
chief, with the written approval of the technical advisory council 2502
on oil and gas created in section 1509.38 of the Revised Code, 2503
shall make a special order designating the area covered by the 2504
order, and specifying the acreage requirements for drilling a well 2505
on a tract or drilling unit in such area, which acreage 2506
requirements shall be uniform for the entire pool. The order shall 2507
specify minimum distances from the boundary of the tract or 2508
drilling unit for the drilling of wells and minimum distances from 2509
other wells and allow exceptions for wells drilled or drilling in 2510
a particular pool at the time of the filing of the application. 2511
The chief may exempt the discovery well from minimum acreage and 2512
distance requirements in the order. After the date of the notice 2513
for a hearing called to make such order, no additional well shall 2514
be commenced in the pool for a period of sixty days or until an 2515
order has been made pursuant to the application, whichever is 2516
earlier. The chief, upon ~~his~~ the chief's own motion or upon 2517
application of an owner, after a hearing and with the approval of 2518
the technical advisory council on oil and gas may include 2519
additional lands determined to be underlaid by a particular pool 2520

or to exclude lands determined not to be underlaid by a particular 2521
pool, and may modify the spacing and acreage requirements of the 2522
order. 2523

Nothing in this section ~~shall permit~~ permits the chief to 2524
establish drilling units in a pool by requiring the use of a 2525
survey grid coordinate system with fixed or established unit 2526
boundaries. 2527

Sec. 1509.26. The owners of adjoining tracts may agree to 2528
pool such tracts to form a drilling unit ~~which~~ that conforms to 2529
the minimum acreage and distance requirements of the division of 2530
~~oil and gas~~ mineral resources management under section 1509.24 or 2531
1509.25 of the Revised Code. Such agreement shall be in writing, a 2532
copy of which shall be submitted to the division ~~of oil and gas~~ 2533
with the application for permit required by section 1509.05 of the 2534
Revised Code. Parties to the agreement shall designate one of 2535
their number as the applicant for such permit. 2536

Sec. 1509.27. If a tract of land is of insufficient size or 2537
shape to meet the requirements for drilling a well thereon as 2538
provided in section 1509.24 or 1509.25 of the Revised Code, 2539
whichever is applicable, and the owner has been unable to form a 2540
drilling unit under agreement as provided in section 1509.26 of 2541
the Revised Code, on a just and equitable basis, the owner of such 2542
tract may make application to the division of ~~oil and gas~~ mineral 2543
resources management for a mandatory pooling order. 2544

Such application shall include such data and information as 2545
shall be reasonably required by the chief of the division of ~~oil~~ 2546
~~and gas~~ mineral resources management and shall be accompanied by 2547
an application for a permit as required by section 1509.05 of the 2548
Revised Code. The chief shall notify all owners of land within the 2549
area proposed to be included within the order of the filing of 2550

such application and of their right to a hearing if requested. 2551
After the hearing or after the expiration of thirty days from the 2552
date notice of application was mailed to such owners, the chief, 2553
if satisfied that the application is proper in form and that 2554
mandatory pooling is necessary to protect correlative rights or to 2555
provide effective development, use, or conservation of oil and 2556
gas, shall issue a drilling permit and a mandatory pooling order 2557
complying with the requirements for drilling a well as provided in 2558
section 1509.24 or 1509.25 of the Revised Code, whichever is 2559
applicable, which shall: 2560

(A) Designate the boundaries of the drilling unit within 2561
which the well shall be drilled; 2562

(B) Designate the proposed drilling site; 2563

(C) Describe each separately owned tract or part thereof 2564
pooled by the order; 2565

(D) Allocate on a surface acreage basis a pro rata portion of 2566
the production to the owner of each tract; 2567

(E) Specify the basis upon which each owner shall share all 2568
reasonable costs and expenses of drilling and producing; 2569

(F) Designate the person to whom the permit shall be issued. 2570

If an owner does not elect to participate in the risk and 2571
cost of the drilling and operation, or operation, of a well, ~~he~~ 2572
the owner may elect to be a nonparticipating owner in the drilling 2573
and operation, or operation, of the well, on a limited or carried 2574
basis upon terms and conditions determined by the chief to be just 2575
and reasonable. If one or more of the participating owners bear 2576
the costs of drilling, equipping, or operating a well for the 2577
benefit of a nonparticipating owner, as provided for in the 2578
pooling order, then such participating owner or owners shall be 2579
entitled to the share of production from the drilling unit 2580
accruing to the interest of such nonparticipating owner, exclusive 2581

of the royalty interest if the fee holder has leased ~~his~~ the fee 2582
holder's land to others, otherwise, one-eighth of ~~his~~ the fee 2583
holder's share of the production, until there has been received 2584
the share of costs charged to such nonparticipating owner plus 2585
such additional percentage of ~~said~~ the share of costs as the chief 2586
shall determine. The total amount receivable hereunder shall in no 2587
event exceed double the share of costs charged to such 2588
nonparticipating owner. 2589

If there is a dispute as to costs of drilling, equipping, or 2590
operating a well, the chief shall determine such costs. 2591

In instances where a well is completed prior to the pooling 2592
of interests in a drilling unit under this section, the sharing of 2593
production and adjustment of the original costs of drilling, 2594
equipping, and completing the well shall be from the effective 2595
date of the mandatory pooling order. 2596

From and after the date of a pooling order, all operation, 2597
including the commencement of drilling or the operating of or 2598
production from a well upon any tract or portion of the drilling 2599
unit, shall be deemed for all purposes the conduct of such 2600
operations upon and production from any lease or contract for 2601
lands any portion of which is included in the drilling unit. 2602

Sec. 1509.28. (A) The chief of the division of ~~oil and gas~~ 2603
mineral resources management, upon ~~his~~ the chief's own motion or 2604
upon application by the owners of sixty-five per cent of the land 2605
area overlying the pool, shall hold a hearing to consider the need 2606
for the operation as a unit of an entire pool or part thereof. An 2607
application by owners shall be accompanied by such information as 2608
the chief may request. 2609

The chief shall make an order providing for the unit 2610
operation of a pool or part thereof if ~~he~~ the chief finds that 2611
such operation is reasonably necessary to increase substantially 2612

the ultimate recovery of oil and gas, and the value of the 2613
estimated additional recovery of oil or gas exceeds the estimated 2614
additional cost incident to conducting such operation. The order 2615
shall be upon terms and conditions that are just and reasonable 2616
and shall prescribe a plan for unit operations that shall include: 2617

(1) A description of the unitized area, termed the unit area; 2618
2619

(2) A statement of the nature of the operations contemplated; 2620
2621

(3) An allocation to the separately owned tracts in the unit 2622
area of all the oil and gas that is produced from the unit area 2623
and is saved, being the production that is not used in the conduct 2624
of operations on the unit area or not unavoidably lost. The 2625
allocation shall be in accord with the agreement, if any, of the 2626
interested parties. If there is no such agreement, the chief shall 2627
determine the value, from the evidence introduced at the hearing, 2628
of each separately owned tract in the unit area, exclusive of 2629
physical equipment, for development of oil and gas by unit 2630
operations, and the production allocated to each tract shall be 2631
the proportion that the value of each tract so determined bears to 2632
the value of all tracts in the unit area. 2633

(4) A provision for the credits and charges to be made in the 2634
adjustment among the owners in the unit area for their respective 2635
investments in wells, tanks, pumps, machinery, materials, and 2636
equipment contributed to the unit operations; 2637

(5) A provision providing how the expenses of unit 2638
operations, including capital investment, shall be determined and 2639
charged to the separately owned tracts and how ~~said~~ the expenses 2640
shall be paid; 2641

(6) A provision, if necessary, for carrying or otherwise 2642
financing any person who is unable to meet ~~his~~ the person's 2643

financial obligations in connection with the unit, allowing a 2644
reasonable interest charge for such service; 2645

(7) A provision for the supervision and conduct of the unit 2646
operations, in respect to which each person shall have a vote with 2647
a value corresponding to the percentage of the expenses of unit 2648
operations chargeable against the interest of such person; 2649

(8) The time when the unit operations shall commence, and the 2650
manner in which, and the circumstances under which, the unit 2651
operations shall terminate; 2652

(9) Such additional provisions as are found to be appropriate 2653
for carrying on the unit operations, and for the protection or 2654
adjustment of correlative rights. 2655

(B) No order of the chief providing for unit operations shall 2656
become effective unless and until the plan for unit operations 2657
prescribed by the chief has been approved in writing by those 2658
owners who, under the chief's order, will be required to pay at 2659
least sixty-five per cent of the costs of the unit operation, and 2660
also by the royalty or, with respect to unleased acreage, fee 2661
owners of sixty-five per cent of the acreage to be included in the 2662
unit. If the plan for unit operations has not been so approved by 2663
owners and royalty owners at the time the order providing for unit 2664
operations is made, the chief shall upon application and notice 2665
hold such supplemental hearings as may be required to determine if 2666
and when the plan for unit operations has been so approved. If the 2667
owners and royalty owners, or either, owning the required 2668
percentage of interest in the unit area do not approve the plan 2669
for unit operations within a period of six months from the date on 2670
which the order providing for unit operations is made, such order 2671
shall cease to be of force and shall be revoked by the chief. 2672

An order providing for unit operations may be amended by an 2673
order made by the chief, in the same manner and subject to the 2674

same conditions as an original order providing for unit operations, provided that: 2675
2676

(1) If such an amendment affects only the rights and interests of the owners, the approval of the amendment by the royalty owners shall not be required. 2677
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(2) No such order of amendment shall change the percentage for allocation of oil and gas as established for any separately owned tract by the original order, except with the consent of all persons owning interest in such tract. 2680
2681
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The chief, by an order, may provide for the unit operation of a pool or a part thereof that embraces a unit area established by a previous order of the chief. Such order, in providing for the allocation of unit production, shall first treat the unit area previously established as a single tract, and the portion of the unit production so allocated thereto shall then be allocated among the separately owned tracts included in such previously established unit area in the same proportions as those specified in the previous order. 2684
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Oil and gas allocated to a separately owned tract shall be deemed, for all purposes, to have been actually produced from such tract, and all operations, including, but not limited to, the commencement, drilling, operation of, or production from a well upon any portion of the unit area shall be deemed for all purposes the conduct of such operations and production from any lease or contract for lands any portion of which is included in the unit area. The operations conducted pursuant to the order of the chief shall constitute a fulfillment of all the express or implied obligations of each lease or contract covering lands in the unit area to the extent that compliance with such obligations cannot be had because of the order of the chief. 2693
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Oil and gas allocated to any tract, and the proceeds from the 2705

sale thereof, shall be the property and income of the several 2706
persons to whom, or to whose credit, the same are allocated or 2707
payable under the order providing for unit operations. 2708

No order of the chief or other contract relating to the sale 2709
or purchase of production from a separately owned tract shall be 2710
terminated by the order providing for unit operations, but shall 2711
remain in force and apply to oil and gas allocated to such tract 2712
until terminated in accordance with the provisions thereof. 2713

Except to the extent that the parties affected so agree, no 2714
order providing for unit operations shall be construed to result 2715
in a transfer of all or any part of the title of any person to the 2716
oil and gas rights in any tract in the unit area. All property, 2717
whether real or personal, that may be acquired for the account of 2718
the owners within the unit area shall be the property of such 2719
owners in the proportion that the expenses of unit operations are 2720
charged. 2721

Sec. 1509.29. Upon application by an owner of a tract for 2722
which a drilling permit may not be issued, and a showing by ~~him~~ 2723
the owner that ~~he~~ the owner is unable to enter a voluntary pooling 2724
agreement and that ~~he~~ the owner would be unable to participate 2725
under a mandatory pooling order, the chief of the division of ~~oil~~ 2726
~~and gas~~ mineral resources management shall issue a permit and 2727
order establishing the tract as an exception tract if the chief 2728
finds that such owner would otherwise be precluded from producing 2729
oil or gas from ~~his~~ the owner's tract because of minimum acreage 2730
or distance requirements. The order shall set a percentage of the 2731
maximum daily potential production at which the well may be 2732
produced. The percentage shall be the same as the percentage that 2733
the number of acres in the tract bears to the number of acres in 2734
the minimum acreage requirement ~~which~~ that has been established 2735
under section 1509.24 or 1509.25 of the Revised Code, whichever is 2736

applicable, but if the well drilled on such tract is located 2737
nearer to the boundary of the tract than the required minimum 2738
distance, the percentage may not exceed the percentage determined 2739
by dividing the distance from the well to the boundary by the 2740
minimum distance requirement. Within ten days after completion of 2741
the well, the maximum daily potential production of the well shall 2742
be determined by such drill stem, open flow, or other tests as may 2743
be required by the chief. The chief shall require such tests, at 2744
least once every three months, as are necessary to determine the 2745
maximum daily potential production at that time. 2746

Sec. 1509.31. Whenever the entire interest of an oil and gas 2747
lease is assigned or otherwise transferred, the assignor or 2748
transferor shall notify the holders of the royalty interests, and, 2749
if a well or wells exist on the lease, the division of ~~oil and gas~~ 2750
mineral resources management, of the name and address of the 2751
assignee or transferee by certified mail, return receipt 2752
requested, not later than thirty days after the date of the 2753
assignment or transfer. When notice of any such assignment or 2754
transfer is required to be provided to the division, it shall be 2755
provided on a form prescribed and provided by the division and 2756
verified by both the assignor or transferor and by the assignee or 2757
transferee. The notice form applicable to assignments or transfers 2758
of a well to the owner of the surface estate of the tract on which 2759
the well is located shall contain a statement informing the 2760
landowner that the well may require periodic servicing to maintain 2761
its productivity; that, upon assignment or transfer of the well to 2762
the landowner, the landowner becomes responsible for compliance 2763
with the requirements of this chapter and rules adopted under it, 2764
including, without limitation, the proper disposal of brine 2765
obtained from the well, the plugging of the well when it becomes 2766
incapable of producing oil or gas, and the restoration of the well 2767

site; and that, upon assignment or transfer of the well to the
landowner, the landowner becomes responsible for the costs of
compliance with the requirements of this chapter and rules adopted
under it and the costs for operating and servicing the well.

The owner holding a permit under section 1509.05 of the
Revised Code is responsible for all obligations and liabilities
imposed by this chapter and any rules, orders, and terms and
conditions of a permit adopted or issued under it, and no
assignment or transfer by the owner relieves the owner of the
obligations and liabilities until and unless the assignee or
transferee files with the division the information described in
divisions (A), (B), (C), (D), (E), (I), (J), (K), and (L) of
section 1509.06 of the Revised Code; obtains liability insurance
coverage required by section 1509.07 of the Revised Code, except
when none is required by that section; and executes and files a
surety bond, negotiable certificates of deposit or irrevocable
letters of credit, or cash, as described in that section. Instead
of a bond, but only upon acceptance by the chief of the division
of mineral resources management, the assignee or transferee may
file proof of financial responsibility, described in section
1509.07 of the Revised Code. Section 1509.071 of the Revised Code
applies to the surety bond, cash, and negotiable certificates of
deposit and irrevocable letters of credit described in this
section. Unless the chief approves a modification, each assignee
or transferee shall operate in accordance with the plans and
information filed by the permit holder pursuant to section 1509.06
of the Revised Code.

Sec. 1509.32. Any person adversely affected may file with the
chief of the division of ~~oil and gas~~ mineral resources management
a written complaint alleging failure to restore disturbed land

surfaces in violation of section 1509.072 or 1509.22 of the Revised Code or a rule adopted thereunder.

Upon receipt of a complaint, the chief shall cause an investigation to be made of the lands where the alleged violation has occurred and send copies of the investigation report to the person who filed the complaint and to the owner. Upon finding a violation the chief shall order the owner to eliminate the violation within a specified time. If the owner fails to eliminate the violation within the time specified, the chief may request the prosecuting attorney of the county in which the violation occurs or the attorney general to bring appropriate action to secure compliance with such sections. If the chief fails to bring an appropriate action to secure compliance with such sections within twenty days after the time specified, the person filing the complaint may request the prosecuting attorney of the county in which the violation occurs to bring an appropriate action to secure compliance with such sections. The division of ~~oil and gas~~ mineral resources management may cooperate with any state or local agency to provide technical advice or minimum standards for the restoration of various soils and land surfaces or to assist in any investigation.

Sec. 1509.33. (A) Whoever violates sections 1509.01 to 1509.31 of the Revised Code, or any rules adopted or orders or terms or conditions of a permit or registration certificate issued pursuant to these sections for which no specific penalty is provided in this section, shall pay a civil penalty of not more than four thousand dollars for each offense.

(B) Whoever violates section 1509.221 of the Revised Code or any rules adopted or orders or terms or conditions of a permit issued thereunder shall pay a civil penalty of not more than two thousand five hundred dollars for each violation.

(C) Whoever violates division (D) of section 1509.22 or 2830
division (A)(1) of section 1509.222 of the Revised Code shall pay 2831
a civil penalty of not less than two thousand five hundred dollars 2832
nor more than twenty thousand dollars for each violation. 2833

(D) Whoever violates division (A) of section 1509.22 of the 2834
Revised Code shall pay a civil penalty of not less than two 2835
thousand five hundred dollars nor more than ten thousand dollars 2836
for each violation. 2837

(E) Whoever violates division (A) of section 1509.223 of the 2838
Revised Code shall pay a civil penalty of not more than ten 2839
thousand dollars for each violation. 2840

(F) Whoever violates section 1509.072 of the Revised Code or 2841
any rules adopted or orders issued to administer, implement, or 2842
enforce that section shall pay a civil penalty of not more than 2843
five thousand dollars for each violation. 2844

(G) In addition to any other penalties provided in this 2845
chapter, whoever violates division (B) of section 1509.22~~7~~ or 2846
division (A)(1) of section 1509.222~~7~~ or knowingly violates 2847
division (A) of section 1509.223 of the Revised Code is liable for 2848
any damage or injury caused by the violation and for the cost of 2849
rectifying the violation and conditions caused by the violation. 2850
If two or more persons knowingly violate one or more of such 2851
divisions in connection with the same event, activity, or 2852
transaction, they are jointly and severally liable under this 2853
division. ~~As used in this division, "knowingly" has the same~~ 2854
~~meaning as in section 2901.22 of the Revised Code.~~ 2855

(H) The attorney general, upon the request of the chief of 2856
the division of ~~oil and gas~~ mineral resources management, shall 2857
commence an action under this section against any person who 2858
violates sections 1509.01 to 1509.31 of the Revised Code, or any 2859
rules adopted or orders or terms or conditions of a permit or 2860

registration certificate issued pursuant to these sections. Any 2861
action under this section is a civil action, governed by the Rules 2862
of Civil Procedure and other rules of practice and procedure 2863
applicable to civil actions. The remedy provided in this division 2864
is cumulative and concurrent with any other remedy provided in 2865
this chapter, and the existence or exercise of one remedy does not 2866
prevent the exercise of any other, except that no person shall be 2867
subject to both a civil penalty under division (A), (B), (C), or 2868
(D) of this section and a criminal penalty under section 1509.99 2869
of the Revised Code for the same offense. 2870

Sec. 1509.36. Any person claiming to be aggrieved or 2871
adversely affected by an order by the chief of the division of ~~oil~~ 2872
~~and gas~~ mineral resources management may appeal to the oil and gas 2873
commission for an order vacating or modifying such order. 2874

The person so appealing to the ~~board~~ commission shall be 2875
known as appellant and the chief shall be known as appellee. 2876
Appellant and appellee shall be deemed to be parties to the 2877
appeal. 2878

The appeal shall be in writing and shall set forth the order 2879
complained of and the grounds upon which the appeal is based. The 2880
appeal shall be filed with the commission within thirty days after 2881
the date upon which appellant received notice by registered mail 2882
of the making of the order complained of. Notice of the filing of 2883
the appeal shall be filed with the chief within three days after 2884
the appeal is filed with the commission. 2885

Upon the filing of the appeal the commission promptly shall 2886
fix the time and place at which the hearing on the appeal will be 2887
held, and shall give the appellant and the chief at least ten 2888
days' written notice thereof by mail. The commission may postpone 2889
or continue any hearing upon its own motion or upon application of 2890
appellant or of the chief. 2891

The filing of an appeal provided for in this section does not 2892
automatically suspend or stay execution of the order appealed 2893
from, but upon application by the appellant the commission may 2894
suspend or stay such execution pending determination of the appeal 2895
upon such terms as the commission considers proper. 2896

Either party to the appeal or any interested person who, 2897
pursuant to ~~board~~ commission rules has been granted permission to 2898
appear, may submit such evidence as the commission considers 2899
admissible. 2900

For the purpose of conducting a hearing on an appeal, the 2901
commission may require the attendance of witnesses and the 2902
production of books, records, and papers, and it may, and at the 2903
request of any party it shall, issue subpoenas for witnesses or 2904
subpoenas duces tecum to compel the production of any books, 2905
records, or papers, directed to the ~~sheriff~~ sheriffs of the 2906
counties where such witnesses are found. The subpoenas shall be 2907
served and returned in the same manner as subpoenas in criminal 2908
cases are served and returned. The fees and mileage of sheriffs 2909
and witnesses shall be the same as those allowed by the court of 2910
common pleas in criminal cases. Such fees and mileage expenses 2911
incurred at the request of appellant shall be paid in advance by 2912
the appellant, and the remainder of such expenses shall be paid 2913
out of funds appropriated for the expenses of the division of ~~oil~~ 2914
~~and gas~~ mineral resources management. 2915

In case of disobedience or neglect of any subpoena served on 2916
any person, or the refusal of any witness to testify to any matter 2917
regarding which the witness may be lawfully interrogated, the 2918
court of common pleas of the county in which such disobedience, 2919
neglect, or refusal occurs, or any judge thereof, on application 2920
of the commission or any member thereof, shall compel obedience by 2921
attachment proceedings for contempt as in the case of disobedience 2922
of the requirements of a subpoena issued from such court or a 2923

refusal to testify therein. Witnesses at such hearings shall 2924
testify under oath, and any member of the commission may 2925
administer oaths or affirmations to persons who so testify. 2926

At the request of any party to the appeal, a stenographic 2927
record of the testimony and other evidence submitted shall be 2928
taken by an official court shorthand reporter at the expense of 2929
the party making the request therefor. Such record shall include 2930
all of the testimony and other evidence and the rulings on the 2931
admissibility thereof presented at the hearing. The commission 2932
shall pass upon the admissibility of evidence, but any party may 2933
at the time object to the admission of any evidence and except to 2934
the rulings of the commission thereon, and if the commission 2935
refuses to admit evidence the party offering same may make a 2936
proffer thereof, and such proffer shall be made a part of the 2937
record of such hearing. 2938

If upon completion of the hearing the commission finds that 2939
the order appealed from was lawful and reasonable, it shall make a 2940
written order affirming the order appealed from; if the commission 2941
finds that the order was unreasonable or unlawful, it shall make a 2942
written order vacating the order appealed from and making the 2943
order ~~which~~ that it finds the chief should have made. Every order 2944
made by the commission shall contain a written finding by the 2945
commission of the facts upon which the order is based. 2946

Notice of the making of the order shall be given forthwith to 2947
each party to the appeal by mailing a certified copy thereof to 2948
each such party by certified mail. 2949

The order of the commission is final unless vacated by the 2950
court of common pleas of Franklin county in an appeal as provided 2951
for in section 1509.37 of the Revised Code. Sections 1509.01 to 2952
1509.37 of the Revised Code, providing for appeals relating to 2953
orders by the chief or by the commission, or relating to rules 2954
adopted ~~and promulgated~~ by the chief, do not constitute the 2955

exclusive procedure ~~which~~ that any person who believes the 2956
person's rights to be unlawfully affected by those sections or any 2957
official action taken thereunder must pursue in order to protect 2958
and preserve those rights, nor do those sections constitute a 2959
procedure ~~which~~ that that person must pursue before that person 2960
may lawfully appeal to the courts to protect and preserve those 2961
rights. 2962

Sec. 1509.38. There is hereby created in the division of ~~oil~~ 2963
~~and gas~~ mineral resources management a technical advisory council 2964
on oil and gas, which shall consist of eight members to be 2965
appointed by the governor with the advice and consent of the 2966
senate. Three members shall be independent oil or gas producers, 2967
operators, or their representatives, operating and producing 2968
primarily in this state, three members shall be oil or gas 2969
producers, operators, or their representatives having substantial 2970
oil and gas producing operations in this state and at least one 2971
other state, one member shall represent the public, and one member 2972
shall represent persons having landowners' royalty interests in 2973
oil and gas production. All members shall be residents of this 2974
state, and all members, except the members representing the public 2975
and persons having landowners' royalty interests, shall have at 2976
least five years of practical or technical experience in oil or 2977
gas drilling and production. Not more than one member may 2978
represent any one company, producer, or operator. 2979

Terms of office shall be for three years, commencing on the 2980
first day of February and ending on the thirty-first day of 2981
January. Each member shall hold office from the date of 2982
appointment until the end of the term for which the member was 2983
appointed. A vacancy in the office of a member shall be filled by 2984
the governor, with the advice and consent of the senate. Any 2985
member appointed to fill a vacancy occurring prior to the 2986
expiration of the term for which the member's predecessor was 2987

appointed shall hold office for the remainder of that term. Any 2988
member shall continue in office subsequent to the expiration date 2989
of the member's term until the member's successor takes office, or 2990
until a period of sixty days has elapsed, whichever occurs first. 2991

The council shall select from among its members a 2992
chairperson, a vice-chairperson, and a secretary. All members are 2993
entitled to their actual and necessary expenses incurred in the 2994
performance of their duties as members, payable from the 2995
appropriations for the division. 2996

The governor may remove any member for inefficiency, neglect 2997
of duty, or malfeasance in office. 2998

The council shall hold at least one regular meeting in each 2999
quarter of a calendar year and shall keep a record of its 3000
proceedings. Special meetings may be called by the chairperson and 3001
shall be called by the chairperson upon receipt of a written 3002
request signed by two or more members of the council. A written 3003
notice of the time and place of each meeting shall be sent to each 3004
member of the council. Five members constitute a quorum, and no 3005
action of the council is valid unless five members concur. 3006

The council, when requested by the chief of the division of 3007
~~oil and gas~~ mineral resources management, shall consult with and 3008
advise the chief and perform other duties that may be lawfully 3009
delegated to it by the chief. The council may participate in 3010
hearings held by the chief under this chapter and has powers of 3011
approval as provided in sections 1509.24 and 1509.25 of the 3012
Revised Code. The council shall conduct the activities required, 3013
and exercise the authority granted, under Chapter 1510. of the 3014
Revised Code. 3015

Sec. 1509.39. This chapter or rules adopted under it shall 3016
not be construed to prevent any municipal corporation, county, or 3017

township from enacting and enforcing health and safety standards 3018
for the drilling and exploration for oil and gas, provided that 3019
such standards are not less restrictive than this chapter or the 3020
rules adopted thereunder by the division of ~~oil and gas~~ mineral 3021
resources management. No county or township shall adopt or enforce 3022
any ordinances, resolutions, rules, or requirements relative to 3023
the minimum acreage requirements for drilling units; minimum 3024
distances from which a new well or related production facilities 3025
may be drilled or an existing well deepened, plugged back, or 3026
reopened to a source of supply different from the existing pool 3027
from boundaries of tracts, drilling units, other wells, streets, 3028
roads, highways, railroad tracks, and any other structures or 3029
facilities included in section 1509.23 of the Revised Code; or the 3030
restoration or plugging of an oil and gas well. No county or 3031
township shall require any permit or license for the drilling, 3032
operation, production, plugging, or abandonment of any oil or gas 3033
well nor any fee, bond or other security, or insurance for any 3034
activity associated with the drilling, operation, production, 3035
plugging, or abandonment of a well, except for the permit provided 3036
for in section 4513.34 of the Revised Code and any bond or other 3037
security associated therewith. 3038

Sec. 1509.40. Except as provided in section 1509.29 of the 3039
Revised Code, no authority granted in ~~Chapter 1509. of the Revised~~ 3040
~~Code~~ this chapter shall be construed as authorizing a limitation 3041
on the amount that any well, leasehold, or field is permitted to 3042
produce under proration orders of the division of ~~oil and gas~~ 3043
mineral resources management. 3044

Sec. 1510.01. As used in this chapter: 3045

(A) "First purchaser" means: 3046

(1) With regard to crude oil, the person to whom title first 3047

is transferred beyond the gathering tank or tanks, beyond the 3048
facility from which the crude oil was first produced, or both; 3049

(2) With regard to natural gas, the person to whom title 3050
first is transferred beyond the inlet side of the measurement 3051
station from which the natural gas was first produced. 3052

(B) "Independent producer" means a person who complies with 3053
both of the following: 3054

(1) Produces oil or natural gas and is not engaged in 3055
refining either product; 3056

(2) Derives a majority of income from ownership in properties 3057
producing oil or natural gas. 3058

(C) "Qualified independent producer association" means an 3059
association that complies with all of the following: 3060

(1) It is in existence on ~~the effective date of this section;~~ 3061
December 18, 1997. 3062

(2) It is organized and operating within this state. 3063

(3) A majority of the members of its governing body are 3064
independent producers. 3065

(D) "Technical advisory council" or "council" means the 3066
technical advisory council created in the division of ~~oil and gas~~ 3067
mineral resources management under section 1509.38 of the Revised 3068
Code. 3069

Sec. 1510.08. (A)(1) Except as provided in division (A)(2) of 3070
this section, an operating committee may levy assessments on the 3071
production of oil and natural gas in this state for the purposes 3072
of a marketing program established under this chapter. 3073

(2) An operating committee shall not levy an assessment that 3074
was not approved by independent producers or that exceeds the 3075
amount authorized under division (B)(1) of section 1510.04 of the 3076

Revised Code. An operating committee shall not levy an assessment
against an independent producer who is not eligible to vote in a
referendum for the marketing program that the operating committee
administers, as determined under division (C) of section 1510.02
of the Revised Code.

(B) The technical advisory council may require a first
purchaser to withhold assessments from any amounts that the first
purchaser owes to independent producers and, notwithstanding
division (A)(2) of this section, to remit them to the chairperson
of the council at the office of the division of ~~oil and gas~~
mineral resources management. A first purchaser who pays an
assessment that is levied pursuant to this section for an
independent producer may deduct the amount of the assessment from
any moneys that the first purchaser owes the independent producer.

(C) A marketing program shall require a refund of assessments
collected under this section after receiving an application for a
refund from an independent producer. An application for a refund
shall be made on a form furnished by the council. The operating
committee shall ensure that refund forms are available where
assessments for its program are withheld.

An independent producer who desires a refund shall submit a
request for a refund not later than the thirty-first day of March
of the year in which the request is submitted. The council shall
refund the assessment to the independent producer not later than
the thirtieth day of June of the year in which the request for the
refund is submitted.

(D) An operating committee shall not use moneys from any
assessments that it levies for any political or legislative
purpose or for preferential treatment of one person to the
detriment of another person who is affected by the marketing
program that the operating committee administers.

Sec. 1513.01. As used in this chapter:	3108
(A) "Approximate original contour" means that surface configuration achieved by backfilling and grading of a mined area so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls and spoil piles eliminated; water impoundments may be permitted where the chief of the division of mines and reclamation <u>mineral resources management</u> determines that they are in compliance with division (A)(8) of section 1513.16 of the Revised Code.	3109 3110 3111 3112 3113 3114 3115 3116 3117 3118
(B) "Coal mining and reclamation operations" means coal mining operations and all activities necessary and incident to the reclamation of such operations.	3119 3120 3121
(C) "Degrees" means inclination from the horizontal.	3122
(D) "Deposition of sediment" means placing or causing to be placed in any waters of the state, in stream beds on or off the land described in an application for a coal mining permit, or upon other lands any organic or inorganic matter that settles or is capable of settling to the bottom of the waters and onto the beds or lands.	3123 3124 3125 3126 3127 3128
(E) "Imminent danger to the health and safety of the public" means the existence of any condition or practice or violation of a permit or other requirement of this chapter or rule adopted thereunder in a coal mining and reclamation operation, which condition, practice, or violation could reasonably be expected to cause substantial physical harm to persons outside the permit area before the condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person subjected to the same conditions or	3129 3130 3131 3132 3133 3134 3135 3136 3137

practices giving rise to the peril would not expose ~~himself or~~ 3138
~~herself~~ oneself to the danger during the time necessary for 3139
abatement. 3140

(F) "Lands eligible for remining" means those lands that 3141
otherwise would be eligible for expenditures under division (C)(1) 3142
of section 1513.37 of the Revised Code. 3143

(G) "Mountain top removal" means a coal mining operation that 3144
will remove an entire coal seam or seams running through the upper 3145
fraction of a mountain, ridge, or hill by removing all of the 3146
overburden and creating a level plateau with no highwalls 3147
remaining instead of restoring to approximate original contour, 3148
and is capable of supporting postmining uses in ~~accord~~ accordance 3149
with the requirements established by the chief ~~of the division of~~ 3150
~~mines and reclamation.~~ 3151

(H) "Operation" or "coal mining operation" means: 3152

(1) Activities conducted on the surface of lands in 3153
connection with a coal mine, the removal of coal from coal refuse 3154
piles, and surface impacts incident to an underground coal mine. 3155
Such activities include excavation for the purpose of obtaining 3156
coal, including such common methods as contour, strip, auger, 3157
mountaintop removal, box cut, open pit, and area mining; the use 3158
of explosives and blasting; in situ distillation or retorting; 3159
leaching or other chemical or physical processing; and the 3160
cleaning, concentrating, or other processing or preparation of 3161
coal. Such activities also include the loading of coal at or near 3162
the mine site. Such activities do not include any of the 3163
following: 3164

(a) The extraction of coal incidental to the extraction of 3165
other minerals if the weight of coal extracted is less than 3166
one-sixth the total weight of minerals removed, including coal; 3167

(b) The extraction of coal as an incidental part of federal, 3168

state, or local highway or other government-financed construction	3169
when approved by the chief;	3170
(c) Coal exploration subject to section 1513.072 of the	3171
Revised Code.	3172
(2) The areas upon which such activities occur or where such	3173
activities disturb the natural land surface. Such areas include	3174
any adjacent land the use of which is incidental to any such	3175
activities, all lands affected by the construction of new roads or	3176
the improvement or use of existing roads to gain access to the	3177
site of such activities, and for hauling, and excavation,	3178
workings, impoundments, dams, ventilation shafts, entryways,	3179
refuse banks, dumps, stockpiles, overburden piles, spoil banks,	3180
culm banks, holes or depressions, repair areas, storage areas,	3181
processing areas, shipping areas, and other areas upon which are	3182
sited structures, facilities, or other property or materials on	3183
the surface, resulting from or incident to such activities.	3184
Separation by a stream, roadway, or utility easement does not	3185
preclude two or more contiguous tracts of land from being	3186
considered contiguous.	3187
(I) "Operator" means any person conducting a coal mining	3188
operation.	3189
(J) "Overburden" means all of the earth and other materials,	3190
except topsoil, covering a natural deposit of coal, and also means	3191
such earth and other materials after removal from their natural	3192
state in the process of coal mining.	3193
(K) "Permit" means a permit to conduct coal mining and	3194
reclamation operations issued by the chief pursuant to section	3195
1513.07 or 1513.074 of the Revised Code.	3196
(L) "Permit area" means the area of land to be affected	3197
indicated on the approved map submitted by the operator with the	3198
application required by section 1513.07 or 1513.074 of the Revised	3199

Code. 3200

(M) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes any political subdivision, instrumentality, or agency of this state or the United States. 3201
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(N) "Pollution" means placing any sediments, solids, or waterborne mining related wastes, including, but not limited to, acids, metallic cations, or their salts, in excess of amounts prescribed by the chief into any waters of the state or affecting the properties of any waters of the state in a manner ~~which~~ that renders those waters harmful or inimical to the public health, or to animal or aquatic life, or to the use of the waters for domestic water supply, industrial or agricultural purposes, or recreation. 3204
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(O) "Prime farmland" has the same meaning as that previously prescribed by the secretary of the United States department of agriculture as published in the federal register on August 23, 1977, or subsequent revisions thereof, on the basis of such factors as moisture availability, temperature regime, chemical balance, permeability, surface layer composition, susceptibility to flooding, and erosion characteristics and ~~which~~ that historically has been used for intensive agricultural purposes, and as published in the rules adopted pursuant to this chapter. 3213
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(P) "Reclamation" means backfilling, grading, resoiling, planting, and other work that has the effect of restoring an area of land affected by coal mining so that it may be used for forest growth, grazing, agricultural, recreational, and wildlife purpose, or some other useful purpose of equal or greater value than existed prior to any mining. 3222
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(Q) "Spoil bank" means a deposit of removed overburden. 3228

(R) "Steep slope" means any slope above twenty degrees or such lesser slope as may be defined by the chief ~~of reclamation~~ 3229
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after considering soil, climate, and other characteristics of a 3231
region. 3232

(S) "Strip mining" means those coal mining and reclamation 3233
operations incident to the extraction of coal from the earth by 3234
removing the materials over a coal seam, before recovering the 3235
coal, by auger coal mining, or by recovery of coal from a deposit 3236
that is not in its original geologic location. 3237

(T) "Unwarranted failure to comply" means the failure of a 3238
permittee to prevent the occurrence of any violation of any 3239
requirement of this chapter due to indifference, lack of 3240
diligence, or lack of reasonable care, or the failure to abate any 3241
violation of the permit or this chapter due to indifference, lack 3242
of diligence, or lack of reasonable care. 3243

(U) "Waters of the state" means all streams, lakes, ponds, 3244
marshes, watercourses, waterways, wells, springs, irrigation 3245
systems, drainage systems, and other bodies or accumulations of 3246
water, surface or underground, natural or artificial, regardless 3247
of the depth of the strata in which underground water is located, 3248
~~which~~ that are situated wholly or partly within, or border upon, 3249
this state, or are within its jurisdiction. 3250

(V) "Public roadway" means a road that is all of the 3251
following: 3252

(1) Designated as a public road in the jurisdiction within 3253
which it is located; 3254

(2) Constructed in a manner consistent with other public 3255
roads within the jurisdiction within which it is located; 3256

(3) Regularly maintained with public funds; 3257

(4) Subject to and available for substantial use by the 3258
public. 3259

Sec. 1513.02. (A) The division of ~~mines and reclamation~~ 3260

mineral resources management shall administer, enforce, and 3261
implement this chapter. The chief of the division of ~~mines and~~ 3262
~~reclamation~~ mineral resources management shall do all of the 3263
following: 3264

(1) Adopt, amend, and rescind rules: 3265

(a) To administer and enforce this chapter; 3266

(b) To implement the requirements of this chapter for the 3267
reclamation of lands affected by coal mining, including such rules 3268
governing mining practices and procedures, segregation and 3269
placement of soil and topsoil, backfilling, grading, terracing, 3270
resoiling, soil conditioning and reconditioning, planting, 3271
establishment of drainage patterns, construction of impoundments, 3272
and the construction, maintenance, and disposition of haul roads, 3273
ditches, and dikes, as may be necessary or desirable, under 3274
varying conditions of slope, drainage, physical and chemical 3275
characteristics of soil and overburden, erodability of materials, 3276
season, growth characteristics of plants, and other factors 3277
affecting coal mining and reclamation, to facilitate the return of 3278
the land to a condition required by this chapter; to prevent 3279
pollution or substantial diminution of waters of the state, 3280
substantial erosion, substantial deposition of sediment, 3281
landslides, accumulation and discharge of acid water, and 3282
flooding, both during mining and reclamation and thereafter; to 3283
restore the recharge capacity of the mined area to approximate 3284
premining conditions; and to ensure full compliance with all 3285
requirements of this chapter relating to reclamation, and the 3286
attainment of those objectives in the interest of the public 3287
health, safety, and welfare to which these reclamation 3288
requirements are directed; 3289

(c) To meet the requirements of the "Surface Mining Control 3290
and Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C. 1201. 3291

(2) Issue orders to enforce this chapter and rules adopted under it;	3292 3293
(3) Adopt rules for the internal management of the division that do not affect private rights;	3294 3295
(4) Adopt programs, rules, and procedures designed to assist the coal operator in this state with the permitting process and complying with the environmental standards of this chapter. Upon request of the applicant for a permit, the chief shall make a determination of the probable hydrologic consequences required in division (B)(2)(k) of section 1513.07 of the Revised Code within sixty days after a permit has been submitted to the division for those applications requesting the chief to perform the study. The chief shall perform the chemical analysis of test borings or core samplings for operators who have a total annual production of coal at all locations that does not exceed one hundred thousand tons.	3296 3297 3298 3299 3300 3301 3302 3303 3304 3305 3306
(5) Adopt programs, rules, and procedures designed to ensure that reclamation is performed on operations for which the performance bond has been forfeited pursuant to section 1513.16 of the Revised Code;	3307 3308 3309 3310
(6) Receive, administer, and expend moneys obtained from the United States department of the interior and other federal agencies to implement the state's permanent coal regulatory program;	3311 3312 3313 3314
(7)(a) Regulate the beneficial use of coal combustion byproducts at coal mining and reclamation operations and abandoned mine lands that are regulated under this chapter and rules adopted under it. The beneficial use of coal combustion byproducts at such coal mining and reclamation operations and abandoned mine lands is subject to all applicable performance standards and requirements established under this chapter and rules adopted under it, including, without limitation, standards and requirements	3315 3316 3317 3318 3319 3320 3321 3322

established under section 1513.16 of the Revised Code and rules 3323
adopted pursuant to it. 3324

The beneficial use of coal combustion byproducts that is 3325
authorized at coal mining and reclamation operations and abandoned 3326
mine lands that are regulated under this chapter and rules adopted 3327
under it is not subject to the following provisions of Chapters 3328
3734. and 6111. of the Revised Code and rules adopted under those 3329
provisions: 3330

(i) Permit and license requirements for solid waste 3331
facilities established under sections 3734.02 and 3734.05 of the 3332
Revised Code; 3333

(ii) The prohibition against the open dumping of solid wastes 3334
established in section 3734.03 of the Revised Code; 3335

(iii) Solid waste generation and disposal fees established 3336
under sections 3734.57 to 3734.574 of the Revised Code; 3337

(iv) Permit to install and plan approval requirements 3338
established under sections 6111.03, 6111.44, and 6111.45 of the 3339
Revised Code. 3340

Nothing in division (A)(7) of this section shall be construed 3341
to limit any other requirements that are applicable to the 3342
beneficial use of coal combustion byproducts and that are 3343
established under Chapter 3704., 3714., 3734., or 6111. of the 3344
Revised Code or under local or federal laws, including, without 3345
limitation, requirements governing air pollution control permits, 3346
hazardous waste, national pollutant discharge elimination system 3347
permits, and section 401 water quality certifications. 3348

(b) As used in division (A)(7) of this section: 3349

(i) "Coal combustion byproducts" means fly ash, bottom ash, 3350
coal slag, flue gas desulphurization and fluidized bed combustion 3351
byproducts, air or water pollution control residues from the 3352

operation of a coal-fired electric or steam generation facility, 3353
and any material from a clean coal technology demonstration 3354
project or other innovative process at a coal-fired electric or 3355
steam generation facility. 3356

(ii) "Beneficial use" means the use of coal combustion 3357
byproducts in a manner that is not equivalent to the establishment 3358
of a disposal system or a solid waste disposal facility and that 3359
is unlikely to affect human health or safety or the environment 3360
adversely or to degrade the existing quality of the land, air, or 3361
water. "Beneficial use" includes, without limitation, land 3362
application uses for agronomic value; land reclamation uses; and 3363
discrete, controlled uses for structural fill, pavement aggregate, 3364
pipe bedding aggregate, mine sealing, alternative drainage or 3365
capping material, and pilot demonstration projects. 3366

(iii) "Structural fill" means the discrete, controlled use of 3367
a coal combustion byproduct as a substitute for a conventional 3368
aggregate, raw material, or soil under or immediately adjacent to 3369
a building or structure. "Structural fill" does not include uses 3370
that involve general filling or grading operations or valley 3371
fills. 3372

(iv) "Pavement aggregate" means the discrete, controlled use 3373
of a coal combustion byproduct as a subbase material or drainage 3374
layer under or immediately adjacent to a paved road or a paved 3375
parking lot where the coal combustion byproduct is a substitute 3376
for a conventional aggregate, raw material, or soil. 3377

(v) "Pipe bedding aggregate" means the discrete, controlled 3378
use of a coal combustion byproduct as a substitute for a 3379
conventional aggregate, raw material, or soil under, around, or 3380
immediately adjacent to a water, sewer, or other pipeline. 3381

(vi) "Coal-fired electric or steam generation facility" 3382
includes any boiler that is fired with coal or with coal in 3383

combination with petroleum coke, oil, natural gas, or any other fossil fuel. 3384
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(vii) "Solid waste disposal facility" means a facility for the disposal of solid wastes as provided in Chapter 3734. of the Revised Code and rules adopted under it. 3386
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(viii) "Disposal system" has the same meaning as in section 6111.01 of the Revised Code. 3389
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(B) The chief, by rule, may designate as unsuitable for coal mining natural areas maintained on the registry of natural areas of the department of natural resources pursuant to Chapter 1517. of the Revised Code, wild, scenic, or recreational river areas designated pursuant to that chapter, publicly owned or dedicated parks, and other areas of unique and irreplaceable natural beauty or condition, or areas within specified distances of a public road, occupied dwelling, public building, school, church, community, or institutional building, public park, or cemetery. Such a designation may include land adjacent to the perimeters of those areas that may be necessary to protect their integrity. 3391
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(C)(1) The adoption, amendment, and rescission of rules under divisions (A)(1) and (B) of this section are subject to Chapter 119. of the Revised Code. 3402
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(2) The issuance of orders under division (A)(2) of this section and appeals therefrom are not governed by or subject to Chapter 119. of the Revised Code, but are governed by this chapter. 3405
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(D)(1) When the chief or an authorized representative of the chief determines that any condition or practice exists or that any permittee is in violation of any requirement of this chapter or any permit condition required by this chapter, which condition, practice, or violation creates an imminent danger to the health or safety of the public or is causing, or can reasonably be expected 3409
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to cause, significant, imminent environmental harm to land, air, 3415
or water resources, the chief or the authorized representative 3416
immediately shall order the cessation of coal mining and 3417
reclamation operations or the portion thereof relevant to the 3418
condition, practice, or violation. The cessation order shall 3419
remain in effect until the chief or the authorized representative 3420
determines that the condition, practice, or violation has been 3421
abated or until the order is modified, vacated, or terminated by 3422
the chief or the authorized representative pursuant to division 3423
(D)(4) of this section or by the reclamation commission pursuant 3424
to section 1513.13 of the Revised Code. When the chief or the 3425
authorized representative finds that the ordered cessation of coal 3426
mining and reclamation operations or any portion thereof will not 3427
completely abate the imminent danger to the health or safety of 3428
the public or the significant, imminent environmental harm to 3429
land, air, or water resources, the chief or the authorized 3430
representative, in addition to the cessation order, shall order 3431
the operator to take whatever steps the chief or the authorized 3432
representative considers necessary to abate the imminent danger or 3433
the significant environmental harm. 3434

(2) When the chief or an authorized representative of the 3435
chief determines that any person is in violation of any 3436
requirement of this chapter or any permit condition required by 3437
this chapter, but the violation does not create an imminent danger 3438
to the health or safety of the public or cannot reasonably be 3439
expected to cause significant, imminent environmental harm to 3440
land, air, or water resources, the chief or the authorized 3441
representative shall issue a notice of violation to the person or 3442
the person's agent fixing a reasonable time for the abatement of 3443
the violation, provided that the time afforded a person to abate 3444
the violation shall not exceed the time limitations prescribed by 3445
the secretary of the interior in 30 C.F.R. Part 843 for an 3446

approvable state regulatory program under the "Surface Mining
Control and Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.
1201.

If, upon expiration of the period of time as originally fixed
or subsequently extended for good cause shown and upon the written
finding of the chief or the authorized representative, the chief
or the authorized representative finds that the violation has not
been abated, the chief or the authorized representative
immediately shall order the cessation of coal mining and
reclamation operations or the portion thereof relevant to the
violation. The cessation order shall remain in effect until the
chief or the authorized representative determines that the
violation has been abated or until the order is modified, vacated,
or terminated by the chief or the authorized representative
pursuant to division (D)(4) of this section or by the reclamation
commission pursuant to section 1513.13 of the Revised Code. In a
cessation order issued under division (D)(2) of this section, the
chief or the authorized representative shall prescribe the steps
necessary to abate the violation in the most expeditious manner
possible.

(3) When in the judgment of the chief or an authorized
representative of the chief a pattern of violations of any
requirements of this chapter or any permit conditions required by
this chapter exists or has existed and the violations are caused
by the unwarranted failure of the permittee to comply with any
requirements of this chapter or any permit conditions or are
willfully caused by the permittee, the chief or the authorized
representative immediately shall issue an order to the permittee
to show cause why the permit should not be suspended or revoked.
If a hearing is requested, the chief shall inform all interested
parties of the time and place of the hearing and conduct the
hearing pursuant to division (D) of section 1513.13 of the Revised

Code. Upon the permittee's failure to show cause why the permit
should not be suspended or revoked, the chief or the authorized
representative immediately shall suspend or revoke the permit.

(4) Notices of violation and orders issued pursuant to this
section shall set forth with reasonable specificity the nature of
the violation and the remedial action required, the period of time
established for abatement, and a reasonable description of the
portion of the coal mining and reclamation operation to which the
notice or order applies. Each notice or order issued under this
section shall be given promptly to the alleged violator or the
agent of the alleged violator by the chief or an authorized
representative of the chief who issues the notice or order.
Notices and orders shall be in writing and shall be signed by the
chief or the authorized representative and may be modified,
vacated, or terminated by the chief or the authorized
representative. Any notice or order issued pursuant to this
section that requires cessation of mining by the operator shall
expire within thirty days after actual notice to the operator
unless a public hearing pursuant to section 1513.13 of the Revised
Code is held at the site or within such reasonable proximity to
the site that any viewings of the site can be conducted during the
course of the public hearing.

~~(E) The chief may appoint, under section 121.13 of the
Revised Code, an advisory committee of experts in the fields of
hydrology, soil conservation, historic preservation, and related
fields to provide advice on coal mining and reclamation practices,
the environmental impact of coal mining, the adoption of rules,
the approval of plans, and the issuance of permits under section
1513.07 of the Revised Code.~~

~~(F)~~(1) A person who violates a permit condition or any other
provision of this chapter may be assessed a civil penalty by the
chief, except that if the violation leads to the issuance of a

cessation order under division (D) of this section, the civil 3511
penalty shall be assessed for each day until the person initiates 3512
the necessary corrective steps. The penalty shall not exceed five 3513
thousand dollars for each violation. Each day of continuing 3514
violation may be deemed a separate violation for purposes of 3515
penalty assessments. In determining the amount of the penalty, 3516
consideration shall be given to the person's history of previous 3517
violation at the particular coal mining operation; the seriousness 3518
of the violation, including any irreparable harm to the 3519
environment and any hazard to the health or safety of the public; 3520
whether the person was negligent; and the demonstrated diligence 3521
of the person charged in attempting to achieve rapid compliance 3522
after notification of the violation. 3523

(2) A civil penalty shall be assessed by the chief only after 3524
the person charged with a violation under division ~~(F)~~(E)(1) of 3525
this section has been given an opportunity for a public hearing. 3526
If a person charged with such a violation fails to avail ~~self~~ 3527
oneself of the opportunity for a public hearing, a civil penalty 3528
shall be assessed by the chief after the chief has determined that 3529
a violation did occur, and the amount of the penalty that is 3530
warranted, and has issued an order requiring that the penalty be 3531
paid. 3532

(3) Upon the issuance of a notice or order charging that a 3533
violation of this chapter has occurred, the chief shall inform the 3534
operator within thirty days of the proposed amount of the penalty 3535
and provide opportunity for an adjudicatory hearing pursuant to 3536
section 1513.13 of the Revised Code. The person charged with the 3537
penalty then shall have thirty days to pay the proposed penalty in 3538
full or, if the person wishes to contest either the amount of the 3539
penalty or the fact of the violation, file a petition for review 3540
of the proposed assessment with the secretary of the reclamation 3541
commission pursuant to section 1513.13 of the Revised Code. If, 3542

after the hearing, the commission affirms or modifies the proposed 3543
amount of the penalty, the person charged with the penalty then 3544
shall have thirty days after receipt of the written decision to 3545
pay the amount in full or file an appeal with the court of appeals 3546
in accordance with section 1513.14 of the Revised Code. At the 3547
time the petition for review of the proposed assessment is filed 3548
with the secretary, the person shall forward the amount of the 3549
penalty to the secretary for placement in the reclamation penalty 3550
fund, which is hereby created. The fund shall be in the custody of 3551
the treasurer of state, but shall not be a part of the state 3552
treasury. Pursuant to administrative or judicial review of the 3553
penalty, the secretary, within thirty days, shall remit the 3554
appropriate amount of the penalty to the person, with interest, if 3555
it is determined that no violation occurred or that the amount of 3556
the penalty should be reduced, and the secretary shall forward the 3557
balance of the penalty or, if the penalty was not reduced, the 3558
entire amount of the penalty, with interest, to the chief for 3559
deposit in the coal mining administration and reclamation reserve 3560
fund created in section 1513.181 of the Revised Code. Failure to 3561
forward the money to the secretary within thirty days after the 3562
chief informs the operator of the proposed amount of the penalty 3563
shall result in a waiver of all legal rights to contest the 3564
violation or the amount of the penalty. Within fifteen days after 3565
being informed of the penalty, the person charged with the penalty 3566
may request in writing an informal assessment conference to review 3567
the amount of the penalty. The conference shall be presided over 3568
by the chief or an individual appointed by the chief other than 3569
the inspector that issued the notice of violation or order upon 3570
which the penalty is based. The chief shall adopt rules governing 3571
procedures to be followed in informal conferences. Time allowed 3572
for payment of the penalty or appeal to the commission shall be 3573
tolled while the penalty is being reviewed in an informal 3574
conference. 3575

(4) An operator who fails to correct a violation for which a notice of violation or order has been issued under division (D) of this section within the period permitted for its correction shall be assessed a civil penalty of not less than seven hundred fifty dollars for each day during which the failure or violation continues. However, a civil penalty shall not be assessed under division ~~(F)~~(E)(4) of this section if the commission orders the suspension of the abatement requirement after determining, based upon the findings of an expedited hearing held under section 1513.13 of the Revised Code at the request of the operator, that the operator will suffer irreparable loss or damage from the application of the abatement requirement or if the court orders suspension of the abatement requirement pursuant to review proceedings held under section 1513.14 of the Revised Code at the request of the operator.

~~(G)~~(F) The chief may enter into a cooperative agreement with the secretary of the interior to provide for state regulation of coal mining and reclamation operations on federal lands within the state.

~~(H)~~(G) The chief may prohibit augering if necessary to maximize the utilization, recoverability, or conservation of the solid fuel resources or to protect against adverse water quality impacts.

~~(I)~~(H) The chief shall transmit copies of all schedules submitted under section 1513.07 of the Revised Code pertaining to violations of air or water quality laws and rules adopted and orders issued under those laws in connection with coal mining operations to the director of environmental protection for verification.

~~(J)~~(I) For the purposes of sections 1513.18, 1513.24, 1513.37, and 1514.06 of the Revised Code, the chief triennially

shall determine the average wage rate for companies performing 3607
reclamation work for the division under those sections by 3608
averaging the wage rate paid by all companies performing such 3609
reclamation work during the three years immediately preceding the 3610
determination. However, in making the initial determination under 3611
this division, the chief shall average the wage rate paid by all 3612
companies performing such reclamation work during the ten years 3613
immediately preceding October 29, 1995. 3614

Sec. 1513.03. The chief of the division of ~~mines and~~ 3615
~~reclamation~~ mineral resources management shall designate certain 3616
employees of the division as ~~inspection officers of coal and~~ 3617
~~surface mining operations~~ mineral resources inspectors for the 3618
purpose of enforcing the coal mining laws and the surface mining 3619
laws. Such ~~inspection officers~~ inspectors may enter upon and 3620
inspect any coal or surface mining operation at any time, and upon 3621
entering the permit area the inspector shall notify the operator 3622
and shall furnish proper identification. After the final maps have 3623
been approved, the inspector shall notify the nearest mine office 3624
of the operator and advise of the inspection. They may serve and 3625
execute warrants and other processes of law issued in the 3626
enforcement of this chapter and Chapter 1514. of the Revised Code 3627
and rules adopted thereunder. 3628

Such ~~inspection officers~~ inspectors, while in the normal, 3629
lawful, and peaceful pursuit of their duties, may enter upon, 3630
cross over, and remain upon privately owned lands for such 3631
purposes, and shall not be subject to arrest for trespass while so 3632
engaged or for such cause thereafter. 3633

Before a person other than a person who was an inspector of 3634
coal or surface mining operations or oil and gas operations on 3635
~~April 10, 1972~~ July 1, 1999, is eligible for appointment as ~~an~~ 3636
~~inspection officer~~ a mineral resources inspector, ~~he~~ the person 3637

shall pass an examination prepared and administered by the 3638
department of administrative services and shall serve in a 3639
provisional status for a probationary period of ~~one year~~ six 3640
months to the satisfaction of the chief. The chief may hire 3641
provisionally, pending the administration of a civil service 3642
examination and establishment of a civil service eligibility list. 3643
A person serving in a provisional status has the same authority as 3644
a permanently appointed ~~inspection officer~~ inspector This section 3645
does not affect the status of any person employed as an inspector 3646
of coal or surface mining operations or oil and gas operations 3647
prior to ~~April 10, 1972~~ July 1, 1999, if the person is a certified 3648
employee in the classified service of the state. 3649

Sec. 1513.07. (A)(1) No operator shall conduct a coal mining 3650
operation without a permit for the operation issued by the chief 3651
of the division of ~~mines and reclamation. Any permit validly~~ 3652
~~issued by the chief after February 3, 1978, in effect on September~~ 3653
~~1, 1981, that would expire at any time before eight months after~~ 3654
~~approval of the state reclamation program by the secretary of the~~ 3655
~~United States department of the interior pursuant to the "Surface~~ 3656
~~Mining Control and Reclamation Act of 1977," 91 Stat. 446, 20~~ 3657
~~U.S.C. 1201, shall remain in effect until eight months after~~ 3658
~~approval of the program. A permit so extended shall continue as a~~ 3659
~~valid existing permit beyond the eight month period if the~~ 3660
~~permittee, having filed an application for a new permit within two~~ 3661
~~months after the date of approval of the state program, has not~~ 3662
~~received an initial administrative decision on the application~~ 3663
mineral resources management. 3664

(2) All permits issued pursuant to this chapter shall be 3665
issued for a term not to exceed five years, except that, if the 3666
applicant demonstrates that a specified longer term is reasonably 3667
needed to allow the applicant to obtain necessary financing for 3668
equipment and the opening of the operation and if the application 3669

is full and complete for the specified longer term, the chief may
grant a permit for the longer term. A successor in interest to a
permittee who applies for a new permit within thirty days after
succeeding to the interest and who is able to obtain the bond
coverage of the original permittee may continue coal mining and
reclamation operations according to the approved mining and
reclamation plan of the original permittee until the successor's
application is granted or denied.

(3) A permit shall terminate if the permittee has not
commenced the coal mining operations covered by the permit within
three years after the issuance of the permit, except that the
chief may grant reasonable extensions of the time upon a showing
that the extensions are necessary by reason of litigation
precluding the commencement or threatening substantial economic
loss to the permittee or by reason of conditions beyond the
control and without the fault or negligence of the permittee, and
except that with respect to coal to be mined for use in a
synthetic fuel facility or specified major electric generating
facility, the permittee shall be deemed to have commenced coal
mining operations at the time construction of the synthetic fuel
or generating facility is initiated.

(4)(a) Any permit issued pursuant to this chapter shall carry
with it the right of successive renewal upon expiration with
respect to areas within the boundaries of the permit. The holders
of the permit may apply for renewal and the renewal shall be
issued unless the chief determines by written findings, subsequent
to fulfillment of the public notice requirements of this section
and section 1513.071 of the Revised Code through demonstrations by
opponents of renewal or otherwise, that one or more of the
following circumstances exists:

(i) The terms and conditions of the existing permit are not
being satisfactorily met;

(ii) The present coal mining and reclamation operation is not 3702
in compliance with the environmental protection standards of this 3703
chapter; 3704

(iii) The renewal requested substantially jeopardizes the 3705
operator's continuing responsibilities on existing permit areas; 3706

(iv) The applicant has not provided evidence that the 3707
performance bond in effect for the operation will continue in 3708
effect for any renewal requested in the application; 3709

(v) Any additional, revised, or updated information required 3710
by the chief has not been provided. Prior to the approval of any 3711
renewal of a permit, the chief shall provide notice to the 3712
appropriate public authorities as prescribed by rule of the chief. 3713

(b) If an application for renewal of a valid permit includes 3714
a proposal to extend the mining operation beyond the boundaries 3715
authorized in the existing permit, the portion of the application 3716
for renewal of a valid permit that addresses any new land areas 3717
shall be subject to the full standards applicable to new 3718
applications under this chapter. 3719

(c) A permit renewal shall be for a term not to exceed the 3720
period of the original permit established by this chapter. 3721
Application for permit renewal shall be made at least one hundred 3722
twenty days prior to the expiration of the valid permit. 3723

(5) A permit issued pursuant to this chapter does not 3724
eliminate the requirements for obtaining a permit to install or 3725
modify a disposal system or any part thereof or to discharge 3726
sewage, industrial waste, or other wastes into the waters of the 3727
state in accordance with Chapter 6111. of the Revised Code. 3728

(B)(1) Each application for a coal mining and reclamation 3729
permit or renewal of such a permit shall be accompanied by a 3730
permit or renewal fee in an amount equal to the product of 3731

seventy-five dollars multiplied by the number of acres, estimated 3732
in the application, that will comprise the area of land to be 3733
affected within the permit or renewal period by the coal mining 3734
operation for which the permit or renewal is requested. 3735

(2) The permit application shall be submitted in a manner 3736
satisfactory to the chief and shall contain, among other things, 3737
all of the following: 3738

(a) The names and addresses of all of the following: 3739

(i) The permit applicant; 3740

(ii) Every legal owner of record of the property, surface and 3741
mineral, to be mined; 3742

(iii) The holders of record of any leasehold interest in the 3743
property; 3744

(iv) Any purchaser of record of the property under a real 3745
estate contract; 3746

(v) The operator if different from the applicant; 3747

(vi) If any of these are business entities other than a 3748
single proprietor, the names and addresses of the principals, 3749
officers, and statutory agent for service of process. 3750

(b) The names and addresses of the owners of record of all 3751
surface and subsurface areas adjacent to any part of the permit 3752
area; 3753

(c) A statement of any current or previous coal mining 3754
permits in the United States held by the applicant, the permit 3755
identification, and any pending applications; 3756

(d) If the applicant is a partnership, corporation, 3757
association, or other business entity, the following where 3758
applicable: the names and addresses of every officer, partner, 3759
director, or person performing a function similar to a director, 3760

of the applicant, the name and address of any person owning, of 3761
record, ten per cent or more of any class of voting stock of the 3762
applicant, a list of all names under which the applicant, partner, 3763
or principal shareholder previously operated a coal mining 3764
operation within the United States within the five-year period 3765
preceding the date of submission of the application, and a list of 3766
the person or persons primarily responsible for ensuring that the 3767
applicant complies with the requirements of this chapter and rules 3768
adopted pursuant thereto while mining and reclaiming under the 3769
permit; 3770

(e) A statement of whether the applicant, any subsidiary, 3771
affiliate, or persons controlled by or under common control with 3772
the applicant, any partner if the applicant is a partnership, any 3773
officer, principal shareholder, or director if the applicant is a 3774
corporation, or any other person who has a right to control or in 3775
fact controls the management of the applicant or the selection of 3776
officers, directors, or managers of the applicant: 3777

(i) Has ever held a federal or state coal mining permit that 3778
in the five-year period prior to the date of submission of the 3779
application has been suspended or revoked or has had a coal mining 3780
bond or similar security deposited in lieu of bond forfeited and, 3781
if so, a brief explanation of the facts involved; 3782

(ii) Has been an officer, partner, director, principal 3783
shareholder, or person having the right to control or has in fact 3784
controlled the management of or the selection of officers, 3785
directors, or managers of a business entity that has had a coal 3786
mining or surface mining permit that in the five-year period prior 3787
to the date of submission of the application has been suspended or 3788
revoked or has had a coal mining or surface mining bond or similar 3789
security deposited in lieu of bond forfeited and, if so, a brief 3790
explanation of the facts involved. 3791

(f) A copy of the applicant's advertisement to be published 3792
in a newspaper of general circulation in the locality of the 3793
proposed site at least once a week for four successive weeks, 3794
which shall include the ownership of the proposed mine, a 3795
description of the exact location and boundaries of the proposed 3796
site sufficient to make the proposed operation readily 3797
identifiable by local residents, and the location where the 3798
application is available for public inspection; 3799

(g) A description of the type and method of coal mining 3800
operation that exists or is proposed, the engineering techniques 3801
proposed or used, and the equipment used or proposed to be used; 3802

(h) The anticipated or actual starting and termination dates 3803
of each phase of the mining operation and number of acres of land 3804
to be affected; 3805

(i) An accurate map or plan, to an appropriate scale, clearly 3806
showing the land to be affected and the land upon which the 3807
applicant has the legal right to enter and commence coal mining 3808
operations, copies of those documents upon which is based the 3809
applicant's legal right to enter and commence coal mining 3810
operations, and a statement whether that right is the subject of 3811
pending litigation. This chapter does not authorize the chief to 3812
adjudicate property title disputes. 3813

(j) The name of the watershed and location of the surface 3814
stream or tributary into which drainage from the operation will be 3815
discharged; 3816

(k) A determination of the probable hydrologic consequences 3817
of the mining and reclamation operations, both on and off the mine 3818
site, with respect to the hydrologic regime, providing information 3819
on the quantity and quality of water in surface and ground water 3820
systems including the dissolved and suspended solids under 3821
seasonal flow conditions and the collection of sufficient data for 3822

the mine site and surrounding areas so that an assessment can be
made by the chief of the probable cumulative impacts of all
anticipated mining in the area upon the hydrology of the area and
particularly upon water availability, but this determination shall
not be required until hydrologic information of the general area
prior to mining is made available from an appropriate federal or
state agency; however, the permit shall not be approved until the
information is available and is incorporated into the application;

(l) When requested by the chief, the climatological factors
that are peculiar to the locality of the land to be affected,
including the average seasonal precipitation, the average
direction and velocity of prevailing winds, and the seasonal
temperature ranges;

(m) Accurate maps prepared by or under the direction of and
certified by a qualified registered professional engineer,
registered surveyor, or licensed landscape architect to an
appropriate scale clearly showing all types of information set
forth on topographical maps of the United States geological survey
of a scale of not more than four hundred feet to the inch,
including all ~~man-made~~ artificial features and significant known
archeological sites. The map, among other things specified by the
chief, shall show all boundaries of the land to be affected, the
boundary lines and names of present owners of record of all
surface areas abutting the permit area, and the location of all
buildings within one thousand feet of the permit area.

(n)(i) Cross-section maps or plans of the land to be affected
including the actual area to be mined, prepared by or under the
direction of and certified by a qualified registered professional
engineer or certified professional geologist with assistance from
experts in related fields such as hydrology, hydrogeology,
geology, and landscape architecture, showing pertinent elevations
and locations of test borings or core samplings and depicting the

following information: the nature and depth of the various strata
of overburden; the nature and thickness of any coal or rider seam
above the coal seam to be mined; the nature of the stratum
immediately beneath the coal seam to be mined; all mineral crop
lines and the strike and dip of the coal to be mined within the
area to be affected; existing or previous coal mining limits; the
location and extent of known workings of any underground mines,
including mine openings to the surface; the location of spoil,
waste, or refuse areas and topsoil preservation areas; the
location of all impoundments for waste or erosion control; any
settling or water treatment facility; constructed or natural
drainways and the location of any discharges to any surface body
of water on the land to be affected or adjacent thereto; profiles
at appropriate cross sections of the anticipated final surface
configuration that will be achieved pursuant to the operator's
proposed reclamation plan; the location of subsurface water, if
encountered; the location and quality of aquifers; and the
estimated elevation of the water table. Registered surveyors shall
be allowed to perform all plans, maps, and certifications under
this chapter as they are authorized under Chapter 4733. of the
Revised Code.

(ii) A statement of the quality and locations of subsurface
water. The chief shall provide by rule the number of locations to
be sampled, frequency of collection, and parameters to be analyzed
to obtain the statement required.

(o) A statement of the results of test borings or core
samplings from the permit area, including logs of the drill holes,
the thickness of the coal seam found, an analysis of the chemical
properties of the coal, the sulfur content of any coal seam,
chemical analysis of potentially acid or toxic forming sections of
the overburden, and chemical analysis of the stratum lying
immediately underneath the coal to be mined, except that this

division may be waived by the chief with respect to the specific 3887
application by a written determination that its requirements are 3888
unnecessary; 3889

(p) For those lands in the permit application ~~which~~ that a 3890
reconnaissance inspection suggests may be prime farmlands, a soil 3891
survey shall be made or obtained according to standards 3892
established by the secretary of the United States department of 3893
agriculture in order to confirm the exact location of the prime 3894
farmlands, if any; 3895

(q) A certificate issued by an insurance company authorized 3896
to do business in this state certifying that the applicant has a 3897
public liability insurance policy in force for the coal mining and 3898
reclamation operations for which the permit is sought or evidence 3899
that the applicant has satisfied other state self-insurance 3900
requirements. The policy shall provide for personal injury and 3901
property damage protection in an amount adequate to compensate any 3902
persons damaged as a result of coal mining and reclamation 3903
operations, including the use of explosives, and entitled to 3904
compensation under the applicable provisions of state law. The 3905
policy shall be maintained in effect during the term of the permit 3906
or any renewal, including the length of all reclamation 3907
operations. The insurance company shall give prompt notice to the 3908
permittee and the chief if the public liability insurance policy 3909
lapses for any reason including the nonpayment of insurance 3910
premiums. Upon the lapse of the policy, the chief may suspend the 3911
permit and all other outstanding permits until proper insurance 3912
coverage is obtained. 3913

(r) The business telephone number of the applicant; 3914

(s) If the applicant seeks an authorization under division 3915
(E)(7) of this section to conduct coal mining and reclamation 3916
operations on areas to be covered by the permit that were affected 3917

by coal mining operations before August 3, 1977, that have 3918
resulted in continuing water pollution from or on the previously 3919
mined areas, such additional information pertaining to those 3920
previously mined areas as may be required by the chief, including, 3921
without limitation, maps, plans, cross sections, data necessary to 3922
determine existing water quality from or on those areas with 3923
respect to pH, iron, and manganese, and a pollution abatement plan 3924
that may improve water quality from or on those areas with respect 3925
to pH, iron, and manganese. 3926

(3) Information pertaining to coal seams, test borings, core 3927
samplings, or soil samples as required by this section shall be 3928
made available by the chief to any person with an interest that is 3929
or may be adversely affected, except that information that 3930
pertains only to the analysis of the chemical and physical 3931
properties of the coal, excluding information regarding mineral or 3932
elemental content that is potentially toxic in the environment, 3933
shall be kept confidential and not made a matter of public record. 3934

(4)(a) If the chief finds that the probable total annual 3935
production at all locations of any operator will not exceed three 3936
hundred thousand tons, the following activities, upon the written 3937
request of the operator in connection with a permit application, 3938
shall be performed by a qualified public or private laboratory or 3939
another public or private qualified entity designated by the 3940
chief, and the cost of the activities shall be assumed by the 3941
chief, provided that sufficient moneys for such assistance are 3942
available: 3943

(i) The determination of probable hydrologic consequences 3944
required under division (B)(2)(k) of this section; 3945

(ii) The development of cross-section maps and plans required 3946
under division (B)(2)(n)(i) of this section; 3947

(iii) The geologic drilling and statement of results of test 3948

borings and core samplings required under division (B)(2)(o) of this section;	3949 3950
(iv) The collection of archaeological information required under division (B)(2)(m) of this section and any other archaeological and historical information required by the chief, and the preparation of plans necessitated thereby;	3951 3952 3953 3954
(v) Pre-blast surveys required under division (E) of section 1513.161 of the Revised Code;	3955 3956
(vi) The collection of site-specific resource information and production of protection and enhancement plans for fish and wildlife habitats and other environmental values required by the chief under this chapter.	3957 3958 3959 3960
(b) A coal operator that has received assistance under division (B)(4)(a) of this section shall reimburse the chief for the cost of the services rendered if the chief finds that the operator's actual and attributed annual production of coal for all locations exceeds three hundred thousand tons during the twelve months immediately following the date on which the operator was issued a coal mining and reclamation permit.	3961 3962 3963 3964 3965 3966 3967
(5) Each applicant for a permit shall submit to the chief as part of the permit application a reclamation plan that meets the requirements of this chapter.	3968 3969 3970
(6) Each applicant for a coal mining and reclamation permit shall file a copy of the application for a permit, excluding that information pertaining to the coal seam itself, for public inspection with the county recorder or an appropriate public office approved by the chief in the county where the mining is proposed to occur.	3971 3972 3973 3974 3975 3976
(7) Each applicant for a coal mining and reclamation permit shall submit to the chief as part of the permit application a	3977 3978

blasting plan that describes the procedures and standards by which 3979
the operator will ~~meet the provisions of~~ comply with section 3980
1513.161 of the Revised Code. 3981

(C) Each reclamation plan submitted as part of a permit 3982
application shall include, in the detail necessary to demonstrate 3983
that reclamation required by this chapter can be accomplished, a 3984
statement of: 3985

(1) The identification of the lands subject to coal mining 3986
operations over the estimated life of those operations and the 3987
size, sequence, and timing of the subareas for which it is 3988
anticipated that individual permits for mining will be sought; 3989

(2) The condition of the land to be covered by the permit 3990
prior to any mining including all of the following: 3991

(a) The uses existing at the time of the application and, if 3992
the land has a history of previous mining, the uses that preceded 3993
any mining; 3994

(b) The capability of the land prior to any mining to support 3995
a variety of uses, giving consideration to soil and foundation 3996
characteristics, topography, and vegetative cover and, if 3997
applicable, a soil survey prepared pursuant to division (B)(2)(p) 3998
of this section; 3999

(c) The productivity of the land prior to mining, including 4000
appropriate classification as prime farmlands as well as the 4001
average yield of food, fiber, forage, or wood products obtained 4002
from the land under high levels of management. 4003

(3) The use that is proposed to be made of the land following 4004
reclamation, including information regarding the utility and 4005
capacity of the reclaimed land to support a variety of alternative 4006
uses, the relationship of the proposed use to existing land use 4007
policies and plans, and the comments of any owner of the land and 4008

state and local governments or agencies thereof that would have to
initiate, implement, approve, or authorize the proposed use of the
land following reclamation;

(4) A detailed description of how the proposed postmining
land use is to be achieved and the necessary support activities
that may be needed to achieve the proposed land use;

(5) The engineering techniques proposed to be used in mining
and reclamation and a description of the major equipment; a plan
for the control of surface water drainage and of water
accumulation; a plan, where appropriate, for backfilling, soil
stabilization, and compacting, grading, and appropriate
revegetation; a plan for soil reconstruction, replacement, and
stabilization, pursuant to the performance standards in section
1513.16 of the Revised Code, for those food, forage, and forest
lands identified in that section; and an estimate of the cost per
acre of the reclamation, including a statement as to how the
permittee plans to comply with each of the requirements set out in
section 1513.16 of the Revised Code;

(6) A description of the means by which the utilization and
conservation of the solid fuel resource being recovered will be
maximized so that re-affecting the land in the future can be
minimized;

(7) A detailed estimated timetable for the accomplishment of
each major step in the reclamation plan;

(8) A description of the degree to which the coal mining and
reclamation operations are consistent with surface owner plans and
applicable state and local land use plans and programs;

(9) The steps to be taken to comply with applicable air and
water quality laws and regulations and any applicable health and
safety standards;

(10) A description of the degree to which the reclamation plan is consistent with local physical, environmental, and climatological conditions;

(11) A description of all lands, interests in lands, or options on such interests held by the applicant or pending bids on interests in lands by the applicant, which lands are contiguous to the area to be covered by the permit;

(12) The results of test borings that the applicant has made at the area to be covered by the permit, or other equivalent information and data in a form satisfactory to the chief, including the location of subsurface water, and an analysis of the chemical properties, including acid forming properties of the mineral and overburden; except that information that pertains only to the analysis of the chemical and physical properties of the coal, excluding information regarding mineral or elemental contents that are potentially toxic in the environment, shall be kept confidential and not made a matter of public record;

(13) A detailed description of the measures to be taken during the mining and reclamation process to ensure the protection of all of the following:

(a) The quality of surface and ground water systems, both on- and off-site, from adverse effects of the mining and reclamation process;

(b) The rights of present users to such water;

(c) The quantity of surface and ground water systems, both on- and off-site, from adverse effects of the mining and reclamation process or, where such protection of quantity cannot be assured, provision of alternative sources of water.

(14) Any other requirements the chief prescribes by rule.

(D)(1) Any information required by division (C) of this

section that is not on public file pursuant to this chapter shall 4069
be held in confidence by the chief. 4070

(2) With regard to requests for an exemption from the 4071
requirements of this chapter for coal extraction incidental to the 4072
extraction of other minerals, as described in division (H)(1)(a) 4073
of section 1513.01 of the Revised Code, confidential information 4074
includes and is limited to information concerning trade secrets or 4075
privileged commercial or financial information relating to the 4076
competitive rights of the persons intending to conduct the 4077
extraction of minerals. 4078

(E)(1) Upon the basis of a complete mining application and 4079
reclamation plan or a revision or renewal thereof, as required by 4080
this chapter, and information obtained as a result of public 4081
notification and public hearing, if any, as provided by section 4082
1513.071 of the Revised Code, the chief shall grant, require 4083
modification of, or deny the application for a permit in a 4084
reasonable time set by the chief and notify the applicant in 4085
writing. The applicant for a permit or revision of a permit has 4086
the burden of establishing that the application is in compliance 4087
with all the requirements of this chapter. Within ten days after 4088
the granting of a permit, the chief shall notify the boards of 4089
township trustees and county commissioners, the mayor, and the 4090
legislative authority in the township, county, and municipal 4091
corporation in which the area of land to be affected is located 4092
that a permit has been issued and shall describe the location of 4093
the land. However, failure of the chief to notify the local 4094
officials shall not affect the status of the permit. 4095

(2) No permit application or application for revision of an 4096
existing permit shall be approved unless the application 4097
affirmatively demonstrates and the chief finds in writing on the 4098
basis of the information set forth in the application or from 4099
information otherwise available, which ~~will~~ shall be documented in 4100

the approval and made available to the applicant, all of the 4101
following: 4102

(a) The application is accurate and complete and ~~that~~ all the 4103
requirements of this chapter have been complied with~~+~~. 4104

(b) The applicant has demonstrated that the reclamation 4105
required by this chapter can be accomplished under the reclamation 4106
plan contained in the application~~+~~. 4107

(c)(i) Assessment of the probable cumulative impact of all 4108
anticipated mining in the general and adjacent area on the 4109
hydrologic balance specified in division (B)(2)(k) of this section 4110
has been made by the chief, and the proposed operation has been 4111
designed to prevent material damage to hydrologic balance outside 4112
the permit area~~+~~. 4113

(ii) There shall be an ongoing process conducted by the chief 4114
in cooperation with other state and federal agencies to review all 4115
assessments of probable cumulative impact of coal mining in light 4116
of post-mining data and any other hydrologic information as it 4117
becomes available to determine if the assessments were realistic. 4118
The chief shall take appropriate action as indicated in the review 4119
process. 4120

(d) The area proposed to be mined is not included within an 4121
area designated unsuitable for coal mining pursuant to section 4122
1513.073 of the Revised Code or is not within an area under study 4123
for such designation in an administrative proceeding commenced 4124
pursuant to division (A)(3)(c) or (B) of section 1513.073 of the 4125
Revised Code unless in an area as to which an administrative 4126
proceeding has commenced pursuant to division (A)(3)(c) or (B) of 4127
section 1513.073 of the Revised Code, the operator making the 4128
permit application demonstrates that, prior to January 1, 1977, 4129
the operator made substantial legal and financial commitments in 4130
relation to the operation for which a permit is sought~~+~~. 4131

(e) In cases where the private mineral estate has been severed from the private surface estate, the applicant has submitted to the chief one of the following:

(i) The written consent of the surface owner to the extraction of coal by strip mining methods;

(ii) A conveyance that expressly grants or reserves the right to extract the coal by strip mining methods;

(iii) If the conveyance does not expressly grant the right to extract coal by strip mining methods, the surface-subsurface legal relationship shall be determined under the law of this state. This chapter does not authorize the chief to adjudicate property rights disputes.

(3)(a) The applicant shall file with the permit application a schedule listing all notices of violations of any law, rule, or regulation of the United States or of any department or agency thereof or of any state pertaining to air or water environmental protection incurred by the applicant in connection with any coal mining operation during the three-year period prior to the date of application. The schedule also shall indicate the final resolution of such a notice of violation. Upon receipt of an application, the chief shall provide a schedule listing all notices of violations of this chapter pertaining to air or water environmental protection incurred by the applicant during the three-year period prior to receipt of the application and the final resolution of all such notices of violation. The chief shall provide this schedule to the applicant for filing by the applicant with the application filed for public review, as required by division (B)(6) of this section. When the schedule or other information available to the chief indicates that any coal mining operation owned or controlled by the applicant is currently in violation of such laws, the permit shall not be issued until the applicant

submits proof that the violation has been corrected or is in the
process of being corrected to the satisfaction of the regulatory
authority, department, or agency that has jurisdiction over the
violation and that any civil penalties owed to the state for a
violation and not the subject of an appeal have been paid. No
permit shall be issued to an applicant after a finding by the
chief that the applicant or the operator specified in the
application controls or has controlled mining operations with a
demonstrated pattern of willful violations of this chapter of a
nature and duration to result in irreparable damage to the
environment as to indicate an intent not to comply with or a
disregard of this chapter.

(b) ~~Until October 1, 2004, for~~ For the purposes of division
(E)(3)(a) of this section, any violation resulting from an
unanticipated event or condition at a surface coal mining
operation on lands eligible for remining under a permit held by
the person submitting an application for a coal mining permit
under this section shall not prevent issuance of that permit. As
used in this division, "unanticipated event or condition" means an
event or condition encountered in a remining operation that was
not contemplated by the applicable surface coal mining and
reclamation permit.

(4)(a) In addition to finding the application in compliance
with division (E)(2) of this section, if the area proposed to be
mined contains prime farmland as determined pursuant to division
(B)(2)(p) of this section, the chief, after consultation with the
secretary of the United States department of agriculture and
pursuant to regulations issued by the secretary of the interior
with the concurrence of the secretary of agriculture, may grant a
permit to mine on prime farmland if the chief finds in writing
that the operator has the technological capability to restore the
mined area, within a reasonable time, to equivalent or higher

levels of yield as nonmined prime farmland in the surrounding area 4195
under equivalent levels of management and can meet the soil 4196
reconstruction standards in section 1513.16 of the Revised Code. 4197

(b) Division (E)(4)(a) of this section does not apply to a 4198
permit issued prior to August 3, 1977, or revisions or renewals 4199
thereof. 4200

(5) The chief shall issue an order denying a permit after 4201
finding that the applicant has misrepresented or omitted any 4202
material fact in the application for the permit. 4203

(6) The chief may issue an order denying a permit after 4204
finding that the applicant, any partner, if the applicant is a 4205
partnership, any officer, principal shareholder, or director, if 4206
the applicant is a corporation, or any other person who has a 4207
right to control or in fact controls the management of the 4208
applicant or the selection of officers, directors, or managers of 4209
the applicant has been a sole proprietor or partner, officer, 4210
director, principal shareholder, or person having the right to 4211
control or has in fact controlled the management of or the 4212
selection of officers, directors, or managers of a business entity 4213
that ever has had a coal mining license or permit issued by this 4214
or any other state or the United States suspended or revoked, ever 4215
has forfeited a coal or surface mining bond or security deposited 4216
in lieu of bond in this or any other state or with the United 4217
States, or ever has substantially or materially failed to comply 4218
with this chapter. 4219

(7) When issuing a permit under this section, the chief may 4220
authorize an applicant to conduct coal mining and reclamation 4221
operations on areas to be covered by the permit that were affected 4222
by coal mining operations before August 3, 1977, that have 4223
resulted in continuing water pollution from or on the previously 4224
mined areas for the purpose of potentially reducing the pollution 4225

loadings of pH, iron, and manganese from discharges from or on the 4226
previously mined areas. Following the chief's authorization to 4227
conduct such operations on those areas, the areas shall be 4228
designated as pollution abatement areas for the purposes of this 4229
chapter. 4230

The chief shall not grant an authorization under division 4231
(E)(7) of this section to conduct coal mining and reclamation 4232
operations on any such previously mined areas unless the applicant 4233
demonstrates to the chief's satisfaction that all of the following 4234
conditions are met: 4235

(a) The applicant's pollution abatement plan for mining and 4236
reclaiming the previously mined areas represents the best 4237
available technology economically achievable; 4238

(b) Implementation of the plan will potentially reduce 4239
pollutant loadings of pH, iron, and manganese resulting from 4240
discharges of surface waters or ground water from or on the 4241
previously mined areas within the permit area; 4242

(c) Implementation of the plan will not cause any additional 4243
degradation of surface water quality off the permit area with 4244
respect to pH, iron, and manganese; 4245

(d) Implementation of the plan will not cause any additional 4246
degradation of ground water; 4247

(e) The plan meets the requirements governing mining and 4248
reclamation of such previously mined pollution abatement areas 4249
established by the chief in rules adopted under section 1513.02 of 4250
the Revised Code; 4251

(f) Neither the applicant; any partner, if the applicant is a 4252
partnership; any officer, principal shareholder, or director, if 4253
the applicant is a corporation; any other person who has a right 4254
to control or in fact controls the management of the applicant or 4255

the selection of officers, directors, or managers of the 4256
applicant; nor any contractor or subcontractor of the applicant, 4257
has any of the following: 4258

(i) Responsibility or liability under this chapter or rules 4259
adopted under it as an operator for treating the discharges of 4260
water pollutants from or on the previously mined areas for which 4261
the authorization is sought; 4262

(ii) Any responsibility or liability under this chapter or 4263
rules adopted under it for reclaiming the previously mined areas 4264
for which the authorization is sought; 4265

(iii) During the eighteen months prior to submitting the 4266
permit application requesting an authorization under division 4267
(E)(7) of this section, had a coal mining and reclamation permit 4268
suspended or revoked under division (D)(3) of section 1513.02 of 4269
the Revised Code for violating this chapter or Chapter 6111. of 4270
the Revised Code or rules adopted under them with respect to water 4271
quality, effluent limitations, or surface or ground water 4272
monitoring; 4273

(iv) Ever forfeited a coal or surface mining bond or security 4274
deposited in lieu of a bond in this or any other state or with the 4275
United States. 4276

(F)(1) During the term of the permit, the permittee may 4277
submit an application for a revision of the permit, together with 4278
a revised reclamation plan, to the chief. 4279

(2) An application for a revision of a permit shall not be 4280
approved unless the chief finds that reclamation required by this 4281
chapter can be accomplished under the revised reclamation plan. 4282
The revision shall be approved or disapproved within ninety days 4283
after receipt of a complete revision application. The chief shall 4284
establish, by rule, criteria for determining the extent to which 4285
all permit application information requirements and procedures, 4286

including notice and hearings, shall apply to the revision 4287
request, except that any revisions that propose significant 4288
alterations in the reclamation plan, at a minimum, shall be 4289
subject to notice and hearing requirements. 4290

(3) Any extensions to the area covered by the permit except 4291
incidental boundary revisions shall be made by application for a 4292
permit. 4293

(G) No transfer, assignment, or sale of the rights granted 4294
under a permit issued pursuant to this chapter shall be made 4295
without the written approval of the chief. 4296

(H) The chief, within a time limit prescribed in the chief's 4297
rules, shall review outstanding permits and may require reasonable 4298
revision or modification of a permit. A revision or modification 4299
shall be based upon a written finding and subject to notice and 4300
hearing requirements established by rule of the chief. 4301

(I)(1) If an informal conference has been held pursuant to 4302
section 1513.071 of the Revised Code, the chief shall issue and 4303
furnish the applicant for a permit, persons who participated in 4304
the informal conference, and persons who filed written objections 4305
pursuant to division (B) of section 1513.071 of the Revised Code, 4306
with the written finding of the chief granting or denying the 4307
permit in whole or in part and stating the reasons therefor within 4308
sixty days of the conference. 4309

(2) If there has been no informal conference held pursuant to 4310
section 1513.071 of the Revised Code, the chief shall notify the 4311
applicant for a permit within a reasonable time as provided by 4312
rule of the chief, taking into account the time needed for proper 4313
investigation of the site, the complexity of the permit 4314
application, whether or not a written objection to the application 4315
has been filed, and whether the application has been approved or 4316
disapproved in whole or in part. 4317

(3) If the application is approved, the permit shall be 4318
issued. If the application is disapproved, specific reasons 4319
therefor shall be set forth in the notification. Within thirty 4320
days after the applicant is notified of the final decision of the 4321
chief on the permit application, the applicant or any person with 4322
an interest that is or may be adversely affected may appeal the 4323
decision to the reclamation commission pursuant to section 1513.13 4324
of the Revised Code. 4325

(4) Any applicant or any person with an interest that is or 4326
may be adversely affected who has participated in the 4327
administrative proceedings as an objector and is aggrieved by the 4328
decision of the reclamation commission, or if the commission fails 4329
to act within the time limits specified in this chapter, may 4330
appeal in accordance with section 1513.14 of the Revised Code. 4331

Sec. 1513.072. (A) Coal exploration operations that 4332
substantially disturb the natural land surface shall be conducted 4333
in accordance with exploration rules adopted by the chief of the 4334
division of ~~mines and reclamation~~ mineral resources management. 4335
The rules shall include, at a minimum: 4336

(1) The requirement that prior to conducting any exploration 4337
under this section, any person shall file with the chief notice of 4338
intention to explore, which shall include a description of the 4339
exploration area and period of proposed exploration; 4340

(2) Provisions for reclamation in accordance with the 4341
performance standards in section 1513.16 of the Revised Code of 4342
all lands disturbed in exploration, including excavations, roads, 4343
drill holes, and the removal of necessary facilities and 4344
equipment. 4345

(B) Information submitted to the chief pursuant to this 4346
section as confidential concerning trade secrets or privileged 4347

commercial or financial information that relates to the 4348
competitive rights of the person or entity intending to explore 4349
the described area shall not be available for public examination. 4350

(C) A person who conducts any coal exploration activities 4351
that substantially disturb the natural land surface in violation 4352
of this section or rules ~~issued~~ adopted pursuant thereto is 4353
subject to division ~~(F)~~(E) of section 1513.02 of the Revised Code. 4354

(D) No person shall remove more than two hundred fifty tons 4355
of coal pursuant to an exploration permit without the specific 4356
written approval of the chief. 4357

Sec. 1513.073. (A)(1) Upon petition pursuant to division (B) 4358
of this section, the chief of the division of ~~mines and~~ 4359
~~reclamation~~ mineral resources management shall designate an area 4360
as unsuitable for all or certain types of coal mining operations 4361
if the chief determines that reclamation pursuant to the 4362
requirements of this chapter is not technologically and 4363
economically feasible. 4364

(2) Upon petition pursuant to division (B) of this section, a 4365
surface area may be designated unsuitable for all or certain types 4366
of coal mining operations if the operations will: 4367

(a) Be incompatible with existing state or local land use 4368
plans or programs; 4369

(b) Affect fragile or historic lands in which the operations 4370
could result in significant damage to important historic, 4371
cultural, scientific, and esthetic values and natural systems; 4372

(c) Affect renewable resource lands in which the operations 4373
could result in a substantial loss or reduction of long-range 4374
productivity of water supply or of food or fiber products, or 4375
aquifers and aquifer recharge areas; 4376

(d) Affect natural hazard lands in which the operations could 4377

substantially endanger life and property, such lands to include 4378
areas subject to frequent flooding and areas of unstable geology. 4379
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(3) The chief shall develop the following: 4381

(a) A data base and an inventory system that will permit 4382
proper evaluation of the capacity of different land areas of the 4383
state to support and permit reclamation of coal mining operations; 4384

(b) A method or methods for implementing land use planning 4385
decisions concerning coal mining operations; 4386

(c) Procedures for proper notice and opportunities for public 4387
participation, including a public meeting prior to making any 4388
designation or redesignation, pursuant to this section. 4389

(4) Determinations of the unsuitability of land for coal 4390
mining, as provided for in this section, shall be integrated as 4391
closely as possible with present and future land use planning and 4392
regulation processes at the federal, state, and local levels. 4393

(5) The requirements of this section ~~shall do~~ not apply to 4394
lands on which coal mining operations were being conducted on 4395
August 3, 1977, or under a permit issued pursuant to ~~Chapter 1513,~~ 4396
~~of the Revised Code~~ this chapter, or where substantial legal and 4397
financial commitments in the operation were in existence prior to 4398
January 4, 1977. 4399

(B) A person having an interest that is or may be adversely 4400
affected may petition the chief to have an area designated as 4401
unsuitable for coal mining operations or to have such a 4402
designation terminated. The petition shall contain allegations of 4403
facts with supporting evidence that would tend to establish the 4404
allegations. The chief shall hold a public meeting in the locality 4405
of the affected area, after appropriate notice and publication of 4406
the date, time, and location of the meeting within ninety days 4407
after receipt of the petition, provided that the chief may extend 4408

the time for holding the meeting an additional two hundred ten 4409
days when, in ~~his~~ the chief's judgment, such additional time is 4410
needed for adequate review of the petition. Any person may appear 4411
at the meeting and present a statement or evidence regarding the 4412
petition. Within sixty days after the meeting, the chief shall 4413
issue and furnish to the petitioner and any other participant at 4414
the meeting a written decision regarding the petition, and the 4415
reasons therefor. 4416

(C) Prior to designating any land areas as unsuitable for 4417
coal mining operations or terminating previous determinations of 4418
unsuitability, the chief shall prepare a detailed statement on: 4419

(1) The potential coal resources of the area; 4420

(2) The demand for coal resources; 4421

(3) The impact of the designation on the environment, the 4422
economy, and the supply of coal. 4423

(D) After August 3, 1977, and subject to valid existing 4424
rights, no coal mining operations except those that existed on 4425
August 3, 1977, shall be permitted: 4426

(1) On any lands within the boundaries of units of the 4427
national park system, the national wildlife refuge systems, the 4428
national system of trails, the national wilderness preservation 4429
system, the wild and scenic rivers system, including study rivers 4430
designated under section 5(a) of the "Wild and Scenic Rivers Act," 4431
82 Stat. 906 (1968), 16 U.S.C.A. 1274, and national recreation 4432
areas designated by act of congress; 4433

(2) On any federal lands within the boundaries of any 4434
national forest unless approval is granted by the secretary of the 4435
United States department of the interior; 4436

(3) That will adversely affect any publicly owned park or any 4437
places included in the national register of historic sites unless 4438

approved jointly by the chief and the federal, state, or local agency with jurisdiction over the park or the historic site;

(4) Within one hundred feet of the outside right-of-way line of any public road, except where mine access roads or haulage roads join such right-of-way line and except that the chief may permit the roads to be relocated or the area affected to lie within one hundred feet of such road if after public notice and opportunity for public meeting in the locality of the affected area a written finding is made that the interests of the public and the landowners affected thereby will be protected;

(5) Within three hundred feet from any occupied dwelling, unless waived by the owner thereof, nor within three hundred feet of any public building, school, church, community, or institutional building, or public park, nor within one hundred feet of a cemetery.

Sec. 1513.08. (A) After a coal mining and reclamation permit application has been approved, but before the permit is issued, the applicant shall file with the chief of the division of ~~mines and reclamation~~ mineral resources management, on a form prescribed and furnished by the chief, a bond for performance payable, as appropriate, to the state and conditioned upon faithful performance of all the requirements of this chapter and the permit. The bond shall be in the amount of twenty-five hundred dollars times the number of acres of land upon which the operator states in ~~his~~ the application for a permit ~~he~~ the operator will initiate and conduct coal mining and reclamation operations within the initial term of the permit. The minimum amount of a bond shall be ten thousand dollars. The bond shall cover areas of land affected by mining within or immediately adjacent to the permitted area, so long as the total number of acres does not exceed the number of acres bonded. However, the authority for bond to cover

areas of land immediately adjacent to the permitted area does not 4470
authorize a permittee to mine areas outside an approved permit 4471
area. As succeeding increments of coal mining and reclamation 4472
operations are to be initiated and conducted within the permit 4473
area, the permittee shall file with the chief an additional bond 4474
or bonds to cover the increments in accordance with this section. 4475
In the event of forfeiture of a bond, if the bond is insufficient 4476
to complete the reclamation, the chief shall complete the 4477
reclamation in accordance with section 1513.18 of the Revised Code 4478
using funds from the reclamation ~~supplemental~~ forfeiture fund 4479
created in that section. 4480

(B) Liability under the bond shall be for the duration of the 4481
coal mining and reclamation operation and for a period coincident 4482
with the operator's responsibility for revegetation requirements 4483
under section 1513.16 of the Revised Code. The bond shall be 4484
executed by the operator and a corporate surety licensed to do 4485
business in this state, except that the operator may elect to 4486
deposit cash, negotiable bonds of the United States or this state, 4487
or negotiable certificates of deposit of any bank or savings and 4488
loan association organized or transacting business in the United 4489
States. The cash deposit or market value of the securities shall 4490
be equal to or greater than the amount of the bond required for 4491
the bonded area. 4492

(C) The chief may accept the bond of the applicant itself 4493
without separate surety when the applicant demonstrates to the 4494
satisfaction of the chief the existence of a suitable agent to 4495
receive service of process and a history of financial solvency and 4496
continuous operation sufficient for authorization to self-insure 4497
or bond the amount. 4498

(D) Cash or securities so deposited shall be deposited upon 4499
the same terms as the terms upon which surety bonds may be 4500

deposited. The securities shall be security for the repayment of
the negotiable certificate of deposit.

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(E) The amount of the bond or deposit required and the terms
of each acceptance of the applicant's bond shall be adjusted by
the chief from time to time as affected land acreages are
increased or decreased.

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Sec. 1513.09. (A) The chief of the division of ~~mines and~~
~~reclamation~~ mineral resources management shall cause to be made
such inspections of any coal mining and reclamation operations as
~~he~~ the chief considers necessary. The chief and ~~his~~ authorized
representatives ~~shall~~ of the chief have a right of entry to, upon,
or through any area of land upon which coal mining and reclamation
operations are being conducted or upon which the chief or ~~his~~
authorized representative has reason to believe such operations
are being conducted for the purpose of performing such
inspections.

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(B) For the purpose of administration and enforcement of any
requirement of this chapter or in the administration and
enforcement of any permit under this chapter or of determining
whether any person is in violation of any requirement of this
chapter:

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(1) The chief shall require any permittee or operator to:

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(a) Establish and maintain appropriate records;

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(b) Make monthly reports to the chief;

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(c) Install, use, and maintain any necessary monitoring
equipment or methods;

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(d) Evaluate results in accordance with such methods, at such
locations, intervals, and in such manner as the chief shall
prescribe;

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(e) Provide such other information relative to coal mining 4530
and reclamation operations as the chief considers reasonable and 4531
necessary. 4532

(2) For those coal mining and reclamation operations that 4533
remove or disturb strata that serve as aquifers that significantly 4534
ensure the hydrologic balance of water use either on or off the 4535
mining site, the chief shall specify those: 4536

(a) Monitoring sites to record the quantity and quality of 4537
surface drainage above and below the minesite, as well as in the 4538
potential zone of influence; 4539

(b) Monitoring sites to record level, amount, and samples of 4540
ground water and aquifers potentially affected by the mining, 4541
including aquifers directly below the lower-most, deepest, coal 4542
seam to be mined; 4543

(c) Records of well logs and borehole data to be maintained; 4544

(d) Monitoring sites to record precipitation. 4545

The monitoring and data collection and analysis required by 4546
this section shall be conducted according to standards and 4547
procedures set forth, by rule, by the chief in order to assure 4548
their reliability and validity. 4549

(3) The authorized representatives of the chief, without 4550
advance notice and upon presentation of appropriate credentials: 4551

(a) May enter into, upon, or through any coal mining and 4552
reclamation operations, any premises upon which the authorized 4553
representatives have a reasonable belief that such operations are 4554
being conducted, or any premises in which any records required to 4555
be maintained under division (B)(1) of this section are located; 4556

(b) May, during office hours, have access to and copy any 4557
records and at reasonable times, without delay, any monitoring 4558
equipment or method of operation required under this chapter. 4559

(C) The inspections by the chief or ~~his~~ an authorized representative of the chief shall: 4560
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(1) Occur on an irregular basis averaging not less than one partial inspection per month and one complete inspection per calendar quarter for the coal mining and reclamation operation covered by each permit; 4562
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(2) Occur without prior notice to the permittee or ~~his~~ the permittee's agents or employees, except for necessary onsite meetings with the permittee; 4566
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(3) Include the filing of inspection records adequate to enforce the requirements of and to carry out the terms and purposes of this chapter. 4569
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(D) Each permittee shall conspicuously maintain at the entrances to the coal mining and reclamation operations a clearly visible sign that sets forth the name, business address, and phone number of the permittee and the permit number of the coal mining and reclamation operations. 4572
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(E) Each ~~inspection officer~~ mineral resources inspector, upon detection of each violation of any requirement of ~~Chapter 1513. of the Revised Code~~ this chapter, shall immediately inform the operator in writing and shall report in writing any such violation to the chief. 4577
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(F) Copies of any records, reports, inspection material, or information obtained under this chapter by the chief shall be made available immediately to the public at central and sufficient locations in the county, multi-county, and state area of mining so that they are conveniently available to residents in the areas of mining. 4582
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(G)(1) A person who is or may be adversely affected by a coal mining operation may notify the chief or any representative of the 4588
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chief responsible for conducting the inspection, in writing, of 4590
any violation of this chapter that ~~he~~ the person has reason to 4591
believe exists at the mining site. The chief shall, by rule, 4592
establish procedures for informal review of any refusal by ~~his~~ an 4593
authorized representative to issue a notice of violation or order 4594
with respect to any such alleged violation. The chief shall 4595
furnish the persons requesting the review a written statement of 4596
the reasons for the chief's final disposition of the matter. 4597

(2) The chief shall also, by rule, establish procedures to 4598
ensure that adequate and complete inspections are made. Any person 4599
who is aggrieved or adversely affected may notify the chief of any 4600
failure to make such inspections, after which the chief shall 4601
determine whether adequate and complete inspections have been 4602
made. The chief shall furnish such persons a written statement of 4603
the reasons for the chief's determination that adequate and 4604
complete inspections have or have not been conducted. 4605

Sec. 1513.11. Every order of the chief of the division of 4606
~~mines and reclamation~~ mineral resources management or ~~his~~ an 4607
authorized representative of the chief affecting the rights, 4608
duties, or privileges of an operator or ~~his~~ the operator's surety 4609
or of an applicant for a license or permit shall be in writing and 4610
contain a finding of the facts upon which the order is based. 4611
Notice of the order shall be given by certified mail or personal 4612
service to the person whose rights, duties, or privileges are 4613
affected. 4614

Sec. 1513.13. (A)(1) A person having an interest that is or 4615
may be adversely affected by a finding or determination of the 4616
chief of the division of ~~mines and reclamation~~ mineral resources 4617
management made under section 1509.08, 1561.35, 1561.351, 1563.13, 4618
or 6111.044 of the Revised Code or an investigation made by the 4619

chief under section 1561.51 of the Revised Code may appeal to the 4620
mine examining board in accordance with those sections. Any other 4621
person having an interest that is or may be adversely affected by 4622
a notice of violation, order, or decision of the chief, other than 4623
a show cause order or an order that adopts a rule, or by any 4624
modification, vacation, or termination of such a notice, order, or 4625
decision, may appeal by filing a notice of appeal with the 4626
reclamation commission for review of the notice, order, or 4627
decision within thirty days after the notice, order, or decision 4628
is served upon the person or within thirty days after its 4629
modification, vacation, or termination and by filing a copy of the 4630
notice of appeal with the chief within three days after filing the 4631
notice of appeal with the commission. The notice of appeal shall 4632
contain a copy of the notice of violation, order, or decision 4633
complained of and the grounds upon which the appeal is based. The 4634
commission has exclusive original jurisdiction to hear and decide 4635
such appeals. The filing of a notice of appeal under division 4636
(A)(1) of this section does not operate as a stay of any order, 4637
notice of violation, or decision of the chief. 4638

(2) The permittee, the chief, and other interested persons 4639
shall be given written notice of the time and place of the hearing 4640
at least five days prior thereto. The hearing shall be of record. 4641

(3) Any person authorized under this section to appeal to the 4642
commission may request an informal review by the chief or the 4643
chief's designee by filing a written request with the chief within 4644
thirty days after a notice, order, decision, modification, 4645
vacation, or termination is served upon the person. Filing of the 4646
written request shall toll the time for appeal before the 4647
commission, but shall not operate as a stay of any order, notice 4648
of violation, or decision of the chief. The chief's determination 4649
of an informal review is appealable to the commission under this 4650
section. 4651

(B) The commission shall affirm the notice of violation, 4652
order, or decision of the chief unless the commission determines 4653
that it is arbitrary, capricious, or otherwise inconsistent with 4654
law; in that case the commission may modify the notice of 4655
violation, order, or decision or vacate it and remand it to the 4656
chief for further proceedings that the commission may direct. 4657

The commission shall conduct hearings and render decisions in 4658
a timely fashion, except that all of the following apply: 4659

(1) When the appeal concerns an order for the cessation of 4660
coal mining and reclamation operations issued pursuant to division 4661
(D)(1) or (2) of section 1513.02 of the Revised Code, the 4662
commission shall issue its written decision within thirty days 4663
after the receipt of the appeal unless temporary relief has been 4664
granted by the chairperson pursuant to division (C) of this 4665
section. 4666

(2) When the appeal concerns an application for a permit 4667
under division (I) of section 1513.07 of the Revised Code, the 4668
commission shall hold a hearing within thirty days after receipt 4669
of the notice of appeal and issue its decision within thirty days 4670
after the hearing. 4671

(3) When the appeal concerns a decision of the chief 4672
regarding release of bond under division (F) of section 1513.16 of 4673
the Revised Code, the commission shall hold a hearing within 4674
thirty days after receipt of the notice of appeal and issue its 4675
decision within sixty days after the hearing. 4676

(C) The chairperson of the commission, under conditions the 4677
chairperson prescribes, may grant temporary relief the chairperson 4678
considers appropriate pending final determination of an appeal if 4679
all of the following conditions are met: 4680

(1) All parties to the appeal have been notified and given an 4681
opportunity for a hearing to be held in the locality of the 4682

subject site on the request for temporary relief and the 4683
opportunity to be heard on the request. 4684

(2) The person requesting relief shows that there is a 4685
substantial likelihood that the person will prevail on the 4686
merits. 4687

(3) The relief will not adversely affect public health or 4688
safety or cause significant imminent environmental harm to land, 4689
air, or water resources. 4690

The chairperson shall issue a decision expeditiously, except 4691
that when the applicant requests relief from an order for the 4692
cessation of coal mining and reclamation operations issued 4693
pursuant to division (D)(1) or (2) of section 1513.02 of the 4694
Revised Code, the decision shall be issued within five days after 4695
its receipt. 4696

Any party to an appeal filed with the commission who is 4697
aggrieved or adversely affected by a decision of the chairperson 4698
to grant or deny temporary relief under this section may appeal 4699
that decision to the commission. The commission may confine its 4700
review to the record developed at the hearing before the 4701
chairperson. 4702

The appeal shall be filed with the commission within thirty 4703
days after the chairperson issues the decision on the request for 4704
temporary relief. The commission shall issue a decision as 4705
expeditiously as possible, except that when the appellant requests 4706
relief from an order for the cessation of coal mining and 4707
reclamation operations issued pursuant to division (D)(1) or (2) 4708
of section 1513.02 of the Revised Code, the decision of the 4709
commission shall be issued within five days after receipt of the 4710
notice of appeal. 4711

The commission shall affirm the decision of the chairperson 4712
granting or denying temporary relief unless it determines that the 4713

decision is arbitrary, capricious, or otherwise inconsistent with
law.

(D) Following the issuance of an order to show cause as to
why a permit should not be suspended or revoked pursuant to
division (D)(3) of section 1513.02 of the Revised Code, the chief
or a representative of the chief shall hold a public adjudicatory
hearing after giving written notice of the time, place, and date
thereof. The hearing shall be of record.

Within sixty days following the public hearing, the chief
shall issue and furnish to the permittee and all other parties to
the hearing a written decision, and the reasons therefor,
concerning suspension or revocation of the permit. If the chief
revokes the permit, the permittee immediately shall cease coal
mining operations on the permit area and shall complete
reclamation within a period specified by the chief, or the chief
shall declare as forfeited the performance bonds for the
operation.

(E)(1) Whenever an enforcement order or permit decision is
appealed under this section or any action is filed under division
(B) of section 1513.15 or 1513.39 of the Revised Code, at the
request of a prevailing party, a sum equal to the aggregate amount
of all costs and expenses, including attorney's fees, as
determined to have been necessary and reasonably incurred by the
prevailing party for or in connection with participation in the
enforcement proceedings before the commission, the court under
section 1513.15 of the Revised Code, or the chief under section
1513.39 of the Revised Code, may be awarded, as considered proper,
in accordance with divisions (E)(1)(a) to (c) of this section. In
no event shall attorney's fees awarded under this section exceed,
for the kind and quality of services, the prevailing market rates
at the time the services were furnished under division (A) of this
section. A party may be entitled to costs and expenses related

solely to the preparation, defense, and appeal of a petition for 4746
costs and expenses, provided that the costs and expenses are 4747
limited and proportionate to costs and expenses otherwise allowed 4748
under division (E) of this section. 4749

(a) A party, other than the permittee or the division of 4750
~~mines and reclamation~~ mineral resources management, shall file a 4751
petition, if any, for an award of costs and expenses, including 4752
attorney's fees, with the chief, who shall review the petition. If 4753
the chief finds that the party, other than the permittee or the 4754
division, prevailed in whole or in part, made a substantial 4755
contribution to a full and fair determination of the issues, and 4756
made a contribution separate and distinct from the contribution 4757
made by any other party, the chief may award to that party the 4758
party's costs and expenses, including attorney's fees that were 4759
necessary and reasonably incurred by the party for, or in 4760
connection with, participation in the proceeding before the 4761
commission. 4762

(b) If a permittee who made a request under division (E)(1) 4763
of this section demonstrates that a party other than a permittee 4764
who initiated an appeal under this section or participated in such 4765
an appeal initiated or participated in the appeal in bad faith and 4766
for the purpose of harassing or embarrassing the permittee, the 4767
permittee may file a petition with the chief. The chief may award 4768
to the permittee the costs and expenses reasonably incurred by the 4769
permittee in connection with participation in the appeal and 4770
assess those costs and expenses against the party who initiated 4771
the appeal. 4772

(c) The division may file, with the commission, a request for 4773
an award to the division of the costs and expenses reasonably 4774
incurred by the division in connection with an appeal initiated 4775
under this section. The commission may assess those costs and 4776
expenses against the party who initiated the appeal if the 4777

division demonstrates that the party initiated or participated in 4778
the appeal in bad faith and for the purpose of harassing or 4779
embarrassing the division. 4780

(2) Whenever an order issued under this section or as a 4781
result of any administrative proceeding under this chapter is the 4782
subject of judicial review, at the request of any party, a sum 4783
equal to the aggregate amount of all costs and expenses, including 4784
attorney's fees, as determined by the court to have been necessary 4785
and reasonably incurred by the party for or in connection with 4786
participation in the proceedings, may be awarded to either party, 4787
in accordance with division (E)(1) of this section, as the court, 4788
on the basis of judicial review, considers proper. 4789

Sec. 1513.15. (A) In addition to any other remedy under 4790
~~Chapter 1513. of the Revised Code~~ this chapter, the chief of the 4791
division of ~~mines and reclamation~~ mineral resources management may 4792
request the attorney general to institute a civil action for 4793
relief, including a permanent or temporary injunction, restraining 4794
order, or any other appropriate order in the court of common pleas 4795
of the county wherein a violation of this chapter is occurring or 4796
has occurred whenever a person: 4797

(1) Violates or fails or refuses to comply with any order or 4798
decision issued by the chief under ~~Chapter 1513. of the Revised~~ 4799
~~Code~~ this chapter; 4800

(2) Interferes with, hinders, or delays the chief or ~~his~~ 4801
authorized representatives of the chief in carrying out ~~Chapter~~ 4802
~~1513. of the Revised Code~~ this chapter; 4803

(3) Refuses to admit an authorized representative to the 4804
mine; 4805

(4) Refuses to permit inspection of the mine by an authorized 4806
representative; 4807

(5) Refuses to furnish any information or report requested by the chief in furtherance of ~~Chapter 1513. of the Revised Code~~ this chapter;

(6) Refuses to permit access to, and copying of, such records as the chief determines necessary in carrying out ~~Chapter 1513. of the Revised Code~~ this chapter.

The court shall issue an injunction upon demonstration that a violation of this chapter is occurring or has occurred.

(B) Except as provided in division (D) of this section, any person having an interest ~~which that~~ that is or may be adversely affected may commence a civil action on ~~his~~ the person's own behalf to compel compliance with ~~Chapter 1513. of the Revised Code~~ this chapter against any of the following:

(1) The division of ~~mines and reclamation~~ mineral resources management where the division is alleged to be in violation of ~~Chapter 1513. of the Revised Code~~ this chapter or of any rule, order, or permit adopted or issued pursuant thereto, or against any other person who is alleged to be in violation of any rule, order, or permit adopted or issued pursuant to ~~Chapter 1513. of the Revised Code~~ this chapter;

(2) The chief ~~of the division of mines and reclamation~~ where there is alleged a failure of the chief to perform any act or duty under ~~Chapter 1513. of the Revised Code~~ which this chapter that is not discretionary with the chief.

(C) No action may be commenced under division (B)(1) of this section in either of the following situations:

(1) Prior to sixty days after the plaintiff has given notice in writing of the violation to the chief and any alleged violator;

(2) If the chief has commenced and is diligently prosecuting a civil action in the appropriate court to require compliance with

~~Chapter 1513. of the Revised Code~~ this chapter or of any rule, 4838
order, or permit adopted or issued pursuant thereto, but in any 4839
such action any person may intervene as a matter of right. 4840

(D) No action may be commenced under division (B)(2) of this 4841
section prior to sixty days after the plaintiff has given notice 4842
in writing of such action to the chief in such manner as the chief 4843
shall, by rule, prescribe, except that such action may be brought 4844
immediately after such notification in the case where the 4845
violation or order complained of constitutes an imminent threat to 4846
the health or safety of the plaintiff or would immediately affect 4847
a legal interest of the plaintiff. 4848

(E) Any action respecting a violation of ~~Chapter 1513. of the~~ 4849
~~Revised Code~~ this chapter or rules adopted thereunder may be 4850
brought only in the court of common pleas of the county in which 4851
the coal mining operation complained of is located. 4852

(F) The court, in issuing any final order in any action 4853
brought pursuant to division (B) of this section, may award to any 4854
party costs of litigation, including attorney's and expert witness 4855
fees that the court determines to have been necessary and 4856
reasonably incurred, in accordance with division (E)(2) of section 4857
1513.13 of the Revised Code, and whenever the court determines 4858
such an award is appropriate. 4859

(G) Nothing in this section shall restrict any right ~~which~~ 4860
that any person or class of persons may have under law to seek 4861
enforcement of any of the provisions of ~~Chapter 1513. of the~~ 4862
~~Revised Code~~ this chapter and the rules adopted thereunder, or to 4863
seek any other relief, including relief against the chief. 4864

(H) Any person who is injured in ~~his~~ person or property 4865
through the violation by any operator of any rule, requirement, 4866
order, or permit adopted or issued pursuant to ~~Chapter 1513. of~~ 4867
~~the Revised Code~~ this chapter may bring an action for damages, 4868

including reasonable attorney's and expert witness fees, in the 4869
court of common pleas of Franklin county or in the court of common 4870
pleas of the county in which the coal mining operation complained 4871
of is located. Nothing in this division shall affect the rights 4872
established by or limits imposed under worker's compensation laws. 4873

In any action under division (B), (C), (D), (E), (F), (G), or 4874
(H) of this section, the secretary of the United States department 4875
of the interior or the chief, if not a party, may intervene as a 4876
matter of right. 4877

(I) An owner of real property who obtains all or part of ~~his~~ 4878
a supply of water for domestic, industrial, agricultural, or other 4879
legitimate use from an underground source other than a 4880
subterranean stream having a permanent, distinct, and known 4881
channel, may maintain an action against an operator to recover 4882
damages for contamination, diminution, or interruption of such 4883
water supply, proximately resulting from coal mining. 4884

A servient tract of land is not bound to receive surface 4885
water contaminated by coal mining on a dominant tract of land, and 4886
the owner of the servient tract may maintain an action against an 4887
operator to recover damages proximately resulting from the natural 4888
drainage from the dominant tract of surface waters contaminated by 4889
coal mining on the dominant tract. 4890

This division shall not be construed as creating, modifying, 4891
or affecting any right, liability, or remedy other than as 4892
expressly provided herein, nor shall such division be construed as 4893
creating, modifying, or affecting any right, liability, or remedy 4894
of surface riparian owners. 4895

(J) In addition to any municipal or county prosecuting 4896
authority, the attorney general upon the request of the chief, may 4897
prosecute any person who violates, or who fails to perform any 4898
duty imposed by, ~~Chapter 1513. of the Revised Code~~ this chapter, 4899

or who violates any order or rule, or condition of a permit or 4900
license issued by the chief. 4901

(K) The civil penalties owed under section 1513.02 of the 4902
Revised Code may be recovered in a civil action brought by the 4903
attorney general upon the request of the chief ~~of the division of~~ 4904
~~mines and reclamation.~~ 4905

Sec. 1513.16. (A) Any permit issued under this chapter to 4906
conduct coal mining operations shall require that the operations 4907
meet all applicable performance standards of this chapter and such 4908
other requirements as the chief of the division of ~~mines and~~ 4909
~~reclamation~~ mineral resources management shall adopt by rule. 4910
General performance standards shall apply to all coal mining and 4911
reclamation operations and shall require the operator at a minimum 4912
to do all of the following: 4913

(1) Conduct coal mining operations so as to maximize the 4914
utilization and conservation of the solid fuel resource being 4915
recovered so that re-affecting the land in the future through coal 4916
mining can be minimized; 4917

(2) Restore the land affected to a condition capable of 4918
supporting the uses that it was capable of supporting prior to any 4919
mining, or higher or better uses of which there is reasonable 4920
likelihood, so long as the uses do not present any actual or 4921
probable hazard to public health or safety or pose any actual or 4922
probable threat of diminution or pollution of the waters of the 4923
state, and the permit applicants' declared proposed land uses 4924
following reclamation are not considered to be impractical or 4925
unreasonable, to be inconsistent with applicable land use policies 4926
and plans, to involve unreasonable delay in implementation, or to 4927
violate federal, state, or local law; 4928

(3) Except as provided in division (B) of this section, with 4929
respect to all coal mining operations, backfill, compact where 4930

advisable to ensure stability or to prevent leaching of toxic 4931
materials, and grade in order to restore the approximate original 4932
contour of the land with all highwalls, spoil piles, and 4933
depressions eliminated unless small depressions are needed in 4934
order to retain moisture to assist revegetation or as otherwise 4935
authorized pursuant to this chapter, provided that if the operator 4936
demonstrates that due to volumetric expansion the amount of 4937
overburden and the spoil and waste materials removed in the course 4938
of the mining operation are more than sufficient to restore the 4939
approximate original contour, the operator shall backfill, grade, 4940
and compact the excess overburden and other spoil and waste 4941
materials to attain the lowest grade, but not more than the angle 4942
of repose, and to cover all acid-forming and other toxic materials 4943
in order to achieve an ecologically sound land use compatible with 4944
the surrounding region in accordance with the approved mining 4945
plan. The overburden or spoil shall be shaped and graded in such a 4946
way as to prevent slides, erosion, and water pollution and shall 4947
be revegetated in accordance with this chapter. 4948

(4) Stabilize and protect all surface areas, including spoil 4949
piles affected by the coal mining and reclamation operation, to 4950
control erosion and attendant air and water pollution effectively; 4951

(5) Remove the topsoil from the land in a separate layer, 4952
replace it on the backfill area, or, if not utilized immediately, 4953
segregate it in a separate pile from the spoil, and when the 4954
topsoil is not replaced on a backfill area within a time short 4955
enough to avoid deterioration of the topsoil, maintain a 4956
successful cover by quick-growing plants or other means thereafter 4957
so that the topsoil is preserved from wind and water erosion, 4958
remains free of any contamination by acid or other toxic material, 4959
and is in a usable condition for sustaining vegetation when 4960
restored during reclamation. If the topsoil is of insufficient 4961
quantity or of poor quality for sustaining vegetation or if other 4962

strata can be shown to be more suitable for vegetation 4963
requirements, the operator shall remove, segregate, and preserve 4964
in a like manner such other strata as are best able to support 4965
vegetation. 4966

(6) Restore the topsoil or the best available subsoil that is 4967
best able to support vegetation; 4968

(7) For all prime farmlands as identified in division 4969
(B)(2)(p) of section 1513.07 of the Revised Code to be mined and 4970
reclaimed, perform soil removal, storage, replacement, and 4971
reconstruction in accordance with specifications established by 4972
the secretary of the United States department of agriculture under 4973
the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 4974
445, 30 U.S.C.A. 1201. The operator, at a minimum, shall be 4975
required to do all of the following: 4976

(a) Segregate the A horizon of the natural soil, except where 4977
it can be shown that other available soil materials will create a 4978
final soil having a greater productive capacity, and, if not 4979
utilized immediately, stockpile this material separately from the 4980
spoil and provide needed protection from wind and water erosion or 4981
contamination by acid or other toxic material; 4982

(b) Segregate the B horizon of the natural soil, or 4983
underlying C horizons or other strata, or a combination of such 4984
horizons or other strata that are shown to be both texturally and 4985
chemically suitable for plant growth and that can be shown to be 4986
equally or more favorable for plant growth than the B horizon, in 4987
sufficient quantities to create in the regraded final soil a root 4988
zone of comparable depth and quality to that which existed in the 4989
natural soil, and, if not utilized immediately, stockpile this 4990
material separately from the spoil and provide needed protection 4991
from wind and water erosion or contamination by acid or other 4992
toxic material; 4993

- (c) Replace and regrade the root zone material described in 4994
division (A)(7)(b) of this section with proper compaction and 4995
uniform depth over the regraded spoil material; 4996
- (d) Redistribute and grade in a uniform manner the surface 4997
soil horizon described in division (A)(7)(a) of this section. 4998
- (8) Create, if authorized in the approved mining and 4999
reclamation plan and permit, permanent impoundments of water on 5000
mining sites as part of reclamation activities only when it is 5001
adequately demonstrated by the operator that all of the following 5002
conditions will be met: 5003
- (a) The size of the impoundment is adequate for its intended 5004
purposes; 5005
- (b) The impoundment dam construction will be so designed as 5006
to achieve necessary stability with an adequate margin of safety 5007
compatible with that of structures constructed under the 5008
"Watershed Protection and Flood Prevention Act," 68 Stat. 666 5009
(1954), 16 U.S.C. 1001, as amended; 5010
- (c) The quality of impounded water will be suitable on a 5011
permanent basis for its intended use and ~~that~~ discharges from the 5012
impoundment will not degrade the water quality below water quality 5013
standards established pursuant to applicable federal and state law 5014
in the receiving stream; 5015
- (d) The level of water will be reasonably stable; 5016
- (e) Final grading will provide adequate safety and access for 5017
proposed water users; 5018
- (f) The water impoundments will not result in the diminution 5019
of the quality or quantity of water utilized by adjacent or 5020
surrounding landowners for agricultural, industrial, recreational, 5021
or domestic uses. 5022
- (9) Conduct any augering operation associated with strip 5023

mining in a manner to maximize recoverability of mineral reserves 5024
remaining after the operation and reclamation are complete and 5025
seal all auger holes with an impervious and noncombustible 5026
material in order to prevent drainage, except where the chief 5027
determines that the resulting impoundment of water in such auger 5028
holes may create a hazard to the environment or the public health 5029
or safety. The chief may prohibit augering if necessary to 5030
maximize the utilization, recoverability, or conservation of the 5031
solid fuel resources or to protect against adverse water quality 5032
impacts. 5033

(10) Minimize the disturbances to the prevailing hydrologic 5034
balance at the mine site and in associated offsite areas and to 5035
the quality and quantity of water in surface and ground water 5036
systems both during and after coal mining operations and during 5037
reclamation by doing all of the following: 5038

(a) Avoiding acid or other toxic mine drainage by such 5039
measures as, but not limited to: 5040

(i) Preventing or removing water from contact with toxic 5041
producing deposits; 5042

(ii) Treating drainage to reduce toxic content that adversely 5043
affects downstream water upon being released to water courses in 5044
accordance with rules adopted by the chief in accordance with 5045
section 1513.02 of the Revised Code; 5046

(iii) Casing, sealing, or otherwise managing boreholes, 5047
shafts, and wells, and keeping acid or other toxic drainage from 5048
entering ground and surface waters. 5049

(b)(i) Conducting coal mining operations so as to prevent, to 5050
the extent possible using the best technology currently available, 5051
additional contributions of suspended solids to streamflow or 5052
runoff outside the permit area, but in no event shall 5053
contributions be in excess of requirements set by applicable state 5054

or federal laws; 5055

(ii) Constructing any siltation structures pursuant to 5056
division (A)(10)(b)(i) of this section prior to commencement of 5057
coal mining operations. The structures shall be certified by 5058
persons approved by the chief to be constructed as designed and as 5059
approved in the reclamation plan. 5060

(c) Cleaning out and removing temporary or large settling 5061
ponds or other siltation structures from drainways after disturbed 5062
areas are revegetated and stabilized, and depositing the silt and 5063
debris at a site and in a manner approved by the chief; 5064

(d) Restoring recharge capacity of the mined area to 5065
approximate premining conditions; 5066

(e) Avoiding channel deepening or enlargement in operations 5067
requiring the discharge of water from mines; 5068

(f) Such other actions as the chief may prescribe. 5069

(11) With respect to surface disposal of mine wastes, 5070
tailings, coal processing wastes, and other wastes in areas other 5071
than the mine working areas or excavations, stabilize all waste 5072
piles in designated areas through construction in compacted 5073
layers, including the use of noncombustible and impervious 5074
materials if necessary, and ensure that the final contour of the 5075
waste pile will be compatible with natural surroundings and that 5076
the site can and will be stabilized and revegetated according to 5077
this chapter; 5078

(12) Refrain from coal mining within five hundred feet of 5079
active and abandoned underground mines in order to prevent 5080
breakthroughs and to protect the health or safety of miners. The 5081
chief shall permit an operator to mine near, through, or partially 5082
through an abandoned underground mine or closer than five hundred 5083
feet to an active underground mine if ~~all~~ both of the following 5084

conditions are met:	5085
(a) The nature, timing, and sequencing of the approximate coincidence of specific strip mine activities with specific underground mine activities are approved by the chief;	5086 5087 5088
(b) The operations will result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public.	5089 5090 5091
(13) Design, locate, construct, operate, maintain, enlarge, modify, and remove or abandon, in accordance with the standards and criteria developed pursuant to rules adopted by the chief, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes, and used either temporarily or permanently as dams or embankments;	5092 5093 5094 5095 5096 5097 5098
(14) Ensure that all debris, acid-forming materials, toxic materials, or materials constituting a fire hazard are treated or buried and compacted or otherwise disposed of in a manner designed to prevent contamination of ground or surface waters and that contingency plans are developed to prevent sustained combustion;	5099 5100 5101 5102 5103
(15) Ensure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the coal mining operations, except that where the applicant proposes to combine strip mining operations with underground mining operations to ensure maximum practical recovery of the mineral resources, the chief may grant a variance for specific areas within the reclamation plan from the requirement that reclamation efforts proceed as contemporaneously as practicable to permit underground mining operations prior to reclamation if:	5104 5105 5106 5107 5108 5109 5110 5111 5112 5113
(a) The chief finds in writing that:	5114
(i) The applicant has presented, as part of the permit	5115

application, specific, feasible plans for the proposed underground
mining operations+.
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(ii) The proposed underground mining operations are necessary
or desirable to ensure maximum practical recovery of the mineral
resource and will avoid multiple disturbance of the surface+.
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(iii) The applicant has satisfactorily demonstrated that the
plan for the underground mining operations conforms to
requirements for underground mining in this state and that permits
necessary for the underground mining operations have been issued
by the appropriate authority+.
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(iv) The areas proposed for the variance have been shown by
the applicant to be necessary for the implementing of the proposed
underground mining operations+.
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(v) No substantial adverse environmental damage, either
on-site or off-site, will result from the delay in completion of
reclamation as required by this chapter+.
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(vi) Provisions for the off-site storage of spoil will comply
with division (A)(21) of this section.
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(b) The chief has adopted specific rules to govern the
granting of such variances in accordance with this division and
has imposed such additional requirements as the chief considers
necessary+.
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(c) Variances granted under this division shall be reviewed
by the chief not more than three years from the date of issuance
of the permit+.
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(d) Liability under the bond filed by the applicant with the
chief pursuant to section 1513.08 of the Revised Code shall be for
the duration of the underground mining operations and until the
requirements of this section and section 1513.08 of the Revised
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Code have been fully complied with. 5146

(16) Ensure that the construction, maintenance, and 5147
postmining conditions of access roads into and across the site of 5148
operations will control or prevent erosion and siltation, 5149
pollution of water, and damage to fish or wildlife or their 5150
habitat, or to public or private property; 5151

(17) Refrain from the construction of roads or other access 5152
ways up a stream bed or drainage channel or in such proximity to 5153
the channel as to seriously alter the normal flow of water; 5154

(18) Establish, on the regraded areas and all other lands 5155
affected, a diverse, effective, and permanent vegetative cover of 5156
the same seasonal variety native to the area of land to be 5157
affected and capable of self-regeneration and plant succession at 5158
least equal in extent of cover to the natural vegetation of the 5159
area, except that introduced species may be used in the 5160
revegetation process where desirable and necessary to achieve the 5161
approved postmining land use plan; 5162

(19)(a) Assume the responsibility for successful 5163
revegetation, as required by division (A)(18) of this section, for 5164
a period of five full years after the last year of augmented 5165
seeding, fertilizing, irrigation, or other work in order to ensure 5166
compliance with that division, except that when the chief approves 5167
a long-term intensive agricultural postmining land use, the 5168
applicable five-year period of responsibility for revegetation 5169
shall commence at the date of initial planting for that long-term 5170
intensive agricultural postmining land use, and except that when 5171
the chief issues a written finding approving a long-term intensive 5172
agricultural postmining land use as part of the mining and 5173
reclamation plan, the chief may grant an exception to division 5174
(A)(18) of this section; 5175

(b) On lands eligible for remining, assume the responsibility 5176

for successful revegetation, as required by division (A)(18) of 5177
this section, for a period of two full years after the last year 5178
of augmented seeding, fertilizing, irrigation, or other work in 5179
order to ensure compliance with that division. 5180

(20) Protect off-site areas from slides or damage occurring 5181
during the coal mining and reclamation operations and not deposit 5182
spoil material or locate any part of the operations or waste 5183
accumulations outside the permit area; 5184

(21) Place all excess spoil material resulting from coal 5185
mining and reclamation operations in such a manner that all of the 5186
following apply: 5187

(a) Spoil is transported and placed in a controlled manner in 5188
position for concurrent compaction and in such a way as to ensure 5189
mass stability and to prevent mass movement+ 5190

(b) The areas of disposal are within the bonded permit areas. 5191
All organic matter shall be removed immediately prior to spoil 5192
placement except in the zoned concept method. 5193

(c) Appropriate surface and internal drainage systems and 5194
diversion ditches are used so as to prevent spoil erosion and mass 5195
movement+ 5196

(d) The disposal area does not contain springs, natural 5197
watercourses, or wet weather seeps unless lateral drains are 5198
constructed from the wet areas to the main underdrains in such a 5199
manner that filtration of the water into the spoil pile will be 5200
prevented unless the zoned concept method is used+ 5201

(e) If placed on a slope, the spoil is placed upon the most 5202
moderate slope among those slopes upon which, in the judgment of 5203
the chief, the spoil could be placed in compliance with all the 5204
requirements of this chapter and is placed, where possible, upon, 5205
or above, a natural terrace, bench, or berm if that placement 5206

provides additional stability and prevents mass movement+.	5207
(f) Where the toe of the spoil rests on a downslope, a rock toe buttress of sufficient size to prevent mass movement is constructed+.	5208 5209 5210
(g) The final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses+.	5211 5212
(h) Design of the spoil disposal area is certified by a qualified registered professional engineer in conformance with professional standards+.	5213 5214 5215
(i) All other provisions of this chapter are met.	5216
(22) Meet such other criteria as are necessary to achieve reclamation in accordance with the purpose of this chapter, taking into consideration the physical, climatological, and other characteristics of the site;	5217 5218 5219 5220
(23) To the extent possible, using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable;	5221 5222 5223 5224
(24) Provide for an undisturbed natural barrier beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for such distance as the chief shall determine to be retained in place as a barrier to slides and erosion.	5225 5226 5227 5228
(B)(1) The chief may permit mining operations for the purposes set forth in division (B)(3) of this section.	5229 5230
(2) When an applicant meets the requirements of divisions (B)(3) and (4) of this section, a permit without regard to the requirement to restore to approximate original contour known as mountain top removal set forth in divisions (A)(3) or (C)(2) and (3) of this section may be granted for the mining of coal where the mining operation will remove an entire coal seam or seams	5231 5232 5233 5234 5235 5236

running through the upper fraction of a mountain, ridge, or hill, 5237
except as provided in division (B)(4)(a) of this section, by 5238
removing all of the overburden and creating a level plateau or a 5239
gently rolling contour with no highwalls remaining, and capable of 5240
supporting postmining uses in accordance with this division. 5241

(3) In cases where an industrial, commercial, agricultural, 5242
residential, or public facility use, including recreational 5243
facilities, is proposed for the postmining use of the affected 5244
land, the chief may grant a permit for a mining operation of the 5245
nature described in division (B)(2) of this section when all of 5246
the following apply: 5247

(a) After consultation with the appropriate land use planning 5248
agencies, if any, the proposed postmining land use is considered 5249
to constitute an equal or better economic or public use of the 5250
affected land, as compared with premining use. 5251

(b) The applicant presents specific plans for the proposed 5252
postmining land use and appropriate assurances that the use will 5253
be all of the following: 5254

(i) Compatible with adjacent land uses; 5255

(ii) Obtainable according to data regarding expected need and 5256
market; 5257

(iii) Assured of investment in necessary public facilities; 5258

(iv) Supported by commitments from public agencies where 5259
appropriate; 5260

(v) Practicable with respect to private financial capability 5261
for completion of the proposed use; 5262

(vi) Planned pursuant to a schedule attached to the 5263
reclamation plan so as to integrate the mining operation and 5264
reclamation with the postmining land use; 5265

(vii) Designed by a registered engineer in conformity with 5266

professional standards established to ensure the stability,	5267
drainage, and configuration necessary for the intended use of the	5268
site.	5269
(c) The proposed use is consistent with adjacent land uses	5270
and existing state and local land use plans and programs + .	5271
(d) The chief provides the governing body of the unit of	5272
general-purpose local government in which the land is located, and	5273
any state or federal agency that the chief, in the chief's	5274
discretion, determines to have an interest in the proposed use, an	5275
opportunity of not more than sixty days to review and comment on	5276
the proposed use + .	5277
(e) All other requirements of this chapter will be met.	5278
(4) In granting a permit pursuant to this division, the chief	5279
shall require that each of the following is met:	5280
(a) The toe of the lowest coal seam and the overburden	5281
associated with it are retained in place as a barrier to slides	5282
and erosion + .	5283
(b) The reclaimed area is stable + .	5284
(c) The resulting plateau or rolling contour drains inward	5285
from the out slopes except at specified points + .	5286
(d) No damage will be done to natural watercourses + .	5287
(e) Spoil will be placed on the mountaintop bench as is	5288
necessary to achieve the planned postmining land use, except that	5289
all excess spoil material not retained on the mountaintop bench	5290
shall be placed in accordance with division (A)(21) of this	5291
section + .	5292
(f) Stability of the spoil retained on the mountaintop bench	5293
is ensured and the other requirements of this chapter are met.	5294
(5) The chief shall adopt specific rules to govern the	5295

granting of permits in accordance with divisions (B)(1) to (4) of 5296
this section and may impose such additional requirements as the 5297
chief considers necessary. 5298

(6) All permits granted under divisions (B)(1) to (4) of this 5299
section shall be reviewed not more than three years from the date 5300
of issuance of the permit unless the applicant affirmatively 5301
demonstrates that the proposed development is proceeding in 5302
accordance with the terms of the approved schedule and reclamation 5303
plan. 5304

(C) All of the following performance standards apply to 5305
steep-slope coal mining and are in addition to those general 5306
performance standards required by this section, except that this 5307
division does not apply to those situations in which an operator 5308
is mining on flat or gently rolling terrain on which an occasional 5309
steep slope is encountered through which the mining operation is 5310
to proceed, leaving a plain or predominantly flat area, or where 5311
an operator is in compliance with division (B) of this section: 5312

(1) The operator shall ensure that when performing coal 5313
mining on steep slopes, no debris, abandoned or disabled 5314
equipment, spoil material, or waste mineral matter is placed on 5315
the downslope below the bench or mining cut. Spoil material in 5316
excess of that required for the reconstruction of the approximate 5317
original contour under division (A)(3) or (C)(2) of this section 5318
shall be permanently stored pursuant to division (A)(21) of this 5319
section. 5320

(2) The operator shall complete backfilling with spoil 5321
material to cover completely the highwall and return the site to 5322
the approximate original contour, which material will maintain 5323
stability following mining and reclamation. 5324

(3) The operator shall not disturb land above the top of the 5325
highwall unless the chief finds that the disturbance will 5326

facilitate compliance with the environmental protection standards 5327
of this section, except that any such disturbance involving land 5328
above the highwall shall be limited to that amount of land 5329
necessary to facilitate compliance. 5330

(D)(1) The chief may permit variances for the purposes set 5331
forth in division (D)(3) of this section, provided that the 5332
watershed control of the area is improved and that complete 5333
backfilling with spoil material shall be required to cover 5334
completely the highwall, which material will maintain stability 5335
following mining and reclamation. 5336

(2) Where an applicant meets the requirements of divisions 5337
(D)(3) and (4) of this section, a variance from the requirement to 5338
restore to approximate original contour set forth in division 5339
(C)(2) of this section may be granted for the mining of coal when 5340
the owner of the surface knowingly requests in writing, as a part 5341
of the permit application, that such a variance be granted so as 5342
to render the land, after reclamation, suitable for an industrial, 5343
commercial, residential, or public use, including recreational 5344
facilities, in accordance with ~~the provisions of~~ divisions (D)(3) 5345
and (4) of this section. 5346

(3) A variance pursuant to division (D)(2) of this section 5347
may be granted if: 5348

(a) After consultation with the appropriate land use planning 5349
agencies, if any, the potential use of the affected land is 5350
considered to constitute an equal or better economic or public 5351
use+ 5352

(b) The postmining land condition is designed and certified 5353
by a registered professional engineer in conformity with 5354
professional standards established to ensure the stability, 5355
drainage, and configuration necessary for the intended use of the 5356
site+ 5357

(c) After approval of the appropriate state environmental agencies, the watershed of the affected land is considered to be improved.

(4) In granting a variance pursuant to division (D) of this section, the chief shall require that only such amount of spoil will be placed off the mine bench as is necessary to achieve the planned postmining land use, ensure stability of the spoil retained on the bench, and meet all other requirements of this chapter. All spoil placement off the mine bench shall comply with division (A)(21) of this section.

(5) The chief shall adopt specific rules to govern the granting of variances under division (D) of this section and may impose such additional requirements as the chief considers necessary.

(6) All variances granted under division (D) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the reclamation plan.

(E) The chief shall establish standards and criteria regulating the design, location, construction, operation, maintenance, enlargement, modification, removal, and abandonment of new and existing coal mine waste piles referred to in division (A)(13) of this section and division (A)(5) of section 1513.35 of the Revised Code. The standards and criteria shall conform to the standards and criteria used by the chief of the United States army corps of engineers to ensure that flood control structures are safe and effectively perform their intended function. In addition to engineering and other technical specifications, the standards and criteria developed pursuant to this division shall include provisions for review and approval of plans and specifications

prior to construction, enlargement, modification, removal, or 5389
abandonment; performance of periodic inspections during 5390
construction; issuance of certificates of approval upon completion 5391
of construction; performance of periodic safety inspections; and 5392
issuance of notices for required remedial or maintenance work. 5393

(F)(1) The permittee may file a request with the chief for 5394
release of a part of a performance bond or deposit under division 5395
(F)(3) of this section. Within thirty days after any request for 5396
bond or deposit release under this section has been filed with the 5397
chief, the operator shall submit a copy of an advertisement placed 5398
at least once a week for four successive weeks in a newspaper of 5399
general circulation in the locality of the coal mining operation. 5400
The advertisement shall be considered part of any bond release 5401
application and shall contain a notification of the precise 5402
location of the land affected, the number of acres, the permit 5403
number and the date approved, the amount of the bond filed and the 5404
portion sought to be released, the type and appropriate dates of 5405
reclamation work performed, and a description of the results 5406
achieved as they relate to the operator's approved reclamation 5407
plan and, if applicable, the operator's pollution abatement plan. 5408
In addition, as part of any bond release application, the 5409
applicant shall submit copies of the letters sent to adjoining 5410
property owners, local governmental bodies, planning agencies, and 5411
sewage and water treatment authorities or water companies in the 5412
locality in which the coal mining and reclamation activities took 5413
place, notifying them of the applicant's intention to seek release 5414
from the bond. 5415

(2) Upon receipt of a copy of the advertisement and request 5416
for release of a bond or deposit under division (F)(3)(c) of this 5417
section, the chief, within thirty days, shall conduct an 5418
inspection and evaluation of the reclamation work involved. The 5419
evaluation shall consider, among other things, the degree of 5420

difficulty to complete any remaining reclamation, whether 5421
pollution of surface and subsurface water is occurring, the 5422
probability of continuation or future occurrence of the pollution, 5423
and the estimated cost of abating the pollution. The chief shall 5424
notify the permittee in writing of the decision to release or not 5425
to release all or part of the performance bond or deposit within 5426
sixty days after the filing of the request if no public hearing is 5427
held pursuant to division (F)(6) of this section or, if there has 5428
been a public hearing held pursuant to division (F)(6) of this 5429
section, within thirty days thereafter. 5430

(3) The chief may release the bond or deposit if the 5431
reclamation covered by the bond or deposit or portion thereof has 5432
been accomplished as required by this chapter and rules adopted 5433
under it according to the following schedule: 5434

(a) When the operator completes the backfilling, regrading, 5435
and drainage control of a bonded area in accordance with the 5436
approved reclamation plan, and, if the area covered by the bond or 5437
deposit is one for which an authorization was made under division 5438
(E)(7) of section 1513.07 of the Revised Code, the operator has 5439
complied with the approved pollution abatement plan and all 5440
additional requirements established by the chief in rules adopted 5441
under section 1513.02 of the Revised Code governing coal mining 5442
and reclamation operations on pollution abatement areas, the chief 5443
shall grant a release of fifty per cent of the bond or deposit for 5444
the applicable permit area. 5445

(b) After resoiling and revegetation have been established on 5446
the regraded mined lands in accordance with the approved 5447
reclamation plan, the chief shall grant a release in an amount not 5448
exceeding thirty-five per cent of the original bond or deposit for 5449
all or part of the affected area under the permit. When 5450
determining the amount of bond to be released after successful 5451
revegetation has been established, the chief shall retain that 5452

amount of bond for the revegetated area that would be sufficient 5453
for a third party to cover the cost of reestablishing revegetation 5454
for the period specified for operator responsibility in this 5455
section for reestablishing revegetation. No part of the bond or 5456
deposit shall be released under this division so long as the lands 5457
to which the release would be applicable are contributing 5458
suspended solids to streamflow or runoff outside the permit area 5459
in excess of the requirements of this section or until soil 5460
productivity for prime farmlands has returned to equivalent levels 5461
of yield as nonmined land of the same soil type in the surrounding 5462
area under equivalent management practices as determined from the 5463
soil survey performed pursuant to section 1513.07 of the Revised 5464
Code. If the area covered by the bond or deposit is one for which 5465
an authorization was made under division (E)(7) of section 1513.07 5466
of the Revised Code, no part of the bond or deposit shall be 5467
released under this division until the operator has complied with 5468
the approved pollution abatement plan and all additional 5469
requirements established by the chief in rules adopted under 5470
section 1513.02 of the Revised Code governing coal mining and 5471
reclamation operations on pollution abatement areas. Where a silt 5472
dam is to be retained as a permanent impoundment pursuant to 5473
division (A)(10) of this section, the portion of bond may be 5474
released under this division so long as provisions for sound 5475
future maintenance by the operator or the landowner have been made 5476
with the chief. 5477

(c) When the operator has completed successfully all coal 5478
mining and reclamation activities, including, if applicable, all 5479
additional requirements established in the pollution abatement 5480
plan approved under division (E)(7) of section 1513.07 of the 5481
Revised Code and all additional requirements established by the 5482
chief in rules adopted under section 1513.02 of the Revised Code 5483
governing coal mining and reclamation operations on pollution 5484

abatement areas, the chief shall release all or any of the 5485
remaining portion of the bond or deposit for all or part of the 5486
affected area under a permit, but not before the expiration of the 5487
period specified for operator responsibility in this section, 5488
except that the chief may adopt rules for a variance to the 5489
operator period of responsibility considering vegetation success 5490
and probability of continued growth and consent of the landowner, 5491
provided that no bond shall be fully released until all 5492
reclamation requirements of this chapter are fully met. 5493

(4) If the chief disapproves the application for release of 5494
the bond or deposit or portion thereof, the chief shall notify the 5495
permittee, in writing, stating the reasons for disapproval and 5496
recommending corrective actions necessary to secure the release, 5497
and allowing the opportunity for a public adjudicatory hearing. 5498

(5) When any application for total or partial bond release is 5499
filed with the chief under this section, the chief shall notify 5500
the municipal corporation in which the coal mining operation is 5501
located by certified mail at least thirty days prior to the 5502
release of all or a portion of the bond. 5503

(6) A person with a valid legal interest that might be 5504
adversely affected by release of a bond under this section or the 5505
responsible officer or head of any federal, state, or local 5506
government agency that has jurisdiction by law or special 5507
expertise with respect to any environmental, social, or economic 5508
impact involved in the operation or is authorized to develop and 5509
enforce environmental standards with respect to such operations 5510
may file written objections to the proposed release from the bond 5511
with the chief within thirty days after the last publication of 5512
the notice required by division (F)(1) of this section. If written 5513
objections are filed and an informal conference is requested, the 5514
chief shall inform all interested parties of the time and place of 5515
the conference. The date, time, and location of the informal 5516

conference shall be advertised by the chief in a newspaper of
general circulation in the locality of the coal mining operation
proposed for bond release for at least once a week for two
consecutive weeks. The informal conference shall be held in the
locality of the coal mining operation proposed for bond release or
in Franklin county, at the option of the objector, within thirty
days after the request for the conference. An electronic or
stenographic record shall be made of the conference proceeding
unless waived by all parties. The record shall be maintained and
shall be accessible to the parties until final release of the
performance bond at issue. In the event all parties requesting the
informal conference stipulate agreement prior to the requested
informal conference and withdraw their request, the informal
conference need not be held.

(7) If an informal conference has been held pursuant to
division (F)(6) of this section, the chief shall issue and furnish
the applicant and persons who participated in the conference with
the written decision regarding the release within sixty days after
the conference. Within thirty days after notification of the final
decision of the chief regarding the bond release, the applicant or
any person with an interest that is or may be adversely affected
by the decision may appeal the decision to the reclamation
commission pursuant to section 1513.13 of the Revised Code.

(G) The chief shall adopt rules governing the criteria for
forfeiture of bond, the method of determining the forfeited
amount, and the procedures to be followed in the event of
forfeiture. Cash received as the result of such forfeiture is the
property of the state.

~~(H) Notwithstanding divisions (A) to (F) of this section, the
following time frames for reclamation and procedures for bond
release shall apply to those permits issued after April 10, 1972,~~

~~but before September 1, 1981:~~

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~~(1) Within three months after the removal of overburden, the operator shall commence backfilling, grading, resoiling, and other work, except planting, on the area of land affected by that removal. The work shall be completed within twelve months after the end of the permit year within which the area of land was affected, or within twelve months after the operation is terminated, completed, or abandoned, whichever occurs first. Whenever possible, the chief of the division of mines and reclamation shall require backfilling, grading, resoiling, and other work, including planting, as mining progresses. In any case, planting shall take place not later than the next appropriate season for such planting following the completion of backfilling, grading, resoiling, and other work, as required by this division.~~

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~~If the chief finds that the operator cannot comply with the time limits of this division because of a labor dispute, the chief may extend them for the period of time lost.~~

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~~The chief may extend the time limits of this division for periods of not more than one year at a time if the operator needs more time than that otherwise allowed under this division for the purpose of removing limestone, clay, or shale which was uncovered by strip mining, if the operator is in a business which substantially utilizes limestone, clay, or shale, and if the chief determines that the 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 this chapter. An extension of time made under this division 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,~~

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~~clay, or shale removal.~~

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~~(2) When the reclamation other than planting of the area of land affected as shown on an annual or final map is completed, the operator shall file a request, on a form provided by the chief, for inspection of the area. The request shall state all of the following:~~

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~~(a) The location of the area and number of acres;~~

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~~(b) The permit number;~~

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~~(c) The amount of bond, cash, or certificates of deposit on deposit to ensure reclamation of the area;~~

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~~(d) The results of testing on the soil of the reclaimed area for such vegetation sustaining factors as the chief shall prescribe by rule.~~

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~~The chief shall make an inspection and evaluation of the reclamation of the area within the prescribed period after receipt of the request or, if the operator fails to complete the reclamation or file the request as required, as soon as the chief learns of the default. Thereupon, if the chief approves the reclamation other than planting as meeting the requirements of this chapter, rules adopted thereunder, any orders issued during the mining or reclamation, and the specifications of the plan for mining and reclaiming, the chief shall issue an order to the operator and the operator's surety releasing them from liability for one half the total amount of their surety bonds on deposit to ensure reclamation for the area upon which reclamation is completed. If the operator has deposited cash or certificates of deposit in lieu of a surety bond to ensure reclamation, the chief shall issue an order to the operator releasing one half of the total amount so held and shall promptly transmit a certified copy of that order to the treasurer of state. Upon presentation of the order to the treasurer of state by the operator to whom it was~~

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~~issued, or by the operator's authorized agent, the treasurer of~~ 5612
~~state shall deliver to the operator or the operator's authorized~~ 5613
~~agent the cash or certificates of deposit designated in the order.~~ 5614

~~If the chief does not approve the reclamation other than~~ 5615
~~planting, the chief shall notify the operator by certified mail~~ 5616
~~within the prescribed period after the request for inspection is~~ 5617
~~filed or after the chief learns of the default. The notice shall~~ 5618
~~be an order stating the reasons for unacceptability, ordering~~ 5619
~~further actions to be taken, and setting a time limit for~~ 5620
~~compliance. If the operator does not comply with the order within~~ 5621
~~the time limit specified, the chief may order an extension of time~~ 5622
~~for compliance after determining that the operator's noncompliance~~ 5623
~~is for good cause, resulting from developments partially or wholly~~ 5624
~~beyond the operator's control. If the operator complies within the~~ 5625
~~time limit or the extension of time granted for compliance, the~~ 5626
~~chief shall order release of bond, cash, or certificates of~~ 5627
~~deposit in the same manner as in the case of approval of~~ 5628
~~reclamation other than planting by the chief, and the treasurer of~~ 5629
~~state shall proceed as in such a case. If the operator does not~~ 5630
~~comply within the extension of time granted for compliance, the~~ 5631
~~chief shall issue another order declaring that the operator has~~ 5632
~~failed to reclaim and, if the operator's permit has not already~~ 5633
~~expired or been revoked, revoking the operator's permit. The chief~~ 5634
~~then shall proceed under division (H)(4) of this section.~~ 5635

~~(3) When the planting of the area of land affected as shown~~ 5636
~~on an annual or final map is completed and the growing season in~~ 5637
~~which the planting occurred has terminated, the operator shall~~ 5638
~~file a request, on a form provided by the chief, for inspection of~~ 5639
~~the area. The request shall state all of the following:~~ 5640

~~(a) The location of the area and number of acres;~~ 5641

~~(b) The permit number;~~ 5642

~~(c) The amount of bond, cash, or certificates of deposit on deposit to ensure reclamation of the area;~~ 5643
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~~(d) The type and date of planting of vegetative cover, the degree of success of growth, and results of testing on the soil of the reclaimed area for such vegetation sustaining factors as the chief shall prescribe by rule.~~ 5645
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~~The chief shall make an inspection and evaluation of the reclamation of the area within the prescribed period after receipt of the request or, if the operator fails to complete the reclamation or file the request as required, as soon as the chief learns of the default. If the chief finds that the reclamation meets the requirements of this chapter, rules adopted thereunder in accordance with Chapter 119. of the Revised Code, any order issued during the mining and reclamation, and the specifications of the plan for mining and reclaiming, and decides to release any remaining bond, cash, or certificates of deposit on deposit to ensure reclamation of the area upon which reclamation is completed, the chief shall publish, within ten days of completing the inspection and evaluation, notice of that decision in a newspaper of general circulation in the county in which the operation is located. The notice shall be published on two days one week apart and shall describe the size and location of the area for which bond, cash, or certificates of deposit are to be released and the amount of the bond, cash, or certificates of deposit. Any person claiming to be deprived of a right or protection afforded the person by law may file an appeal with the reclamation commission, within ten days after the second publication of notice, objecting to the decision to release the bond, cash, or certificates of deposit. If such an appeal is filed, the requirements of section 1513.13 of the Revised Code shall be followed to the extent that they are not inconsistent with the requirements of this section. The person filing the~~ 5649
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appeal, within three days after the appeal is filed with the
commission, shall notify the chief and the operator by certified
mail of the filing of the appeal. If the commission affirms the
decision of the chief, the costs of the appeal shall be taxed
against the appellant, and the chief shall release the remaining
bond, cash, or certificates of deposit. If the commission finds
that the decision of the chief was unreasonable or unlawful, it
shall make a written order vacating the decision appealed from and
ordering the chief to take all necessary further actions in
requiring compliance with this section. After the operator has
completed all actions so required by the chief, the operator shall
file another request for inspection and proceed under this
division as in the first instance. If no such appeal is filed, the
chief, upon expiration of the ten days following the second
publication of notice, shall order release of the remaining bond,
cash, or certificates of deposit in the same manner as in the case
of approval of reclamation other than planting, and the treasurer
of state shall proceed as in such a case.

If the chief does not approve the reclamation performed by
the operator, the chief shall notify the operator by certified
mail within the prescribed period after the request for inspection
is filed or after learning of the default. The notice shall be an
order stating the reasons for unacceptability, ordering further
actions to be taken, and setting a time limit for compliance. If
the operator does not comply with the order within the time limit
specified, the chief may order an extension of time for compliance
after determining that the operator's noncompliance is for good
cause, resulting from developments partially or wholly beyond the
operator's control. If the operator complies within the time limit
or the extension of time granted for compliance, the chief shall
order release of the remaining bond, cash, or certificates of
deposit in the same manner as in the case of approval of

~~reclamation by the chief, and the treasurer of state shall proceed
as in such a case. If the operator does not comply within the time
limit and the chief does not order an extension, or if the chief
orders an extension of time and the operator does not comply
within the extension of time granted for compliance, the chief
shall make another order declaring that the operator has failed to
reclaim and, if the operator's permit has not already expired or
been revoked, revoking the operator's permit. The chief then shall
proceed under division (H)(4) of this section.~~

~~(4) Upon issuing an order under division (H)(2) or (3) of
this section declaring that the operator has failed to reclaim,
the chief shall make a finding as to the number and location of
the acres of land which the operator has failed to reclaim in the
manner required by this chapter and the amount of the estimated
cost to the state to perform reclamation on those acres as
determined by the chief at the time of application. The chief
shall order the release of that proportion of the bond, cash, or
certificates of deposit which are on deposit to ensure reclamation
of those acres which the chief finds to have been reclaimed in the
manner required by this chapter, provided that all the land
contained within a yearly segment as shown in the annual or final
map has been so reclaimed. Such a release shall be ordered in the
same manner as in the case of other approval of reclamation by the
chief, and the treasurer of state shall proceed as in such a case.
If the operator has on deposit cash or certificates of deposit to
ensure reclamation of the area of land affected, the chief shall
issue at the same time an order declaring that the remaining
proportion of the cash or certificates of deposit is the property
of the state and is available for use by the chief in performing
reclamation of the area and shall proceed as under section 1513.18
of the Revised Code.~~

~~If the operator has on deposit a surety bond to ensure~~

~~reclamation of the area of land affected, the chief shall notify
the surety in writing of the operator's default and shall request
the surety to perform the surety's obligation and that of the
operator. The surety, within ten days after receipt of the notice,
shall notify the chief as to whether it intends to perform those
obligations.~~

~~If the surety chooses to perform, it shall arrange for work
to begin within thirty days of the day on which it notifies the
chief of its decision. If the surety completes the work as
required by this chapter, the chief shall issue an order to the
surety releasing the surety from liability under the bond in the
same manner as if the surety were an operator proceeding under
this section. If, after the surety begins the work, the chief
determines that the surety is not carrying the work forward with
reasonable progress, that it is improperly performing the work, or
that it has abandoned the work or otherwise failed to perform its
obligation and that of the operator, the chief shall issue an
order terminating the right of the surety to perform the work and
demanding payment of the amount due as required by this chapter.~~

~~If the surety chooses not to perform and so notifies the
chief, does not respond to the chief's notice within ten days of
receipt thereof, or fails to begin work within thirty days of the
day it timely notifies the chief of its decision to perform its
obligation and that of the operator, the chief shall issue an
order terminating the right of the surety to perform the work and
demanding payment of the amount due, as required by this chapter.~~

~~Upon receipt of an order of the chief demanding payment of
the amount due, the surety immediately shall deposit with the
chief cash in the full amount due under the order for deposit with
the treasurer of state. If the surety fails to make such an
immediate deposit, the chief shall certify the amount to the
attorney general for collection. When the chief has issued an~~

~~order terminating the right of the surety and has the cash on
deposit, the cash is the property of the state and is available
for use by the chief, who shall proceed as under section 1513.18
of the Revised Code.~~

~~(5) For purposes of division (H) of this section, "prescribed
period" means, in the case of a request for inspection pertaining
to twenty five acres or less, sixty days; in the case of a request
for inspection pertaining to more than twenty five acres, but not
more than one hundred twenty five acres, ninety days; in the case
of a request for inspection pertaining to more than one hundred
twenty five acres, but not more than one thousand acres, one
hundred twenty days; and in the case of a request for inspection
pertaining to more than one thousand acres, one hundred eighty
days.~~

Sec. 1513.161. An operator shall use explosives only in
accordance with Chapter 1567. of the Revised Code and rules
adopted pursuant thereto by the chief of the division of ~~mines and
reclamation~~ mineral resources management, and in accordance with
this section and rules adopted pursuant thereto by the chief, and
in accordance with all applicable federal laws and regulations.
If, in any situation involving a coal mining operation, except
when underground coal mining is part or all of the coal mining
operation, a rule adopted pursuant to Chapter 1567. of the Revised
Code is in conflict with a rule adopted pursuant to this section,
the rule adopted pursuant to this section ~~shall prevail~~ prevails.
When underground coal mining is part or all of the coal mining
operation, the rule adopted pursuant to Chapter 1567. ~~shall
prevail~~ of the Revised Code prevails.

Before an explosive is set off, sufficient warning shall be
given to allow any person in or approaching the area ample time to
retreat a safe distance.

No blasting shall be done between the hours of sunset and sunrise. 5802
5803

The chief shall adopt rules to: 5804

(A) Provide adequate advance written notice to local governments and residents who might be affected by the use of explosives by publication of the planned blasting schedule in a newspaper of general circulation in the locality of the coal mining operation, by mailing a copy of the proposed blasting schedule to every resident living within one-half mile of the proposed blasting site, and by providing daily notice to residents or occupants in such areas prior to any blasting; 5805
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(B) Maintain for a period of at least three years and make available for public inspection upon request a log detailing the location of the blasts, the pattern and depth of the drill holes, the amount of explosives used per hole, and the order and length of delay in the blasts; 5813
5814
5815
5816
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(C) Limit the type of explosives and detonating equipment, the size, and the timing and frequency of blasts based upon the physical conditions of the site so as to prevent: 5818
5819
5820

(1) Injury to persons; 5821

(2) Damage to public and private property outside the permit area; 5822
5823

(3) Adverse impacts on any underground mine; 5824

(4) Change in the course, channel, or availability of ground or surface water outside the permit area. 5825
5826

(D) Require that all blasting operations be conducted by trained and competent persons as certified by the chief; 5827
5828

(E) Provide that upon the request of a resident or owner of a ~~man-made~~ an artificial dwelling or structure or water supply within one-half mile of any portion of the permit area, the 5829
5830
5831

applicant or permittee shall conduct a preblasting survey of the 5832
structures or water supply and submit the survey to the chief and 5833
a copy to the resident or owner making the request. The area of 5834
the survey shall be decided by the chief and shall include such 5835
provisions as the chief prescribes. 5836

(F) Require the training, examination, and certification of 5837
persons engaging in or directly responsible for blasting or use of 5838
explosives in coal mining operations. 5839

The chief, by rule or order, may prohibit blasting in 5840
specific areas where the safety of the public would be endangered. 5841

No person shall use explosives in violation of this section, 5842
a rule adopted thereunder, or an order of the chief. 5843

Sec. 1513.17. (A) No person shall: 5844

(1) Engage in coal mining or conduct a coal mining operation 5845
without a permit issued by the chief of the division of ~~mines and~~ 5846
~~reclamation~~ mineral resources management; 5847

(2) Knowingly violate a condition or exceed the limits of a 5848
permit; 5849

(3) Knowingly fail to comply with an order of the chief ~~of~~ 5850
~~the division of mines and reclamation~~ issued under ~~Chapter 1513.~~ 5851
~~of the Revised Code~~ this chapter; 5852

(4) Knowingly violate any provision of ~~Chapter 1513. of the~~ 5853
~~Revised Code~~ this chapter not ~~specifically~~ specifically mentioned 5854
in this section; 5855

(5) Knowingly make any false statement, representation, or 5856
certification or knowingly fail to make any statement, 5857
representation, or certification in any application, record, 5858
report, plan, or other document filed or required to be maintained 5859
under ~~Chapter 1513. of the Revised Code~~ this chapter or under a 5860
final order or decision issued by the chief; 5861

(6) Knowingly prevent, hinder, delay, or otherwise obstruct 5862
the operator from completing backfilling, grading, resoiling, 5863
establishing successful vegetation, and meeting all other 5864
reclamation requirements of ~~Chapter 1513. of the Revised Code~~ this 5865
chapter prior to the final release of the operator's bond. 5866

(B) Division (A)(1) of this section imposes strict criminal 5867
liability. 5868

Sec. 1513.18. (A) All money that becomes the property of the 5869
state under division (G) of section 1513.16 of the Revised Code 5870
shall be deposited in the reclamation forfeiture fund, which is 5871
hereby created in the state treasury. Disbursements from the fund 5872
shall be made by the chief of the division of ~~mines and~~ 5873
~~reclamation only~~ mineral resources management for the purpose of 5874
reclaiming areas of land affected by coal mining under a coal 5875
mining and reclamation permit issued on or after September 1, 5876
1981, on which an operator has defaulted. 5877

(B) ~~All cash that becomes the property of the state under~~ 5878
~~division (H) of section 1513.16 of the Revised Code shall be~~ 5879
~~deposited in the reclamation supplemental forfeiture fund, which~~ 5880
~~is hereby created in the state treasury.~~ The fund also shall 5881
consist of ~~all moneys so deposited,~~ any moneys transferred to it 5882
under this division from the unreclaimed lands fund created in 5883
section 1513.30 of the Revised Code, any moneys transferred to it 5884
under section 1513.181 of the Revised Code from the coal mining 5885
and reclamation reserve fund created in that section, and moneys 5886
collected and credited to it pursuant to section 5749.02 of the 5887
Revised Code. Disbursements from the fund shall be made by the 5888
chief ~~only~~ for the purpose of reclaiming areas that an operator 5889
has affected by mining and failed to reclaim under a coal mining 5890
and reclamation permit issued under this chapter or under a 5891
surface mining permit issued under Chapter 1514. of the Revised 5892

Code. The chief's priority for management of the fund, including 5893
the selection of projects and transfer of moneys, shall be to 5894
ensure that sufficient moneys are available for the reclamation of 5895
areas affected by mining under a coal mining and reclamation 5896
permit. 5897

The chief may expend moneys from the fund to pay necessary 5898
administrative costs, including engineering and design services, 5899
incurred by the division of mineral resources management in 5900
reclaiming these areas. Expenditures from the fund to pay such 5901
administrative costs need not be made under contract. 5902

As moneys are spent from the fund, the director of budget and 5903
management, upon the certification of the chief, shall transfer 5904
additional moneys from the unreclaimed lands fund created in 5905
section 1513.30 of the Revised Code that the chief requests, 5906
provided that the director shall not transfer more than one 5907
million dollars from the unreclaimed lands fund to the reclamation 5908
~~supplemental~~ forfeiture fund during any fiscal year. 5909

(C) Except when paying necessary administrative costs 5910
authorized by division (B) of this section, expenditures from 5911
~~either~~ the fund shall be made under contracts entered into by the 5912
chief, with the approval of the director of natural resources, in 5913
accordance with procedures established by the chief, by rules 5914
adopted in accordance with section 1513.02 of the Revised Code. 5915
The chief may reclaim the land in the same manner as set forth in 5916
sections 1513.21 to 1513.24 of the Revised Code. Each contract 5917
awarded by the chief shall be awarded to the lowest responsive and 5918
responsible bidder, in accordance with section 9.312 of the 5919
Revised Code, after sealed bids are received, opened, and 5920
published at the time and place fixed by the chief. The chief 5921
shall publish notice of the time and place at which bids will be 5922
received, opened, and published, at least once and at least ten 5923
days before the date of the opening of the bids, in a newspaper of 5924

general circulation in the county in which the area of land to be 5925
reclaimed under the contract is located. If, after advertising, no 5926
bids are received at the time and place fixed for receiving them, 5927
the chief may advertise again for bids, or, if the chief considers 5928
the public interest will best be served, the chief may enter into 5929
a contract for the reclamation of the area of land without further 5930
advertisement for bids. The chief may reject any or all bids 5931
received and again publish notice of the time and place at which 5932
bids for contracts will be received, opened, and published. The 5933
chief, with the approval of the director, may enter into a 5934
contract with the landowner, a coal mine operator or surface mine 5935
operator mining under a current, valid permit issued under this 5936
chapter or Chapter 1514. of the Revised Code, or a contractor 5937
hired by the surety to complete reclamation to carry out 5938
reclamation on land affected by coal mining on which an operator 5939
has defaulted without advertising for bids. 5940

(D) If the amount of money credited to the reclamation 5941
forfeiture fund from the forfeiture of the bond applicable to the 5942
area of land is not sufficient to pay the cost of doing all of the 5943
reclamation work on land that the operator should have done, but 5944
failed to do under a coal mining and reclamation permit, the chief 5945
may expend from the moneys credited to the ~~reclamation~~ 5946
~~supplemental forfeiture~~ fund under section 5749.02 of the Revised 5947
Code or transferred to the fund under division (B) of this section 5948
or under section 1513.181 of the Revised Code the amount of money 5949
necessary to complete the reclamation work to the standards 5950
required by this chapter. 5951

(E) The chief shall keep a detailed accounting of the 5952
expenditures from the reclamation ~~supplemental~~ forfeiture fund to 5953
complete reclamation of the land and, upon completion of the 5954
reclamation, shall certify the expenditures to the attorney 5955
general. Upon the chief's certification of the expenditures from 5956

the reclamation ~~supplemental~~ forfeiture fund, the attorney general 5957
shall bring an action for that amount of money. The operator is 5958
liable for that expense in addition to any other liabilities 5959
imposed by law. Moneys so recovered shall be credited to the 5960
reclamation ~~supplemental~~ forfeiture fund. The chief shall not 5961
postpone the reclamation because of any action brought by the 5962
attorney general under this division. Prior to completing 5963
reclamation, the chief may collect through the attorney general 5964
any additional amount that the chief believes will be necessary 5965
for reclamation in excess of the forfeited bond amount applicable 5966
to the land that the operator should have, but failed to, reclaim. 5967

(F) If any part of the moneys in the reclamation forfeiture 5968
fund remains in the fund after the chief has caused the area of 5969
land to be reclaimed and has paid all the reclamation costs and 5970
expenses, the chief may expend those moneys to complete other 5971
reclamation work performed under this section on forfeiture areas 5972
affected under a coal mining and reclamation permit issued on or 5973
after September 1, 1981. 5974

(G) The chief shall require every contractor performing 5975
reclamation work pursuant to this section to pay workers at the 5976
greater of their regular rate of pay, as established by contract, 5977
agreement, or prior custom or practice, or the average wage rate 5978
paid in this state for the same or similar work as determined by 5979
the chief under section 1513.02 of the Revised Code. 5980

Sec. 1513.181. There is hereby created in the state treasury 5981
the coal mining administration and reclamation reserve fund. The 5982
fund shall be used for the administration and enforcement of this 5983
chapter. The chief of the division of ~~mines and reclamation~~ 5984
mineral resources management may transfer not more than one 5985
million dollars annually from the fund to the reclamation 5986
~~supplemental~~ forfeiture fund created in section 1513.18 of the 5987

Revised Code to complete reclamation of lands affected by coal 5988
mining under a permit issued under this chapter, or by surface 5989
mining under a surface mining permit issued under Chapter 1514. of 5990
the Revised Code, that the operator failed to reclaim and for 5991
which the operator's bond is insufficient to complete the 5992
reclamation. Within ten days before or after the beginning of each 5993
calendar quarter, the chief ~~shall~~ may certify to the director of 5994
budget and management the amount of money needed to perform such 5995
reclamation during the quarter for transfer from the coal mining 5996
administration and reclamation reserve fund to the reclamation 5997
~~supplemental~~ forfeiture fund. 5998

Fines collected under division ~~(F)~~(E) of section 1513.02 and 5999
section 1513.99 of the Revised Code, and fines collected for a 6000
violation of section 2921.31 of the Revised Code that, prior to 6001
July 1, 1996, would have been a violation of division (G) of 6002
section 1513.17 of the Revised Code as it existed prior to that 6003
date, shall be paid into the coal mining administration and 6004
reclamation reserve fund. 6005

Sec. 1513.20. The chief of the division of ~~mines and~~ 6006
~~reclamation~~ mineral resources management, with the approval of the 6007
director of natural resources, may purchase or acquire by gift, 6008
donation, or contribution any eroded land, including land affected 6009
by strip mining, for which no cash is held in the reclamation 6010
forfeiture fund created by section 1513.18 of the Revised Code. 6011
For this purpose the chief may expend moneys deposited in the 6012
unreclaimed lands fund created by section 1513.30 of the Revised 6013
Code. All lands purchased or acquired shall be deeded to the 6014
state, but no deed shall be accepted or the purchase price paid 6015
until the title has been approved by the attorney general. 6016

Sec. 1513.21. From moneys appropriated for this purpose, the 6017

chief of the division of ~~mines and reclamation~~ mineral resources 6018
management shall reclaim any land or tract of land acquired 6019
pursuant to section 1513.20 of the Revised Code in such manner 6020
that, after reclamation, such land or tract shall be suitable for 6021
agriculture, forests, recreation, wildlife, water conservation, or 6022
such other use as the chief may deem proper for such land, or 6023
tract of land, in ~~the~~ light of the character of the soil, the 6024
topography of the land or tract to be reclaimed and of the 6025
surrounding lands, the proximity thereof to urban centers, and the 6026
requirements of any applicable conservation program. 6027

Sec. 1513.22. Before proceeding to reclaim any land or tract 6028
of land acquired pursuant to section 1513.20 of the Revised Code, 6029
the chief of the division of ~~mines and reclamation~~ mineral 6030
resources management shall determine the purpose or purposes for 6031
which such land or tract should be devoted after reclamation and 6032
shall develop a plan of reclamation for such land or tract 6033
reasonably designed to accomplish such purpose or purposes and an 6034
estimate of the cost thereof. When completed such plan shall be 6035
submitted to the director of natural resources who may approve or 6036
disapprove the same. 6037

Sec. 1513.23. In determining the purpose or purposes for 6038
which any land or tract of land should be devoted after 6039
reclamation and in preparing a plan of reclamation, the chief of 6040
the division of ~~mines and reclamation~~ mineral resources management 6041
may call to ~~his~~ the chief's assistance, temporarily, any engineers 6042
or other employees in any state department or in the Ohio state 6043
university, or other educational institutions financed wholly or 6044
in part by the state, for the purpose of making studies, surveys, 6045
and maps and for the purpose of devising the most effective and 6046
economical plan of reclamation. 6047

Such engineers and employees shall not receive any additional 6048
compensation other than that which they receive from the 6049
department by which they are employed, but they shall be 6050
reimbursed for their actual and necessary expenses incurred while 6051
working under the direction of the chief ~~of the division of mines~~ 6052
~~and reclamation.~~ 6053

Sec. 1513.24. After a plan of reclamation is approved by the 6054
director of natural resources, the chief of the division of ~~mines~~ 6055
~~and reclamation~~ mineral resources management, from any moneys 6056
appropriated for the reclamation of strip mined lands, shall 6057
proceed to carry out the plan. 6058

With the approval of the director, the chief may carry out 6059
any such plan or any part of such plan with the employees and 6060
equipment of any division of the department of natural resources 6061
or ~~he~~ the chief may carry out any such plan, or any part of such 6062
plan by contracting therefor, provided that the chief shall not 6063
enter into any contract, agreement, or understanding unless the 6064
same is approved by the director. 6065

Any such contract shall be entered into by the chief, with 6066
the approval of the director, with persons who agree therein to 6067
furnish any of the materials, equipment, or labor. Each such 6068
contract shall be awarded by the chief to the lowest responsive 6069
and responsible bidder, in accordance with section 9.312 of the 6070
Revised Code, after sealed bids therefor are received, opened, and 6071
published at the time and place fixed by the chief, and notice of 6072
the time and place at which the sealed bids will be received, 6073
opened, and published, has been published by the chief at least 6074
once at least ten days before the opening of the bids in a 6075
newspaper of general circulation in the county in which the area 6076
of land to be reclaimed under the contract is located, provided 6077
that if, after so advertising for bids for the contract, no bids 6078

therefor are received by the chief at the time and place fixed for 6079
receiving them, the chief may advertise again for such bids, but 6080
~~he~~ the chief is not required to do so, and ~~he~~ the chief may, if ~~he~~ 6081
the chief considers the public interest will be best served 6082
thereby, enter into a contract for the reclamation of the land or 6083
tract without further advertisement for bids. The chief may reject 6084
any or all bids received and fix and publish again notice of the 6085
time and place at which bids for such contracts will be received, 6086
opened, and published. 6087

The chief shall require every contractor performing 6088
reclamation work under this section to pay workers at the greater 6089
of their rate of pay, as established by contract, agreement, or 6090
prior custom or practice, or the average wage rate paid in this 6091
state for the same or similar work as determined by the chief 6092
under section 1513.02 of the Revised Code. 6093

Sec. 1513.25. After completion of the reclamation of a tract 6094
of land acquired pursuant to section 1513.20 of the Revised Code, 6095
the chief of the division of ~~mines and reclamation~~ mineral 6096
resources management may, if the land is suitable to the uses of 6097
any other department, division, office, or institution of the 6098
state, transfer the land or tract to that department, division, 6099
office, or institution, subject to the approval of the director of 6100
natural resources. 6101

With the approval of the attorney general and the director, 6102
the chief may sell any such land or tract, after completion of the 6103
plan of reclamation, when the sale is advantageous to the state. 6104

With the approval of the attorney general and the director, 6105
the chief may grant easements and leases on the land or tract 6106
under terms advantageous to the state, and may grant mineral 6107
rights on a royalty basis. 6108

All moneys received from the sale of reclaimed lands, or in payment for easements, leases, or royalties, shall be paid to the unreclaimed lands fund created in section 1513.30 of the Revised Code.

Sec. 1513.26. The chief of the division of ~~mines and reclamation~~ mineral resources management shall make an annual report to the governor and to the general assembly. The report shall identify each reclamation project, state the number of acres reclaimed by the division or persons with whom it contracts under sections 1513.20 to 1513.25 of the Revised Code, identify the county in which the project is located, and make a detailed accounting of expenditures.

Sec. 1513.27. As used in this section and sections 1513.28, 1513.30, 1513.31, and 1513.32 of the Revised Code, "damage to adjacent property" means physical injury or harm to nearby property caused by the unreclaimed condition of lands mined prior to April 10, 1972, or pursuant to a license issued prior to April 10, 1972, including, without limitation, injury or harm to vegetation on adjacent property, pollution of surface or underground waters on adjacent property, loss or interruption of water supply on adjacent property, flow of acid water onto or across adjacent property, flooding of adjacent property, landslides onto or across adjacent property, erosion of adjacent property, or deposition of sediment upon adjacent property. Damage to adjacent property does not include any diminution of the market value of adjacent property caused exclusively by the visual or aesthetic appearance of such unreclaimed lands.

The chief of the division of ~~mines and reclamation~~ mineral resources management, with the approval of the director of natural resources, may enter into a written agreement, which may be in the

form of a contract, with the owner of any unreclaimed land 6139
affected by mining before April 10, 1972, or pursuant to a license 6140
issued before April 10, 1972, that causes or may cause pollution 6141
of the waters of the state or damage to adjacent property, is not 6142
likely to be mined in the foreseeable future, and lies within the 6143
boundaries of a project area approved by the council on 6144
unreclaimed strip mined lands created in section 1513.29 of the 6145
Revised Code, under which the state or its agents may enter the 6146
land to reclaim it at state expense with moneys from the 6147
unreclaimed lands fund created by section 1513.30 of the Revised 6148
Code by establishing vegetative cover and substantially reducing 6149
or eliminating erosion, sedimentation, landslides, pollution, 6150
accumulation or discharge of acid water, flooding, and damage to 6151
adjacent property. The agreement may include provisions pertaining 6152
to liability for damages and any other provisions necessary or 6153
desirable to achieve the purposes of this section. 6154

If the chief makes a finding of fact that land or water 6155
resources have been adversely affected by past coal mining 6156
practices; if the adverse effects are at a stage where, in the 6157
public interest, action to restore, reclaim, abate, control, or 6158
prevent the adverse effects should be taken; and if the owners of 6159
the affected land or water resources either are not known or 6160
readily available or will not give permission for the state, 6161
political subdivisions, or their agents, employees, or contractors 6162
to enter on the property to restore, reclaim, abate, control, or 6163
prevent the adverse effects, the chief or the chief's agents, 6164
employees, or contractors may enter on the affected property in 6165
order to do all things necessary or expedient to restore, reclaim, 6166
abate, control, or prevent the adverse effects. Prior to entering 6167
on the property, the chief or the chief's agents, employees, or 6168
contractors shall give notice by mail to the owners, if known, or, 6169
if not known, by posting notice on the premises and advertising 6170
once in a newspaper of general circulation in the county or 6171

municipal corporation in which the land lies. Such an entry shall
be construed as an exercise of the police power for the protection
of public health, safety, and welfare and shall not be construed
as an act of condemnation of property or of trespass. The moneys
expended for the work and the benefits accruing to any premises so
entered upon shall be chargeable against land and shall mitigate
or offset any claim in or any action brought by any owner of any
interest in the premises for any alleged damages by virtue of the
entry. This provision is not intended to create new rights of
action or eliminate existing immunities.

Each agreement entered into pursuant to this section shall
contain provisions for the reimbursement of a portion of the costs
of the reclamation that is commensurate with the increase in the
fair market value of the property attributable to the reclamation
work thereon, as determined by appraisals made before and after
reclamation in the manner stated in the agreement, unless the
determination discloses an increase in value that is
insubstantial. For reimbursement of the portion, the agreement may
include provisions for any of the following:

(A) Public use for soil, water, forest, or wildlife
conservation or public recreation purposes;

(B) Payment to the state of the share of the income from the
crops or timber produced on the land that is stated in the
agreement;

(C) Imposition of a lien in the amount of the increase in
fair market value payable upon transfer or conveyance of the
property to a new owner. All such reimbursements and payments
shall be credited to the unreclaimed lands fund.

(D) Payment to the state in cash of the amount of the
increase in fair market value, payable upon completion of the
reclamation.

For the purpose of selecting lands to be reclaimed within the 6203
boundaries of approved project areas, the chief shall consult the 6204
owners of unreclaimed lands, may consult with local officials, 6205
civic and professional organizations, and interested individuals, 6206
and shall consider the feasibility, cost, and public benefits of 6207
reclaiming particular lands, their potential for being mined, and 6208
the availability of federal or other assistance for reclamation. 6209
Before entering into the agreement, the chief shall prepare or 6210
approve a detailed plan with topographic maps indicating the 6211
reclamation improvements to be made. The plan may include 6212
improvements recommended by the owner, but may not include 6213
improvements that the chief finds are not necessary to establish 6214
vegetative cover or substantially reduce or eliminate erosion, 6215
sedimentation, landslides, pollution, accumulation or discharge of 6216
acid water, flooding, or damage to adjacent property. 6217

With the approval of the director and upon entering into the 6218
agreement with the owner, the chief may carry out the plan of 6219
reclamation or any part thereof with the employees and equipment 6220
of any division of the department of natural resources, or the 6221
chief may carry out the plan or any part thereof by contracting 6222
therefor. 6223

The chief, with the approval of the director and written 6224
consent of the owner, may enter into a contract with an operator 6225
mining adjacent land under a current, valid permit to carry out 6226
the plan of reclamation on the unreclaimed land or any part of the 6227
plan without advertising for bids. Contracts entered into with 6228
operators mining adjacent land ~~shall~~ are not ~~be~~ subject to 6229
division (B) of section 127.16 of the Revised Code. 6230

The chief shall require every operator mining adjacent land 6231
who performs reclamation work pursuant to this section to pay 6232
workers at the greater of their regular rate of pay, as 6233
established by contract, agreement, or prior custom or practice, 6234

or the average wage rate paid in this state for the same or
similar work performed in the same or similar locality by private
companies doing their own reclamation work. Each contract awarded
by the chief to other than an operator mining adjacent land shall
be awarded to the lowest responsible bidder after sealed bids are
received, opened, and published at the time and place fixed by the
chief. The chief shall publish notice of the time and place at
which bids will be received, opened, and published, at least once
at least ten days before the date of the opening of the bids, in a
newspaper of general circulation in the county in which the area
of land to be reclaimed under the contract is located. If, after
so advertising for bids, no bids are received by the chief at the
time and place fixed for receiving them, the chief may advertise
again for bids, or, if the chief considers the public interest
will be best served, the chief may enter into a contract for the
reclamation of the area of land without further advertisement for
bids. The chief may reject all bids received and again publish
notice of the time and place at which bids for contracts will be
received, opened, and published. The chief, with the approval of
the director and written consent of the owner, may enter into a
contract with a licensed mine operator mining adjacent land under
a valid permit to carry out the plan of reclamation on the
unreclaimed land or any part of the plan without advertising for
bids.

Sec. 1513.28. The chief of the division of ~~mines and~~
~~reclamation~~ mineral resources management, with the approval of the
director of natural resources, may make grants of moneys from the
unreclaimed lands fund created by section 1513.30 of the Revised
Code for the payment by the state of up to seventy-five per cent
of the reasonable and necessary reclamation expenses incurred by
the owner of any unreclaimed land affected by mining before April
10, 1972, or pursuant to a license issued before April 10, 1972,

that causes or may cause pollution of the waters of the state or 6267
damage to adjacent property, is not likely to be mined in the 6268
foreseeable future, and lies within the boundaries of a project 6269
area approved by the council on unreclaimed strip mined lands 6270
created in section 1513.29 of the Revised Code, in accordance with 6271
a plan of reclamation approved by the chief. 6272

The owner shall submit application for a grant on forms 6273
furnished by the division, together with detailed plans and 6274
topographic maps indicating the reclamation improvements to be 6275
made, an itemized estimate of the project's cost, a description of 6276
the project's benefits, and such other information as the chief 6277
prescribes. The plan of reclamation may be prepared in 6278
consultation with a local soil and water conservation district. 6279

The chief may award the applicant a grant only after finding 6280
that the proposed reclamation work will establish vegetative cover 6281
and substantially reduce or eliminate erosion, sedimentation, 6282
landslides, pollution, accumulation or discharge of acid water, 6283
flooding, and damage to adjacent property. 6284

For the purpose of establishing priorities for awarding 6285
grants under this section and section 1513.31 of the Revised Code, 6286
the chief shall consider each project's feasibility, cost, and 6287
public benefits of reclaiming the particular land, its potential 6288
for being mined, and the availability of federal or other 6289
financial assistance for reclamation. 6290

The chief shall determine the amount of a grant under this 6291
section based upon the chief's determination of what constitutes 6292
reasonable and necessary expenses actually incurred for 6293
establishing vegetative cover, substantially reducing or 6294
eliminating erosion, sedimentation, landslides, pollution, 6295
accumulation or discharge of acid water, flooding, or damage to 6296
adjacent property, and preparing the plan of reclamation. The 6297

owner may elect to have other improvements made concurrently, but 6298
in no event shall any part of the grant be made for such other 6299
improvements, and in no event shall the amount of the grant exceed 6300
seventy-five per cent of the total amount, determined by the 6301
chief, of what constitutes reasonable and necessary expenses 6302
actually incurred for the reclamation measures listed in this 6303
section. 6304

The chief shall enter into a contract for funding with each 6305
applicant awarded a grant to ensure that the moneys granted are 6306
used for the purposes of this section and that the reclamation 6307
work is properly done. The final payment may not be made until the 6308
chief inspects and approves the completed reclamation work. 6309

Each such contract shall contain provisions for the 6310
reimbursement of a portion of the costs of the reclamation that is 6311
commensurate with the increase in the fair market value of the 6312
property attributable to the reclamation work thereon, as 6313
determined by appraisals made before and after reclamation in the 6314
manner stated in the agreement, unless such determination 6315
discloses an increase in value that is insubstantial in comparison 6316
to the benefits to the public from the abatement of pollution or 6317
prevention of damage to adjacent property, considering the 6318
applicant's share of the reclamation cost. For reimbursement of 6319
such portion, the contract may include provisions for: 6320

(A) Public use for soil, water, forest, or wildlife 6321
conservation or public recreation purposes; 6322

(B) Payment to the state of the share of the income from the 6323
crops or timber produced on the land that is stated in the 6324
agreement; 6325

(C) Imposition of a lien in the amount of the increase in 6326
fair market value payable upon transfer or conveyance of the 6327
property to a new owner; 6328

(D) Payment to the state in cash in the amount of the 6329
increase in fair market value, payable upon completion of the 6330
reclamation. 6331

All such reimbursements and payments shall be credited to the 6332
unreclaimed lands fund. 6333

Not more than forty per cent of the money credited to the 6334
fund during the preceding calendar year may be expended during a 6335
calendar year for grants under this section. 6336

The chief shall require every landowner performing 6337
reclamation work pursuant to this section to pay workers at the 6338
greater of their regular rate of pay, as established by contract, 6339
agreement, or prior custom or practice, or the average wage rate 6340
in this state for the same or similar work performed in the same 6341
or similar locality by private companies doing their own 6342
reclamation work. 6343

Sec. 1513.29. There is hereby created the council on 6344
unreclaimed strip mined lands. Its members are the chief of the 6345
division of ~~mines and reclamation~~ mineral resources management, 6346
four persons appointed by the director of natural resources, two 6347
members of the house of representatives appointed by the speaker 6348
of the house of representatives, one member of the house of 6349
representatives appointed by the minority leader of the house of 6350
representatives, two members of the senate appointed by the 6351
president of the senate, and one member of the senate appointed by 6352
the minority leader of the senate. 6353

Members who are members of the general assembly shall serve 6354
terms of four years or until their legislative terms end, 6355
whichever is sooner. Members appointed by the director shall serve 6356
terms of four years, except that the terms of the first four 6357
members shall be for two and four years, as designated by the 6358

director. Any vacancy in the office of a member of the council 6359
shall be filled by the appointing authority for the unexpired term 6360
of the member whose office will be vacant. The appointing 6361
authority may at any time remove a member of the council for 6362
misfeasance, nonfeasance, malfeasance, or conflict of interest in 6363
office. 6364

The council shall hold at least four regular quarterly 6365
meetings each year. Special meetings may be held at the call of 6366
the chairperson or a majority of the members. The council shall 6367
annually elect from among its members a chairperson, a 6368
vice-chairperson, and a secretary to keep a record of its 6369
proceedings. 6370

The council shall gather information, study, and make 6371
recommendations concerning the number of acres, location, 6372
ownership, condition, environmental damage resulting from the 6373
condition, cost of acquiring, reclaiming, and possible future uses 6374
and value of eroded lands within the state, including land 6375
affected by strip mining for which no cash is held in the strip 6376
mining reclamation fund. 6377

The council may employ such staff and hire such consultants 6378
as necessary to perform its duties. Members appointed by the 6379
director and, notwithstanding section 101.26 of the Revised Code, 6380
members who are members of the general assembly, when engaged in 6381
their official duties as members of the council, shall be 6382
compensated on a per diem basis in accordance with division (J) of 6383
section 124.15 of the Revised Code. Members shall be reimbursed 6384
for their necessary expenses. Expenses incurred by the council and 6385
compensation provided under this section shall be paid by the 6386
chief of the division of ~~mines and reclamation~~ mineral resources 6387
management from the unreclaimed lands fund created in section 6388
1513.30 of the Revised Code. 6389

The council shall report its findings and recommendations to 6390
the governor and the general assembly not later than January 1, 6391
1974, and biennially thereafter. 6392

Sec. 1513.30. There is hereby created in the state treasury 6393
the unreclaimed lands fund, to be administered by the chief of the 6394
division of ~~mines and reclamation~~ mineral resources management and 6395
used for the purpose of reclaiming land, public or private, 6396
affected by mining, or controlling mine drainage, for which no 6397
cash is held in the reclamation forfeiture fund created in section 6398
1513.18 of the Revised Code or the surface mining ~~reclamation~~ fund 6399
created in section 1514.06 of the Revised Code and also for the 6400
purpose of paying the expenses and compensation of the council on 6401
unreclaimed strip mined lands as required by section 1513.29 of 6402
the Revised Code. 6403

In order to direct expenditures from the unreclaimed lands 6404
fund toward reclamation projects that fulfill priority needs and 6405
provide the greatest public benefits, the chief periodically shall 6406
submit to the council project proposals to be financed from the 6407
unreclaimed lands fund, together with benefit and cost data and 6408
other pertinent information. For the purpose of selecting project 6409
areas and determining the boundaries of project areas, the council 6410
shall consider the feasibility, cost, and public benefits of 6411
reclaiming the areas, their potential for being mined, the 6412
availability of federal or other financial assistance for 6413
reclamation, and the geographic distribution of project areas to 6414
ensure fair distribution among affected areas. 6415

The council shall give priority to areas where there is 6416
little or no likelihood of mining within the foreseeable future, 6417
reclamation is feasible at reasonable cost with available funds, 6418
and either of the following applies: 6419

(A) The pollution of the waters of the state and damage to 6420

adjacent property are most severe and widespread;

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(B) Reclamation will make possible public uses for soil, water, forest, or wildlife conservation or public recreation purposes, will facilitate orderly commercial or industrial site development, or will facilitate the use or improve the enjoyment of nearby public conservation or recreation lands.

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At least two weeks before any meeting of the council on unreclaimed strip mined lands at which the chief will submit a project proposal, a project area will be selected, or the boundaries of a project area will be determined, the chief shall mail notice by first class mail to the board of county commissioners of the county and the board of township trustees of the township in which the proposed project lies and the chief executive and the legislative authority of each municipal corporation within the proposed project area. The chief also shall give reasonable notice to the news media in the county where the proposed project lies.

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Expenditures from the unreclaimed lands fund for reclamation projects may be made only for projects that are within the boundaries of project areas approved by the council, and expenditures for a particular project may not exceed any applicable limits set by the council. Expenditures from the unreclaimed lands fund shall be made by the chief, with the approval of the director of natural resources.

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The controlling board may transfer excess funds from the oil and gas well fund created in section 1509.02 of the Revised Code, after recommendation by the council on unreclaimed strip mined lands, to meet deficiencies in the unreclaimed lands fund.

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The chief may expend an amount not to exceed twenty per cent of the moneys credited annually by the treasurer of state to the unreclaimed lands fund for the purpose of administering the

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~~unreclaimed lands~~ fund. 6452

The chief may engage in cooperative projects under this 6453
section with any agency of the United States, appropriate state 6454
agencies, or state universities or colleges as defined in section 6455
3345.27 of the Revised Code and may transfer money from the fund, 6456
with the approval of the council, to other appropriate state 6457
agencies or to state universities or colleges in order to carry 6458
out the reclamation activities authorized by this section. 6459

Sec. 1513.31. For the purpose of promoting local or regional 6460
economic or community development, the chief of the division of 6461
~~mines and reclamation~~ mineral resources management, with the 6462
approval of the director of natural resources, may make grants of 6463
money from the unreclaimed lands ~~special account~~ fund created by 6464
section 1513.30 of the Revised Code for the payment by the state 6465
of up to seventy-five per cent of the reasonable and necessary 6466
expenses incurred by a political subdivision, community 6467
improvement corporation incorporated under Chapter 1724. of the 6468
Revised Code, or other nonprofit corporation incorporated under 6469
Chapter 1702. of the Revised Code for the reclamation of any 6470
unreclaimed land affected by mining before April 10, 1972, or 6471
pursuant to a license issued before April 10, 1972, that is owned 6472
by the political subdivision or corporation, is to be reclaimed 6473
for the purpose of commercial or industrial site development by 6474
the political subdivision or corporation or the development of 6475
recreational facilities by the political subdivision, and lies 6476
within the boundaries of a project area approved by the council on 6477
unreclaimed strip mined lands, in accordance with a plan of 6478
reclamation approved by the chief. 6479

The owner shall submit an application for a grant on forms 6480
furnished by the division of mineral resources management together 6481
with detailed plans and topographic maps indicating the 6482

reclamation improvements to be made, an itemized estimate of the 6483
project's cost, a description of the project's benefits, and such 6484
other information as the chief prescribes. The chief may award the 6485
applicant a grant only after finding that the proposed reclamation 6486
work will render the unreclaimed land suitable for commercial, 6487
industrial, or, if the land is owned by a political subdivision, 6488
recreational site development and will substantially reduce or 6489
eliminate the damage, if any, to adjacent property that is or may 6490
be caused by the condition of the unreclaimed land. 6491

The chief shall determine the amount of the grant based upon 6492
the chief's determination of what constitutes reasonable and 6493
necessary expenses actually incurred for preparing the plan of 6494
reclamation; preparing the unreclaimed land for commercial, 6495
industrial, or, in the case of land owned by a political 6496
subdivision, recreational site development, including backfilling, 6497
grading, resoiling, planting, or other work to restore the land to 6498
a condition suitable for such development; and, if the condition 6499
of the unreclaimed land so requires, establishing vegetative cover 6500
or substantially reducing or eliminating erosion, sedimentation, 6501
landslides, pollution, accumulation or discharge of acid water, 6502
flooding, or damage to adjacent property. The owner may have other 6503
improvements made concurrently with the reclamation work, but 6504
shall not spend any part of the grant for such other improvements. 6505
No grant shall exceed seventy-five per cent of the total amount, 6506
as determined by the chief, of what constitutes reasonable and 6507
necessary expenses actually incurred for the reclamation measures 6508
listed in this section. 6509

The chief shall enter into a contract for funding with each 6510
applicant awarded a grant in order to ensure that the moneys 6511
granted are used for the purposes of this section and that the 6512
reclamation work is properly done. The final payment under a grant 6513
may not be made until the chief inspects and approves the 6514

completed reclamation work.

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Sec. 1513.32. For the purpose of promoting local or regional economic or community development, the chief of the division of ~~mines and reclamation~~ mineral resources management, with the approval of the director of natural resources, may enter into a written agreement, which may be in the form of a contract, with a political subdivision, community improvement corporation incorporated under Chapter 1724. of the Revised Code, or other nonprofit corporation incorporated under Chapter 1702. of the Revised Code that owns any unreclaimed land affected by mining before April 10, 1972, or pursuant to a license issued before April 10, 1972, under which the state or its agents may enter upon the land to reclaim it at state expense with moneys from the unreclaimed lands fund created by section 1513.30 of the Revised Code for the purpose of commercial or industrial site development if the land is owned by a political subdivision or corporation or the development of recreational facilities if the land is owned by a political subdivision. The agreement may include provisions pertaining to liability for damages and any other provisions necessary or desirable to achieve the purposes of this section.

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For the purpose of selecting lands to be reclaimed for commercial, industrial, or, if the lands are owned by a political subdivision, recreational site development, the chief shall consult with the owners of unreclaimed lands and with local officials, civic and professional organizations, and interested individuals and shall consider the feasibility, cost, and public benefits of reclaiming particular lands and the availability of federal or other assistance for the reclamation. The chief shall select for reclamation under this section only lands that lie within the boundaries of a project area approved by the council on unreclaimed strip mined lands.

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Before entering into the agreement, the chief shall prepare 6546
or approve a detailed plan with topographic maps indicating the 6547
reclamation improvements to be made, an itemized estimate of the 6548
project's cost, a description of the project's benefits, and such 6549
other information as the chief considers appropriate. The plan 6550
shall include only reclamation work that is necessary to render 6551
the unreclaimed land suitable for commercial, industrial, or, if 6552
the land is owned by a political subdivision, recreational site 6553
development and will substantially reduce or eliminate the damage, 6554
if any, to adjacent property that is or may be caused by the 6555
condition of the unreclaimed land. The plan may include 6556
improvements recommended by the owner, but may not include any 6557
improvements that the chief finds are not necessary to prepare the 6558
unreclaimed land for commercial, industrial, or, if the land is 6559
owned by a political subdivision, recreational site development, 6560
or if the condition of the unreclaimed land so requires, are not 6561
necessary to establish vegetative cover or substantially reduce or 6562
eliminate erosion, sedimentation, landslides, pollution, 6563
accumulation or discharge of acid water, flooding, or damage to 6564
adjacent property. 6565

With the approval of the director and upon entering into an 6566
agreement with the owner, the chief may carry out the plan of 6567
reclamation or any part thereof with the employees or equipment of 6568
the department, or the chief may carry out the plan or any part 6569
thereof by contracting therefor in accordance with the procedures 6570
prescribed in section 1513.27 of the Revised Code. The chief shall 6571
keep an itemized record of the state's expense in carrying out the 6572
plan. 6573

Expenditure of not more than twenty per cent of the moneys 6574
credited to the unreclaimed lands fund during the preceding fiscal 6575
year may be approved by the council on unreclaimed strip mined 6576
lands during a fiscal year for conducting reclamation projects 6577

under this section and for making grants under section 1513.31 of 6578
the Revised Code, provided that such expenditures are primarily 6579
for the pollution abatement purposes of section 1513.30 of the 6580
Revised Code. 6581

Sec. 1513.33. The amount of any grant to a community 6582
improvement corporation or nonprofit corporation made under 6583
section 1513.31 of the Revised Code or the state's expenses 6584
incurred in reclaiming unreclaimed land owned by a community 6585
improvement corporation or nonprofit corporation under section 6586
1513.32 of the Revised Code shall constitute a loan by the state 6587
to the corporation. Entry into a grant contract under section 6588
1513.31 of the Revised Code or into a reclamation agreement under 6589
section 1513.32 of the Revised Code by the chief of the division 6590
of ~~mines and reclamation~~ mineral resources management constitutes 6591
the designation of the community improvement corporation or 6592
nonprofit corporation as the state's agent for the commercial or 6593
industrial development of the land named in the contract or 6594
agreement. 6595

Each grant contract under section 1513.31 of the Revised Code 6596
or reclamation agreement under section 1513.32 of the Revised Code 6597
shall include terms for repayment of the grant or reimbursement of 6598
the state for its reclamation expenses, which shall require 6599
repayment of the loan in full upon the first sale, lease, or 6600
rental of the land reclaimed under the contract or agreement if 6601
the entire parcel of reclaimed land is sold, leased, or rented. If 6602
the corporation establishes a business enterprise on the entire 6603
parcel of reclaimed land, the contract shall require repayment of 6604
the loan in full upon the commencement of operation of the 6605
business enterprise. If the reclaimed land is sold, leased, or 6606
rented in portions or the corporation establishes a business 6607
enterprise on any portion of the reclaimed land, the contract or 6608

agreement shall require repayment of that portion of the loan that
corresponds to the portion of the reclaimed land sold, leased, or
rented upon the first sale, lease, or rental of that portion, or
upon commencement of operation of the business enterprise on that
portion, by the corporation in the proportion that the acreage of
the reclaimed land sold, leased, rented, or used in business by
the corporation bears to the total acreage of land reclaimed under
the contract or agreement.

To secure repayment of the moneys granted under section
1513.31 of the Revised Code or of the state's reclamation expenses
under section 1513.32 of the Revised Code to or on behalf of a
community improvement corporation or nonprofit corporation, the
state shall have a lien on the land owned by the corporation that
is land reclaimed under section 1513.31 or 1513.32 of the Revised
Code equal to the amount of the grant made under section 1513.31
of the Revised Code or to the state's expenses incurred in
reclaiming the land under section 1513.32 of the Revised Code.
Within thirty days after the final grant payment is made under
section 1513.31 of the Revised Code or after the completion of the
reclamation work under section 1513.32 of the Revised Code, the
chief shall cause to be recorded in the office of the county
recorder of the county in which the reclaimed land is located a
statement that shall contain an itemized accounting of the grant
paid under section 1513.31 of the Revised Code or an itemized
record of the state's expenses incurred in reclaiming the land
under section 1513.32 of the Revised Code. The statement shall
constitute a notice of lien and operate as of the date of delivery
as a lien on the land reclaimed in the amount of the grant moneys
paid out or the reclamation expenses incurred by the state and
shall have priority as a lien second only to the lien of real
property taxes imposed upon the land. The notice of lien and the
lien shall not be valid as against any mortgagee, pledgee,

purchaser, or judgment creditor whose rights have attached prior 6641
to the date of filing of the statement by the chief or to any 6642
prior or subsequent lien for real property taxes imposed pursuant 6643
to section 5719.04 of the Revised Code. 6644

The county recorder shall record and index the chief's 6645
statement, under the name of the state and the corporation, in the 6646
records of mechanic's liens maintained by the recorder's office. 6647
The county recorder shall impose no charge for the recording or 6648
indexing of the statement. If the land is registered, the county 6649
recorder shall make a notation and enter a memorial of the lien 6650
upon the page of the register in which the last certificate of 6651
title to the land is registered, stating the name of the claimant, 6652
amount claimed, volume and page of the record where recorded, and 6653
exact time the memorial was entered. 6654

The lien shall continue in force so long as any portion of 6655
the amount granted under section 1513.31 of the Revised Code or 6656
the state's reclamation expenses incurred under section 1513.32 of 6657
the Revised Code remains unpaid. Upon repayment in full of those 6658
moneys or expenses, the chief promptly shall issue a certificate 6659
of release of the lien. Upon presentation of the certificate of 6660
release, the county recorder of the county where the lien is 6661
recorded shall record the lien as having been discharged. 6662

A lien imposed under this section shall be foreclosed upon 6663
the substantial failure of a corporation to repay any portion of 6664
the amount granted under section 1513.31 of the Revised Code or 6665
the state's reclamation expenses incurred under section 1513.32 of 6666
the Revised Code in accordance with the terms of the grant 6667
contract or reclamation agreement. Before foreclosing any lien 6668
under this section, the chief shall make a written demand upon the 6669
corporation to comply with the repayment terms of the contract or 6670
agreement. If the corporation does not pay the amount due within 6671
sixty days, the chief shall refer the matter to the attorney 6672

general, who shall institute a civil action to foreclose the lien 6673
of the state. 6674

All moneys collected from loan repayments and lien 6675
foreclosures under this section shall be credited to the 6676
unreclaimed lands fund created by section 1513.30 of the Revised 6677
Code. 6678

Sec. 1513.34. The chief of the division of ~~mines and~~ 6679
~~reclamation~~ mineral resources management shall provide education 6680
and training for ~~inspection officers~~ mineral resources inspectors, 6681
district supervisors, and enforcement personnel. The chief shall 6682
provide adequate training and education as necessary for all 6683
persons appointed as ~~inspection officers~~ mineral resources 6684
inspectors during their provisional status. The chief shall 6685
provide, on a regular basis as funding allows, continuing 6686
education and training as necessary for all ~~inspection officers~~ 6687
mineral resources inspectors, district supervisors, and 6688
enforcement personnel. 6689

Sec. 1513.35. (A) In addition to the other requirements of 6690
~~Chapter 1513. of the Revised Code~~ this chapter, each permit issued 6691
by the chief of the division of ~~mines and reclamation~~ mineral 6692
resources management under section 1513.07 of the Revised Code for 6693
underground coal mining shall require the operator to: 6694

(1) Implement measures consistent with known technology in 6695
order to prevent subsidence from causing material damage to the 6696
extent technologically and economically feasible, maximize mine 6697
stability, and maintain the value and reasonably foreseeable use 6698
of such surface lands, except in those instances where the mining 6699
technology used requires planned subsidence in a predictable and 6700
controlled manner. This section does not prohibit the standard 6701
method of room and pillar mining. 6702

(2) Seal all portals, entryways, drifts, shafts, or other openings between the surface and underground mine workings when no longer needed for mining operations;

(3) Fill or seal exploratory holes no longer necessary for mining, maximizing to the extent technologically and economically feasible the return of mining and processing waste, tailings, and any other waste incident to the mining operation, to the mine workings or excavations;

(4) With respect to the surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine workings or excavations, stabilize all surface waste piles created by the operator from current operations through construction in compacted layers, including the use of noncombustible and impervious materials if necessary, and ensure that the leachate will not degrade below water quality standards established pursuant to applicable federal and state law surface or ground waters, that the final contour of the waste pile will be compatible with natural surroundings, and that the site is stabilized and revegetated according to this section;

(5) Design, locate, construct, operate, maintain, enlarge, modify, and remove or abandon, in accordance with rules adopted by the chief, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes and used either temporarily or permanently as dams or embankments;

(6) Establish on regraded areas and all other lands affected, a diverse and permanent vegetative cover capable of self-regeneration and plant succession and at least equal in extent of cover to the natural vegetation of the area;

(7) Protect offsite areas from damage that may result from such mining operations;

- (8) Eliminate fire hazards and conditions that may constitute a hazard to the health and safety of the public; 6734
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- (9) Minimize the disturbances of the prevailing hydrologic balance at the minesite and in associated offsite areas and to the quantity of water in surface and ground water systems both during and after coal mining operations and during reclamation by: 6736
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- (a) Avoiding acid or other toxic mine drainage by such measures as, but not limited to: 6740
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- (i) Preventing or removing water from contact with toxic producing deposits; 6742
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- (ii) Treating drainage to reduce toxic content that adversely affects downstream water upon being released to water courses; 6744
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- (iii) Casing, sealing, or otherwise managing boreholes, shafts, and wells to keep acid or other toxic drainage from entering ground and surface waters. 6747
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- (b) Conducting coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area, but in no event shall such contributions be in excess of requirements set by applicable state or federal law, and avoiding channel deepening or enlargement in operations requiring the discharge of water from mines. 6750
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- (10) With respect to other surface impacts not specified in this division, including the construction of new roads or in improvement or use of existing roads for hauling or to gain access to the site, repair areas, storage areas, processing areas, shipping areas, or other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities, operate in 6757
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accordance with the standards established under section 1513.16 of 6764
the Revised Code for such effects that result from coal mining 6765
operations. The chief shall make such modifications in the 6766
requirements imposed by this division as are necessary to 6767
accommodate the difference between strip and underground coal 6768
mining. 6769

(11) Minimize disturbances and adverse impacts of the 6770
operation on wildlife, fish, and related environmental values, and 6771
achieve enhancement of such resources where practicable, to the 6772
extent possible using the best currently available technology; 6773

(12) Locate openings for all new drift mines working 6774
acid-producing or iron-producing coal seams in such a manner so as 6775
to prevent a gravity discharge of water from the mine in 6776
accordance with rules adopted by the chief. 6777

(B) In order to protect the stability of the land, the chief 6778
shall suspend underground coal mining under urbanized areas, 6779
municipal corporations, or unincorporated communities or adjacent 6780
to industrial or commercial buildings, major impoundments, or 6781
permanent streams, if ~~he~~ the chief finds imminent danger to 6782
inhabitants of the urbanized areas, municipal corporations, and 6783
unincorporated communities. 6784

(C) ~~The provisions of Chapter 1513. of the Revised Code shall~~ 6785
~~be~~ This chapter is applicable to surface operations and surface 6786
impacts incident to an underground coal mine with modifications as 6787
are necessary to accommodate the difference between surface coal 6788
mining and underground coal mining. The chief shall adopt the 6789
modifications by rule in accordance with section 1513.02 and 6790
Chapter 119. of the Revised Code. 6791

Sec. 1513.36. In order to encourage advances in mining and 6792
reclamation practices or to allow post-mining land use for 6793

industrial, commercial, residential, agricultural, or public use, 6794
including recreational facilities, the chief of the division of 6795
~~mines and reclamation~~ mineral resources management, with approval 6796
by the secretary of the United States department of the interior, 6797
may authorize departures in individual cases on an experimental 6798
basis from the environmental performance standards set forth in 6799
this chapter. Such departures may be authorized if: 6800

(A) The experimental practices are potentially more or at 6801
least as environmentally protective, during and after mining 6802
operations, as those required under ~~Chapter 1513. of the Revised~~ 6803
~~Code~~ this chapter and rules adopted thereunder; 6804

(B) The mining operations approved for particular land use or 6805
other purposes are not larger or more numerous than necessary to 6806
determine the effectiveness and economic feasibility of the 6807
experimental practice; 6808

(C) The experimental practices do not reduce the protection 6809
afforded public health and safety below that provided under 6810
~~Chapter 1513. of the Revised Code~~ this chapter and rules adopted 6811
thereunder. 6812

Sec. 1513.37. (A) There is hereby created in the state 6813
treasury the abandoned mine reclamation fund, which shall be 6814
administered by the chief of the division of ~~mines and reclamation~~ 6815
mineral resources management. The fund shall consist of grants 6816
from the secretary of the interior from the federal abandoned mine 6817
reclamation fund established by Title IV of the "Surface Mining 6818
Control and Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 6819
1201, regulations adopted under it, and amendments to the act and 6820
regulations. Expenditures from the abandoned mine reclamation fund 6821
shall be made by the chief for the following purposes: 6822

(1) Reclamation and restoration of land and water resources 6823

adversely affected by past coal mining, including, but not limited	6824
to, reclamation and restoration of abandoned strip mine areas,	6825
abandoned coal processing areas, and abandoned coal refuse	6826
disposal areas; sealing and filling of abandoned deep mine entries	6827
and voids; planting of land adversely affected by past coal	6828
mining; prevention of erosion and sedimentation; prevention,	6829
abatement, treatment, and control of water pollution created by	6830
coal mine drainage, including restoration of streambeds and	6831
construction and operation of water treatment plants; prevention,	6832
abatement, and control of burning coal refuse disposal areas and	6833
burning coal in situ; and prevention, abatement, and control of	6834
coal mine subsidence;	6835
(2) Acquisition and filling of voids and sealing of tunnels,	6836
shafts, and entryways of noncoal lands;	6837
(3) Acquisition of land as provided for in this section;	6838
(4) Administrative expenses incurred in accomplishing the	6839
purposes of this section;	6840
(5) All other necessary expenses to accomplish the purposes	6841
of this section.	6842
(B) Expenditures of moneys from the fund on land and water	6843
eligible pursuant to division (C) of this section shall reflect	6844
the following priorities in the order stated:	6845
(1) The protection of public health, safety, general welfare,	6846
and property from extreme danger of adverse effects of coal mining	6847
practices;	6848
(2) The protection of public health, safety, and general	6849
welfare from adverse effects of coal mining practices;	6850
(3) The restoration of land and water resources and the	6851
environment previously degraded by adverse effects of coal mining	6852
practices, including measures for the conservation and development	6853

of soil and water (excluding channelization), woodland, fish and	6854
wildlife, recreation resources, and agricultural productivity;	6855
(4) Research and demonstration projects relating to the	6856
development of coal mining reclamation and water quality control	6857
program methods and techniques;	6858
(5) The protection, repair, replacement, construction, or	6859
enhancement of public facilities such as utilities, roads,	6860
recreation facilities, and conservation facilities adversely	6861
affected by coal mining practices;	6862
(6) The development of publicly owned land adversely affected	6863
by coal mining practices, including land acquired as provided in	6864
this section for recreation and historic purposes, conservation	6865
and reclamation purposes, and open space benefits.	6866
(C)(1) Lands and water eligible for reclamation or drainage	6867
abatement expenditures under this section are those that were	6868
mined for coal or were affected by such mining, wastebanks, coal	6869
processing, or other coal mining processes and that meet one of	6870
the following criteria:	6871
(a) Are lands that were abandoned or left in an inadequate	6872
reclamation status prior to August 3, 1977, and for which there is	6873
no continuing reclamation responsibility under state or federal	6874
laws;	6875
(b) Are lands for which the chief finds that surface coal	6876
mining operations occurred at any time between August 4, 1977, and	6877
August 16, 1982, and that any moneys for reclamation or abatement	6878
that are available pursuant to a bond or other form of financial	6879
guarantee or from any other source are not sufficient to provide	6880
for adequate reclamation or abatement at the site;	6881
(c) Are lands for which the chief finds that surface coal	6882
mining operations occurred at any time between August 4, 1977, and	6883

November 5, 1990, that the surety of the mining operator became 6884
insolvent during that time, and that, as of November 5, 1990, any 6885
moneys immediately available from proceedings relating to that 6886
insolvency or from any financial guarantee or other source are not 6887
sufficient to provide for adequate reclamation or abatement at the 6888
site. 6889

(2) In determining which sites to reclaim pursuant to 6890
divisions (C)(1)(b) and (c) of this section, the chief shall 6891
follow the priorities stated in divisions (B)(1) and (2) of this 6892
section and shall ensure that priority is given to those sites 6893
that are in the immediate vicinity of a residential area or that 6894
have an adverse economic impact on a local community. 6895

(3) Surface coal mining operations on lands eligible for 6896
remining shall not affect the eligibility of those lands for 6897
reclamation and restoration under this section after the release 6898
of the bond for any such operation as provided under division (F) 6899
of section 1513.16 of the Revised Code. If the bond for a surface 6900
coal mining operation on lands eligible for remining is forfeited, 6901
moneys available under this section may be used if the amount of 6902
the bond is not sufficient to provide for adequate reclamation or 6903
abatement, except that if conditions warrant, the chief 6904
immediately shall exercise the authority granted under division 6905
(L) of this section. 6906

(D) The chief may submit to the secretary of the interior a 6907
state reclamation plan and annual projects to carry out the 6908
purposes of this section. 6909

(1) The reclamation plan generally shall identify the areas 6910
to be reclaimed, the purposes for which the reclamation is 6911
proposed, the relationship of the lands to be reclaimed and the 6912
proposed reclamation to surrounding areas, the specific criteria 6913
for ranking and identifying projects to be funded, and the legal 6914

authority and programmatic capability to perform the work in 6915
accordance with this section. 6916

(2) On an annual basis, the chief may submit to the secretary 6917
an application for support of the abandoned mine reclamation fund 6918
and implementation of specific reclamation projects. The annual 6919
requests shall include such information as may be requested by the 6920
secretary. 6921

Before submitting an annual application to the secretary, the 6922
chief first shall submit it to the council on unreclaimed strip 6923
mined lands for review and approval by the council. The chief 6924
shall not submit such an application to the secretary until it has 6925
been approved by the council. The chief shall submit applications 6926
for administrative costs, imminent hazards, or emergency projects 6927
to the council for review. 6928

(3) The costs for each proposed project under this section 6929
shall include actual construction costs, actual operation and 6930
maintenance costs of permanent facilities, planning and 6931
engineering costs, construction inspection costs, and other 6932
necessary administrative expenses. 6933

(4) Before making any expenditure of funds from the fund to 6934
implement any specific reclamation project under this section, the 6935
chief first shall submit to the council a project proposal and any 6936
other pertinent information regarding the project requested by the 6937
council for review and approval of the specific project by the 6938
council. 6939

(5) The chief may submit annual and other reports required by 6940
the secretary when funds are provided by the secretary under Title 6941
IV of the "Surface Mining Control and Reclamation Act of 1977," 91 6942
Stat. 445, 30 U.S.C.A. 1201, regulations adopted under it, and 6943
amendments to the act and regulations. 6944

(E)(1) There is hereby created in the state treasury the acid 6945

mine drainage abatement and treatment fund, which shall be 6946
administered by the chief. The fund shall consist of grants from 6947
the secretary of the interior from the federal abandoned mine 6948
reclamation fund pursuant to section 402(g)(6) of Title IV of the 6949
"Surface Mining Control and Reclamation Act of 1977," 91 Stat. 6950
445, 30 U.S.C.A. 1201. All investment earnings of the fund shall 6951
be credited to the fund. 6952

(2) The chief shall make expenditures from the fund, in 6953
consultation with the United States department of agriculture, 6954
soil conservation service, to implement acid mine drainage 6955
abatement and treatment plans approved by the secretary. The plans 6956
shall provide for the comprehensive abatement of the causes and 6957
treatment of the effects of acid mine drainage within qualified 6958
hydrologic units affected by coal mining practices and shall 6959
include at least all of the following: 6960

(a) An identification of the qualified hydrologic unit. As 6961
used in division (E) of this section, "qualified hydrologic unit" 6962
means a hydrologic unit that meets all of the following criteria: 6963

(i) The water quality in the unit has been significantly 6964
affected by acid mine drainage from coal mining practices in a 6965
manner that has an adverse impact on biological resources. 6966

(ii) The unit contains lands and waters that meet the 6967
eligibility requirements established under division (C) of this 6968
section and any of the priorities established in divisions (B)(1) 6969
to (3) of this section. 6970

(iii) The unit contains lands and waters that are proposed to 6971
be the subject of expenditures from the reclamation forfeiture 6972
fund created in section 1513.18 of the Revised Code, ~~the~~ 6973
~~reclamation supplemental forfeiture fund created in that section,~~ 6974
or the unreclaimed lands fund created in section 1513.30 of the 6975
Revised Code. 6976

(b) The extent to which acid mine drainage is affecting the water quality and biological resources within the hydrologic unit;	6977 6978
(c) An identification of the sources of acid mine drainage within the hydrologic unit;	6979 6980
(d) An identification of individual projects and the measures proposed to be undertaken to abate and treat the causes or effects of acid mine drainage within the hydrologic unit;	6981 6982 6983
(e) The cost of undertaking the proposed abatement and treatment measures;	6984 6985
(f) An identification of existing and proposed sources of funding for those measures;	6986 6987
(g) An analysis of the cost-effectiveness and environmental benefits of abatement and treatment measures.	6988 6989
(3) The chief may make grants of moneys from the acid mine drainage abatement and treatment fund to watershed groups for conducting projects to accomplish the purposes of this section. A grant may be made in an amount equal to not more than fifty per cent of each of the following:	6990 6991 6992 6993 6994
(a) Reasonable and necessary expenses for the collection and analysis of data sufficient to do either or both of the following:	6995 6996
(i) Identify a watershed as a qualified hydrologic unit;	6997
(ii) Monitor the quality of water in a qualified hydrologic unit before, during, and at any time after completion of the project by the watershed group.	6998 6999 7000
(b) Engineering design costs and construction costs involved in the project, provided that the project is conducted in a qualified hydrologic unit and the chief considers the project to be a priority.	7001 7002 7003 7004
A watershed group that wishes to obtain a grant under	7005

division (E)(3) of this section shall submit an application to the chief on forms provided by the division of ~~mines and reclamation~~ mineral resources management, together with detailed estimates and timetables for accomplishing the stated goals of the project and any other information that the chief requires.

For the purposes of establishing priorities for awarding grants under division (E)(3) of this section, the chief shall consider each project's feasibility, cost-effectiveness, and environmental benefit, together with the availability of matching funding, including in-kind services, for the project.

The chief shall enter into a contract for funding with each applicant awarded a grant to ensure that the moneys granted are used for the purposes of this section and that the work that the project involves is done properly. The contract is not subject to division (B) of section 127.16 of the Revised Code. The final payment of grant moneys shall not be made until the chief inspects and approves the completed project.

The chief shall require each applicant awarded a grant under this section who conducts a project involving construction work to pay workers at the greater of their regular rate of pay, as established by contract, agreement, or prior custom or practice, or the average wage rate paid in this state for the same or similar work performed in the same or a similar locality by private companies doing similar work on similar projects.

As used in division (E)(3) of this section, "watershed group" means a charitable organization as defined in section 1716.01 of the Revised Code that has been established for the purpose of conducting reclamation of land and waters adversely affected by coal mining practices and specifically for conducting acid mine drainage abatement.

(F)(1) If the chief makes a finding of fact that land or

water resources have been adversely affected by past coal mining 7037
practices; the adverse effects are at a stage where, in the public 7038
interest, action to restore, reclaim, abate, control, or prevent 7039
the adverse effects should be taken; the owners of the land or 7040
water resources where entry must be made to restore, reclaim, 7041
abate, control, or prevent the adverse effects of past coal mining 7042
practices are not known or are not readily available; or the 7043
owners will not give permission for the state, political 7044
subdivisions, or their agents, employees, or contractors to enter 7045
upon the property to restore, reclaim, abate, control, or prevent 7046
the adverse effects of past coal mining practices; then, upon 7047
giving notice by mail to the owners, if known, or, if not known, 7048
by posting notice upon the premises and advertising once in a 7049
newspaper of general circulation in the municipal corporation or 7050
county in which the land lies, the chief or the chief's agents, 7051
employees, or contractors may enter upon the property adversely 7052
affected by past coal mining practices and any other property to 7053
have access to the property to do all things necessary or 7054
expedient to restore, reclaim, abate, control, or prevent the 7055
adverse effects. The entry shall be construed as an exercise of 7056
the police power for the protection of the public health, safety, 7057
and general welfare and shall not be construed as an act of 7058
condemnation of property nor of trespass on it. The moneys 7059
expended for the work and the benefits accruing to any such 7060
premises so entered upon shall be chargeable against the land and 7061
shall mitigate or offset any claim in or any action brought by any 7062
owner of any interest in the premises for any alleged damages by 7063
virtue of the entry, but this provision is not intended to create 7064
new rights of action or eliminate existing immunities. 7065

(2) The chief or the chief's authorized representatives may 7066
enter upon any property for the purpose of conducting studies or 7067
exploratory work to determine the existence of adverse effects of 7068

past coal mining practices and to determine the feasibility of 7069
restoration, reclamation, abatement, control, or prevention of 7070
such adverse effects. The entry shall be construed as an exercise 7071
of the police power for the protection of the public health, 7072
safety, and general welfare and shall not be construed as an act 7073
of condemnation of property nor trespass on it. 7074

(3) The chief may acquire any land by purchase, donation, or 7075
condemnation that is adversely affected by past coal mining 7076
practices if the chief determines that acquisition of the land is 7077
necessary to successful reclamation and that all of the following 7078
apply: 7079

(a) The acquired land, after restoration, reclamation, 7080
abatement, control, or prevention of the adverse effects of past 7081
coal mining practices, will serve recreation and historic 7082
purposes, serve conservation and reclamation purposes, or provide 7083
open space benefits. 7084

(b) Permanent facilities such as a treatment plant or a 7085
relocated stream channel will be constructed on the land for the 7086
restoration, reclamation, abatement, control, or prevention of the 7087
adverse effects of past coal mining practices. 7088

(c) Acquisition of coal refuse disposal sites and all coal 7089
refuse thereon will serve the purposes of this section or ~~that~~ 7090
public ownership is desirable to meet emergency situations and 7091
prevent recurrences of the adverse effects of past coal mining 7092
practices. 7093

(4)(a) Title to all lands acquired pursuant to this section 7094
shall be in the name of the state. The price paid for land 7095
acquired under this section shall reflect the market value of the 7096
land as adversely affected by past coal mining practices. 7097

(b) The chief may receive grants on a matching basis from the 7098
secretary of the interior for the purpose of carrying out this 7099

section.

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(5)(a) Where land acquired pursuant to this section is considered to be suitable for industrial, commercial, residential, or recreational development, the chief may sell the land by public sale under a system of competitive bidding at not less than fair market value and under other requirements imposed by rule to ensure that the lands are put to proper use consistent with local and state land use plans, if any, as determined by the chief.

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(b) The chief, when requested, and after appropriate public notice, shall hold a public meeting in the county, counties, or other appropriate political subdivisions of the state in which lands acquired pursuant to this section are located. The meetings shall be held at a time that shall afford local citizens and governments the maximum opportunity to participate in the decision concerning the use or disposition of the lands after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices.

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(6) In addition to the authority to acquire land under division (F)(3) of this section, the chief may use money in the fund to acquire land by purchase, donation, or condemnation, and to reclaim and transfer acquired land to a political subdivision, or to any person, if the chief determines that it is an integral and necessary element of an economically feasible plan for the construction or rehabilitation of housing for persons disabled as the result of employment in the mines or work incidental to that employment, persons displaced by acquisition of land pursuant to this section, persons dislocated as the result of adverse effects of coal mining practices that constitute an emergency as provided in the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 466, 30 U.S.C.A. 1240, or amendments to it, or persons dislocated as the result of natural disasters or catastrophic failures from any cause. Such activities shall be accomplished

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under such terms and conditions as the chief requires, which may
include transfers of land with or without monetary consideration,
except that to the extent that the consideration is below the fair
market value of the land transferred, no portion of the difference
between the fair market value and the consideration shall accrue
as a profit to those persons. No part of the funds provided under
this section may be used to pay the actual construction costs of
housing. The chief may carry out the purposes of division (F)(6)
of this section directly or by making grants and commitments for
grants and may advance money under such terms and conditions as
the chief may require to any agency or instrumentality of the
state or any public body or nonprofit organization designated by
the chief.

(G)(1) Within six months after the completion of projects to
restore, reclaim, abate, control, or prevent adverse effects of
past coal mining practices on privately owned land, the chief
shall itemize the moneys so expended and may file a statement of
the expenditures in the office of the county recorder of the
county in which the land lies, together with a notarized appraisal
by an independent appraiser of the value of the land before the
restoration, reclamation, abatement, control, or prevention of
adverse effects of past coal mining practices if the moneys so
expended result in a significant increase in property value. The
statement shall constitute a lien upon the land as of the date of
the expenditures of the moneys and shall have priority as a lien
second only to the lien of real property taxes imposed upon the
land. The lien shall not exceed the amount determined by the
appraisal to be the increase in the fair market value of the land
as a result of the restoration, reclamation, abatement, control,
or prevention of the adverse effects of past coal mining
practices. No lien shall be filed under division (G) of this
section against the property of any person who owned the surface

prior to May 2, 1977, and did not consent to, participate in, or
exercise control over the mining operation that necessitated the
reclamation performed.

(2) The landowner may petition, within sixty days after the
filing of the lien, to determine the increase in the fair market
value of the land as a result of the restoration, reclamation,
abatement, control, or prevention of the adverse effects of past
coal mining practices. The amount reported to be the increase in
value of the premises shall constitute the amount of the lien and
shall be recorded with the statement provided in this section. Any
party aggrieved by the decision may appeal as provided by state
law.

(3) The lien provided in division (G) of this section shall
be recorded and indexed, under the name of the state and the
landowner, in a lien index in the office of the county recorder of
the county in which the land lies. The county recorder shall
impose no charge for the recording or indexing of the lien. If the
land is registered, the county recorder shall make a notation and
enter a memorial of the lien upon the page of the register in
which the last certificate of title to the land is registered,
stating the name of the claimant, amount claimed, volume and page
of the record where recorded, and exact time the memorial was
entered.

(4) The lien shall continue in force so long as any portion
of the amount of the lien remains unpaid. If the lien remains
unpaid at the time of conveyance of the land on which the lien was
placed, the conveyance may be set aside. Upon repayment in full of
the moneys expended under this section, the chief promptly shall
issue a certificate of release of the lien. Upon presentation of
the certificate of release, the county recorder of the county in
which the lien is recorded shall record the lien as having been
discharged.

(5) A lien imposed under this section shall be foreclosed 7196
upon the substantial failure of a landowner to pay any portion of 7197
the amount of the lien. Before foreclosing any lien under this 7198
section, the chief shall make a written demand upon the landowner 7199
for payment. If the landowner does not pay the amount due within 7200
sixty days, the chief shall refer the matter to the attorney 7201
general, who shall institute a civil action to foreclose the lien. 7202

(H)(1) The chief may fill voids, seal abandoned tunnels, 7203
shafts, and entryways, and reclaim surface impacts of underground 7204
or strip mines that the chief determines could endanger life and 7205
property, constitute a hazard to the public health and safety, or 7206
degrade the environment. 7207

(2) In those instances where mine waste piles are being 7208
reworked for conservation purposes, the incremental costs of 7209
disposing of the wastes from those operations by filling voids and 7210
sealing tunnels may be eligible for funding, provided that the 7211
disposal of these wastes meets the purposes of this section. 7212

(3) The chief may acquire by purchase, donation, easement, or 7213
otherwise such interest in land as the chief determines necessary 7214
to carry out division (H) of this section. 7215

(I) The chief shall report annually to the secretary of the 7216
interior on operations under the fund and include recommendations 7217
as to its future uses. 7218

(J)(1) The chief may engage in any work and do all things 7219
necessary or expedient, including the adoption of rules, to 7220
implement and administer this section. 7221

(2) The chief may engage in cooperative projects under this 7222
section with any agency of the United States, any other state, or 7223
their governmental agencies or with any state university or 7224
college as defined in section 3345.27 of the Revised Code. The 7225
cooperative projects are not subject to division (B) of section 7226

127.16 of the Revised Code. 7227

(3) The chief may request the attorney general to initiate in 7228
any court of competent jurisdiction an action in equity for an 7229
injunction to restrain any interference with the exercise of the 7230
right to enter or to conduct any work provided in this section, 7231
which remedy is in addition to any other remedy available under 7232
this section. 7233

(4) The chief may construct or operate a plant or plants for 7234
the control and treatment of water pollution resulting from mine 7235
drainage. The extent of this control and treatment may be 7236
dependent upon the ultimate use of the water. Division (J)(4) of 7237
this section does not repeal or supersede any portion of the 7238
"Federal Water Pollution Control Act," 70 Stat. 498 (1965), 33 7239
U.S.C.A. 1151, as amended, and no control or treatment under 7240
division (J)(4) of this section, in any way, shall be less than 7241
that required by that act. The construction of a plant or plants 7242
may include major interceptors and other facilities appurtenant to 7243
the plant. 7244

(5) The chief may transfer money from the abandoned mine 7245
reclamation fund and the acid mine drainage abatement and 7246
treatment fund to other appropriate state agencies or to state 7247
universities or colleges in order to carry out the reclamation 7248
activities authorized by this section. 7249

(K) The chief may contract for any part of work to be 7250
performed under this section, with or without advertising for 7251
bids, if the chief determines that a condition exists that could 7252
reasonably be expected to cause substantial physical harm to 7253
persons, property, or the environment and to which persons or 7254
improvements on real property are currently exposed. 7255

The chief shall require every contractor performing 7256
reclamation work under this section to pay its workers at the 7257

greater of their regular rate of pay, as established by contract, 7258
agreement, or prior custom or practice, or the average wage rate 7259
paid in this state for the same or similar work as determined by 7260
the chief under section 1513.02 of the Revised Code. 7261

(L)(1) The chief may contract for the emergency restoration, 7262
reclamation, abatement, control, or prevention of adverse effects 7263
of mining practices on eligible lands if the chief determines that 7264
an emergency exists constituting a danger to the public health, 7265
safety, or welfare and that no other person or agency will act 7266
expeditiously to restore, reclaim, abate, control, or prevent 7267
those adverse effects. The chief may enter into a contract for 7268
emergency work under division (L) of this section without 7269
advertising for bids. Any such contract or any purchase of 7270
materials for emergency work under division (L) of this section is 7271
not subject to division (B) of section 127.16 of the Revised Code. 7272

(2) The chief or the chief's agents, employees, or 7273
contractors may enter on any land where such an emergency exists, 7274
and on other land in order to have access to that land, in order 7275
to restore, reclaim, abate, control, or prevent the adverse 7276
effects of mining practices and to do all things necessary or 7277
expedient to protect the public health, safety, or welfare. Such 7278
an entry shall be construed as an exercise of the police power and 7279
shall not be construed as an act of condemnation of property or of 7280
trespass. The moneys expended for the work and the benefits 7281
accruing to any premises so entered upon shall be chargeable 7282
against the land and shall mitigate or offset any claim in or any 7283
action brought by any owner of any interest in the premises for 7284
any alleged damages by virtue of the entry. This provision is not 7285
intended to create new rights of action or eliminate existing 7286
immunities. 7287

Sec. 1513.39. (A) No person shall discharge, or in any other 7288

way discriminate against or cause to be fired or discriminated 7289
against, any employee or any authorized representative of 7290
employees by reason of the fact that the employee or 7291
representative has filed, instituted, or caused to be filed or 7292
instituted any proceeding under this chapter or has testified or 7293
is about to testify in any proceeding resulting from the 7294
administration or enforcement of this chapter. 7295

(B) Any employee or representative of employees who believes 7296
that ~~he~~ the employee or representative has been fired or otherwise 7297
discriminated against by any person in violation of division (A) 7298
of this section may, within thirty days after the alleged 7299
violation occurs, apply to the chief of the division of ~~mines and~~ 7300
~~reclamation~~ mineral resources management for a review of the 7301
firing or alleged discrimination. A copy of the application shall 7302
be sent to the person or operator who will be the respondent. Upon 7303
receipt of the application, the chief shall cause such 7304
investigation to be made as ~~he~~ the chief considers appropriate. 7305
The investigation shall provide an opportunity for a public 7306
hearing at the request of any party to the review to enable the 7307
parties to present information relating to the alleged violation. 7308
The parties shall be given written notice of the time and place of 7309
the hearing at least five days prior to the hearing. Any such 7310
hearing shall be of record. Upon receiving the report of the 7311
investigation the chief shall make findings of fact. If ~~he~~ the 7312
chief finds that a violation did occur, ~~he~~ the chief shall issue a 7313
decision incorporating therein ~~his~~ the chief's findings and an 7314
order requiring the party committing the violation to take such 7315
affirmative action to abate the violation as the chief considers 7316
appropriate, including, but not limited to, the rehiring or 7317
reinstatement of the employee or representative of employees to 7318
~~his~~ the employee's or representative's former position with 7319
compensation. If ~~he~~ the chief finds that there was no violation, 7320

he the chief shall issue a finding to that effect. Orders issued 7321
by the chief under this division shall be subject to judicial 7322
review in the same manner as orders and decisions of the chief are 7323
subject to judicial review under this chapter. 7324

(C) Whenever an order is issued under this section to abate 7325
any violation, at the request of the applicant, a sum equal to the 7326
aggregate amount of all costs and expenses, including attorney's 7327
fees, determined to have been necessary and reasonably incurred by 7328
the applicant for, or in connection with, the institution and 7329
prosecution of such proceedings, shall be assessed against the 7330
persons committing the violation and may be awarded in accordance 7331
with division (E) of section 1513.13 of the Revised Code. 7332

Sec. 1513.40. Whenever a corporate permittee violates a 7333
condition of a permit issued pursuant to this chapter or fails or 7334
refuses to comply with any order of the chief of the division of 7335
~~mines and reclamation~~ mineral resources management or ~~his~~ the 7336
chief's representative, any director, officer, or agent of the 7337
corporation who purposely authorized, ordered, or carried out such 7338
violation, failure, or refusal shall be subject to the same civil 7339
penalties, fines, and imprisonment that may be imposed upon a 7340
person under this chapter. 7341

Sec. 1513.41. When an inspection by the chief of the division 7342
of ~~mines and reclamation~~ mineral resources management or ~~his~~ the 7343
chief's representative results from information provided by any 7344
person, the chief or ~~his~~ the chief's representative shall notify 7345
the person when the inspection is proposed to be carried out and 7346
the person may accompany the chief or ~~his~~ the chief's 7347
representative during the inspection. 7348

Sec. 1514.02. (A) After the dates the chief of the division 7349
of ~~mines and reclamation~~ mineral resources management prescribes 7350

by rule pursuant to section 1514.08 of the Revised Code, but not 7351
later than July 1, 1977, nor earlier than July 1, 1975, no 7352
operator shall engage in surface mining or conduct a surface 7353
mining operation without a permit issued by the chief. 7354

An application for a permit shall be upon the form that the 7355
chief prescribes and provides and shall contain all of the 7356
following: 7357

(1) The name and address of the applicant, of all partners if 7358
the applicant is a partnership, or of all officers and directors 7359
if the applicant is a corporation, and any other person who has a 7360
right to control or in fact controls the management of the 7361
applicant or the selection of officers, directors, or managers of 7362
the applicant; 7363

(2) A list of the minerals and coal, if any coal, sought to 7364
be extracted, an estimate of the annual production rates for each 7365
mineral and coal, and a description of the land upon which the 7366
applicant proposes to engage in a surface mining operation, which 7367
description shall set forth the name of the counties, townships, 7368
and municipal corporations, if any, in which the land is located; 7369
the location of its boundaries; and a description of the land of 7370
sufficient certainty that it may be located and distinguished from 7371
other lands; 7372

(3) An estimate of the number of acres of land that will 7373
comprise the total area of land to be affected and an estimate of 7374
the number of acres of land to be affected during the first year 7375
of operation under the permit; 7376

(4) The name and address of the owner of surface rights in 7377
the land upon which the applicant proposes to engage in surface 7378
mining; 7379

(5) A copy of the deed, lease, or other instrument that 7380

authorizes entry upon the land by the applicant or the applicant's 7381
agents if surface rights in the land are not owned by the 7382
applicant; 7383

(6) A statement of whether any surface mining permits or coal 7384
mining and reclamation permits are now held by the applicant in 7385
this state and, if so, the numbers of the permits; 7386

(7) A statement of whether the applicant, any partner if the 7387
applicant is a partnership, any officer or director if the 7388
applicant is a corporation, or any other person who has a right to 7389
control or in fact controls the management of the applicant or the 7390
selection of officers, directors, or managers of the applicant has 7391
ever had a surface mining permit or coal mining and reclamation 7392
permit issued by this or any other state suspended or revoked or 7393
has ever forfeited a surface mining or coal mining and reclamation 7394
bond or cash, an irrevocable letter of credit, or a security 7395
deposited in lieu of a bond; 7396

(8) A report of the results of test borings that the operator 7397
has conducted on the area or otherwise has readily available, 7398
including, to the extent that the information is readily available 7399
to the operator, the nature and depth of overburden and material 7400
underlying each mineral or coal deposit, and the thickness and 7401
extent of each mineral or coal deposit. All information relating 7402
to test boring results submitted to the chief pursuant to this 7403
section shall be kept confidential and not made a matter of public 7404
record, except that the information may be disclosed by the chief 7405
in any legal action in which the truthfulness of the information 7406
is material. 7407

(9) A complete plan for mining and reclamation of the area to 7408
be affected, which shall include a statement of the intended 7409
future uses of the area and show the approximate sequence in which 7410
mining and reclamation measures are to occur, the approximate 7411

intervals following mining during which the reclamation of all 7412
various parts of the area affected will be completed, and the 7413
measures the operator will perform to prevent damage to adjoining 7414
property and to achieve all of the following general performance 7415
standards for mining and reclamation: 7416

(a) Prepare the site adequately for its intended future uses 7417
upon completion of mining; 7418

(b) Where a plan of zoning or other comprehensive plan has 7419
been adopted that governs land uses or the construction of public 7420
improvements and utilities for an area that includes the area 7421
sought to be mined, ensure that future land uses within the site 7422
will not conflict with the plan; 7423

(c) Grade, contour, or terrace final slopes, wherever needed, 7424
sufficient to achieve soil stability and control landslides, 7425
erosion, and sedimentation. Highwalls will be permitted if they 7426
are compatible with the future uses specified in the plan and 7427
measures will be taken to ensure public safety. Where ponds, 7428
impoundments, or other resulting bodies of water are intended for 7429
recreational use, establish banks and slopes that will ensure safe 7430
access to those bodies of water. Where such bodies of water are 7431
not intended for recreation, include measures to ensure public 7432
safety, but access need not be provided. 7433

(d) Resoil the area of land affected, wherever needed, with 7434
topsoil or suitable subsoil, fertilizer, lime, or soil amendments, 7435
as appropriate, in sufficient quantity and depth to raise and 7436
maintain a diverse growth of vegetation adequate to bind the soil 7437
and control soil erosion and sedimentation; 7438

(e) Establish a diverse vegetative cover of grass and legumes 7439
or trees, grasses, and legumes capable of self-regeneration and 7440
plant succession wherever required by the plan; 7441

7442

(f) Remove or bury any metal, lumber, equipment, or other refuse resulting from mining, and remove or bury any unwanted or useless structures;

(g) Reestablish boundary, section corner, government, and other survey monuments that were removed by the operator;

(h) During mining and reclamation, ensure that contamination, resulting from mining, of underground water supplies is prevented. Upon completion of reclamation, ensure that any lake or pond located within the site boundaries 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.

(i) During mining and reclamation, control drainage so as to prevent the causing of flooding, landslides, and flood hazards to adjoining lands resulting from the mining operation. Leave any ponds in such condition as to avoid their constituting a hazard to adjoining lands.

(j) Ensure that mining and reclamation are carried out in the sequence and manner set forth in the plan and that reclamation measures are performed in a timely manner. All reclamation of an area of land affected shall be completed no later than three years following the mining of the area unless the operator makes a showing satisfactory to the chief that the future use of the area requires a longer period for completing reclamation.

(k) During mining, store topsoil or fill in quantities sufficient to complete the backfilling, grading, contouring, terracing, and resoiling that is specified in the plan. Stabilize the slopes of and plant each spoil bank to control soil erosion and sedimentation wherever substantial damage to adjoining property might occur.

(l) During mining, promptly remove, store, or cover any coal,

pyritic shale, or other acid producing materials in a manner that 7474
will minimize acid drainage and the accumulation of acid water; 7475
7476

(m) During mining, detonate explosives in a manner that will 7477
prevent damage to adjoining property. 7478

(10) For any applicant who intends to extract less than ten 7479
thousand tons of minerals per year and no incidental coal, a 7480
current tax map, in triplicate and notarized, and the appropriate 7481
United States geological survey seven and one-half minute 7482
topographic map. Each copy shall bear the applicant's name and 7483
shall identify the area of land to be affected corresponding to 7484
the application. 7485

(11) For any applicant who intends to extract ten thousand 7486
tons of minerals or more per year or who intends to extract any 7487
incidental coal irrespective of the tonnage of minerals intended 7488
to be mined, a map, in triplicate, on a scale of not more than 7489
four hundred feet to the inch, or three copies of an enlarged 7490
United States geological survey topographic map on a scale of not 7491
more than four hundred feet to the inch. 7492

The map shall comply with all of the following: 7493

(a) Be prepared and certified by a professional engineer or 7494
surveyor registered under Chapter 4733. of the Revised Code; 7495

(b) Identify the area of land to be affected corresponding to 7496
the application; 7497

(c) Show the probable limits of subjacent and adjacent deep, 7498
strip, or surface mining operations, whether active, inactive, or 7499
mined out; 7500

(d) Show the boundaries of the area of land to be affected 7501
during the period of the permit and the area of land estimated to 7502
be affected during the first year of operation, and name the 7503

surface and mineral owners of record of the area and the owners of 7504
record of adjoining surface properties; 7505

(e) Show the names and locations of all streams, creeks, or 7506
other bodies of water, roads, railroads, utility lines, buildings, 7507
cemeteries, and oil and gas wells on the area of land to be 7508
affected and within five hundred feet of the perimeter of the 7509
area; 7510

(f) Show the counties, municipal corporations, townships, and 7511
sections in which the area of land to be affected is located; 7512

(g) Show the drainage plan on, above, below, and away from 7513
the area of land to be affected, indicating the directional flow 7514
of water, constructed drainways, natural waterways used for 7515
drainage, and the streams or tributaries receiving or to receive 7516
this discharge; 7517

(h) Show the location of available test boring holes that the 7518
operator has conducted on the area of land to be affected or 7519
otherwise has readily available; 7520

(i) Show the date on which the map was prepared, the north 7521
direction and the quadrangle sketch, and the exact location of the 7522
operation; 7523

(j) Show the type, kind, location, and references of all 7524
existing boundary, section corner, government, and other survey 7525
monuments within the area to be affected and within five hundred 7526
feet of the perimeter of the area. 7527

The certification of the maps shall read: "I, the 7528
undersigned, hereby certify that this map is correct, and shows to 7529
the best of my knowledge and belief all of the information 7530
required by the surface mining laws of the state." The 7531
certification shall be signed and attested before a notary public. 7532
The chief may reject any map as incomplete if its accuracy is not 7533

so certified and attested. 7534

(12) A certificate of public liability insurance issued by an 7535
insurance company authorized to do business in this state or 7536
obtained pursuant to sections 3905.30 to 3905.35 of the Revised 7537
Code covering all surface mining operations of the applicant in 7538
this state and affording bodily injury and property damage 7539
protection in amounts not less than the following: 7540

(a) One hundred thousand dollars for all damages because of 7541
bodily injury sustained by one person as the result of any one 7542
occurrence, and three hundred thousand dollars for all damages 7543
because of bodily injury sustained by two or more persons as the 7544
result of any one occurrence; 7545

(b) One hundred thousand dollars for all claims arising out 7546
of damage to property as the result of any one occurrence, with an 7547
aggregate limit of three hundred thousand dollars for all property 7548
damage to which the policy applies. 7549

(B) No permit application or amendment shall be approved by 7550
the chief if the chief finds that the reclamation described in the 7551
application will not be performed in full compliance with this 7552
chapter or that there is not reasonable cause to believe that 7553
reclamation as required by this chapter will be accomplished. 7554

The chief shall issue an order denying an application for an 7555
operating permit or an amendment if the chief determines that the 7556
measures set forth in the plan are likely to be inadequate to 7557
prevent damage to adjoining property or to achieve one or more of 7558
the performance standards required in division (A)(9) of this 7559
section. 7560

No permit application or amendment shall be approved to 7561
surface mine land adjacent to a public road in violation of 7562
section 1563.11 of the Revised Code. 7563

To ensure adequate lateral support, no permit application or amendment shall be approved to engage in surface mining on land that is closer than fifty feet of horizontal distance to any adjacent land or waters in which the operator making application does not own the surface or mineral rights unless the owners of the surface and mineral rights in and under the adjacent land or waters consent in writing to surface mining closer than fifty feet of horizontal distance. The consent, or a certified copy thereof, shall be attached to the application as a part of the permanent record of the application for a surface mining permit.

The chief shall issue an order granting a permit upon the chief's approval of an application, as required by this section, filing of the performance bond required by section 1514.04 of the Revised Code, and payment of a permit fee in the amount of two hundred fifty dollars and an acreage fee in the amount of thirty dollars multiplied by the number of acres estimated in the application that will comprise the area of land to be affected within the first year of operation under the permit, but which acreage fee shall not exceed one thousand dollars per year.

The chief may issue an order denying a permit if the chief finds that the applicant, any partner if the applicant is a partnership, any officer or director if the applicant is a corporation, or any other person who has a right to control or in fact controls the management of the applicant or the selection of officers, directors, or managers of the applicant has substantially or materially failed to comply or continues to fail to comply with this chapter, which failure may consist of one or more violations thereof, a rule adopted thereunder, or an order of the chief or failure to perform reclamation as required by this chapter. The chief may deny or revoke the permit of any person who so violates or fails to comply or who purposely misrepresents or omits any material fact in the application for the permit or an

amendment to a permit. 7596

If the chief denies the permit, the chief shall state the 7597
reasons for denial in the order denying the permit. 7598

Each permit shall be issued upon condition that the operator 7599
will comply with this chapter and perform the measures set forth 7600
in the operator's plan of mining and reclamation in a timely 7601
manner and upon the right of the chief, ~~division~~ mineral resources 7602
inspectors, or other authorized representatives of the chief to 7603
enter upon the premises of the operator at reasonable times for 7604
the purposes of determining whether or not there is compliance 7605
with this chapter. 7606

(C) If the chief approves the application, the order granting 7607
the permit shall authorize the person to whom the permit is issued 7608
to engage as the operator of a surface mining operation upon the 7609
land described in the permit during a period that shall expire ten 7610
years after the date of issuance of the permit, or upon the date 7611
when the chief, after inspection, orders the release of any 7612
remaining performance bond deposited to assure satisfactory 7613
performance of the reclamation measures required pursuant to this 7614
chapter, whichever occurs earlier. 7615

(D) Before an operator engages in a surface mining operation 7616
on land not described in the operator's permit, but that is 7617
contiguous to the land described in the operator's permit, the 7618
operator shall file with the chief an application for an amendment 7619
to the operator's permit. Before approving an amendment, the chief 7620
shall require the information, maps, fees, and performance bond as 7621
required for an original application under this section and shall 7622
apply the same prohibitions and restrictions applicable to land 7623
described in an original application for a permit. If the chief 7624
disapproves the amendment, the chief shall state the reasons for 7625
disapproval in the order disapproving the amendment. Upon the 7626

approval of an amendment by the chief, the operator shall be 7627
authorized to engage in surface mining on the land described in 7628
the operator's original permit plus the land described in the 7629
amendment until the date when the permit expires, or when the 7630
chief, after inspection, orders the release of any remaining 7631
performance bond deposited to assure satisfactory performance of 7632
the reclamation measures required pursuant to this chapter, 7633
whichever occurs earlier. 7634

(E) An operator, at any time and upon application therefor 7635
and approval by the chief, may amend the plan of mining and 7636
reclamation filed with the application for a permit in order to 7637
change the reclamation measures to be performed, modify the 7638
interval after mining within which reclamation measures will be 7639
performed, change the sequence in which mining or reclamation will 7640
occur at specific locations within the area affected, mine acreage 7641
previously mined or reclaimed, or for any other purpose, provided 7642
that the plan, as amended, includes measures that the chief 7643
determines will be adequate to prevent damage to adjoining 7644
property and to achieve the performance standards set forth in 7645
division (A)(9) of this section. 7646

The chief may propose one or more amendments to the plan in 7647
writing, within ninety days after the fifth anniversary of the 7648
date of issuance of the permit and upon a finding of any of the 7649
following conditions after a complete review of the plan and 7650
inspection of the area of land affected, and the plan shall be so 7651
amended upon written concurrence in the findings and approval of 7652
the amendments by the operator: 7653

(1) An alternate measure, in lieu of one previously approved 7654
in the plan, will more economically or effectively achieve one or 7655
more of the performance standards. 7656

(2) Developments in reclamation technology make an alternate 7657

measure to achieve one or more of the performance standards more 7658
economical, feasible, practical, or effective. 7659

(3) Changes in the use or development of adjoining lands 7660
require changes in the intended future uses of the area of land 7661
affected in order to prevent damage to adjoining property. 7662

(F) The chief shall issue an order granting or denying an 7663
operating permit or amendment to a permit or approving or denying 7664
an amendment to the operator's plan of mining and reclamation 7665
within ninety days after the filing of an application therefor. If 7666
the chief fails to act within that period with respect to a 7667
surface mining operation that existed prior to the initial date by 7668
which the chief requires a permit to be obtained, the operator may 7669
continue the operation until the chief issues an order denying a 7670
permit for the operation, and if the operator elects to appeal the 7671
order pursuant to section 1513.13 of the Revised Code, until the 7672
reclamation commission affirms the order of the chief denying the 7673
permit, and if the operator elects to appeal the order of the 7674
commission pursuant to section 1513.14 of the Revised Code, until 7675
the court of common pleas affirms the order. 7676

Sec. 1514.021. (A) A permit holder who wishes to continue 7677
surface mining operations after the expiration date of the 7678
existing permit or renewal permit shall file with the chief of the 7679
division of ~~mines and reclamation~~ mineral resources management an 7680
application for renewal of a surface mining permit or renewal 7681
permit at least ninety days before the expiration date of the 7682
existing permit or renewal permit. The application shall be upon 7683
the form that the chief prescribes and provides and shall be 7684
accompanied by the permit fees required under division (B) of 7685
section 1514.02 of the Revised Code. 7686

(B) Upon receipt of an application for renewal and the permit 7687
fee under division (A) of this section, the chief shall notify the 7688

applicant to submit a map that is a composite of the information 7689
required to be contained in the most recent annual report map 7690
under section 1514.03 of the Revised Code and of all surface 7691
mining and reclamation activities conducted under the existing 7692
permit or renewal permit; the annual report required under section 7693
1514.03 of the Revised Code; and additional maps, plans, and 7694
revised or updated information that the chief determines to be 7695
necessary for permit renewal. Within sixty days after receipt of 7696
this notification, the applicant shall submit all the required 7697
information to the chief. 7698

(C) Upon receipt of the information required under division 7699
(B) of this section, the chief may approve the application for 7700
renewal and issue an order granting a renewal permit if the chief 7701
finds that both of the following apply: 7702

(1) The permit holder's operation is in compliance with this 7703
chapter, rules adopted and orders issued under it, and the plan of 7704
mining and reclamation under the existing permit or renewal 7705
permit; 7706

(2) The permit holder has provided evidence that a 7707
performance bond filed under section 1514.04 of the Revised Code 7708
applicable to lands affected under the existing permit or renewal 7709
permit will remain effective until released under section 1514.05 7710
of the Revised Code. 7711

(D) Within sixty days after receiving the information and 7712
permit fees required under divisions (A) and (B) of this section, 7713
the chief shall approve the application for renewal and issue an 7714
order granting a renewal permit, issue an order denying the 7715
application, or notify the applicant that the time limit for 7716
issuing such an order has been extended. This extension of time 7717
shall not exceed sixty days. 7718

(E) If an applicant for a renewal permit has complied with 7719

division (A) of this section, the applicant may continue surface 7720
mining operations under the existing permit or renewal permit 7721
after its expiration date until the sixty-day period for filing 7722
the information required by the chief under division (B) of this 7723
section has expired or until the chief issues an order under 7724
division (D) of this section denying the renewal permit. 7725

(F) A permit holder who fails to submit an application and 7726
required permit fees within the time prescribed by division (A) of 7727
this section shall cease surface mining operations on the 7728
expiration date of the existing permit or renewal permit. If such 7729
a permit holder then submits an application for renewal and the 7730
permit fees otherwise required by division (A) of this section on 7731
or before the thirtieth day after the expiration date of the 7732
expired permit or renewal permit and provides the information 7733
required by the chief under division (B) of this section within 7734
sixty days after being notified of the information required under 7735
that division, the permit holder need not submit the final map and 7736
report required by section 1514.03 of the Revised Code until the 7737
later of thirty days after the chief issues an order denying the 7738
application for renewal or thirty days after the chief's order is 7739
affirmed upon appeal under section 1513.13 or 1513.14 of the 7740
Revised Code. An applicant under this division who fails to 7741
provide the information required by the chief under division (B) 7742
of this section within the prescribed time period shall submit the 7743
final map and report required by section 1514.03 of the Revised 7744
Code within thirty days after the expiration of that prescribed 7745
period. 7746

(G) If the chief issues an order denying an application for 7747
renewal of a permit or renewal permit after the expiration date of 7748
the permit, the permit holder shall cease surface mining 7749
operations immediately and, within thirty days after the issuance 7750
of the order, shall submit the final report and map required under 7751

section 1514.03 of the Revised Code. The chief shall state the reasons for denial in the order denying renewal of the application. An applicant may appeal the chief's order denying the renewal under section 1513.13 of the Revised Code and may continue surface mining and reclamation operations under the expired permit until the reclamation commission affirms the chief's order under that section and, if the applicant elects to appeal the order of the commission under section 1513.14 of the Revised Code, until the court of appeals affirms the order.

(H) The approval of an application for renewal under this section authorizes the continuation of the existing permit or renewal permit for a term of ten years from the expiration date of the existing permit.

(I) Any renewal permit is subject to all the requirements of this chapter and rules adopted under it.

Sec. 1514.03. Within thirty days after each anniversary date of issuance of a surface mining permit, the operator shall file with the chief of the division of ~~mines and reclamation~~ mineral resources management an annual report, on a form prescribed and furnished by the chief, that, for the period covered by the report, shall state the amount of and identify the types of minerals and coal, if any coal, produced and shall state the number of acres affected and the number of acres estimated to be affected during the next year of operation. An annual report is not required to be filed if a final report is filed in lieu thereof.

Each annual report shall include a progress map indicating the location of areas of land affected during the period of the report and the location of the area of land estimated to be affected during the next year. The map shall be prepared in accordance with division (A)(10) or (11) of section 1514.02 of the

Revised Code, as appropriate, except that a map prepared in 7783
accordance with division (A)(11) of that section may be certified 7784
by the operator or authorized agent of the operator in lieu of 7785
certification by a professional engineer or surveyor registered 7786
under Chapter 4733. of the Revised Code. However, the chief may 7787
require that an annual progress map or a final map be prepared by 7788
a registered professional engineer or registered surveyor if ~~he~~ 7789
the chief has reason to believe that the operator exceeded the 7790
boundaries of the permit area or, if the operator filed the map 7791
required under division (A)(10) of section 1514.02 of the Revised 7792
Code, that the operator extracted ten thousand tons or more of 7793
minerals during the period covered by the report. 7794

Each annual report shall be accompanied by a filing fee in 7795
the amount of two hundred fifty dollars and an acreage fee in the 7796
amount of thirty dollars multiplied by the number of acres 7797
estimated in the report to be affected during the next year of 7798
operation under the permit. The acreage fee shall be adjusted by 7799
subtracting a credit of thirty dollars per excess acre paid for 7800
the preceding year if the acreage paid for the preceding year 7801
exceeds the acreage actually affected or by adding an additional 7802
amount of thirty dollars per excess acre affected if the acreage 7803
actually affected exceeds the acreage paid for the preceding year. 7804
~~No acreage fee shall exceed one thousand dollars per year.~~ 7805

With each annual report the operator shall file a performance 7806
bond in the amount of five hundred dollars multiplied by the 7807
number of acres estimated to be affected during the next year of 7808
operation under the permit for which no performance bond 7809
previously was filed. The bond shall be adjusted by subtracting a 7810
credit of five hundred dollars per excess acre for which bond was 7811
filed for the preceding year if the acreage for which the bond was 7812
filed for the preceding year exceeds the acreage actually 7813
affected, or by adding an amount of five hundred dollars per 7814

excess acre affected if the acreage actually affected exceeds the 7815
acreage for which bond was filed for the preceding year. 7816

Within thirty days after the expiration of the surface mining 7817
permit, or completion or abandonment of the operation, whichever 7818
occurs earlier, the operator shall submit a final report 7819
containing the same information required in an annual report, but 7820
covering the time from the last annual report to the expiration of 7821
the permit, or completion or abandonment of the operation, 7822
whichever occurs earlier. 7823

Each final report shall include a map indicating the location 7824
of the area of land affected during the period of the report and 7825
the location of the total area of land affected under the permit. 7826
The map shall be prepared in accordance with division (A)(10) or 7827
(11) of section 1514.02 of the Revised Code, as appropriate. 7828

If the final report and certified map, as verified by the 7829
chief, show that the number of acres affected under the permit is 7830
larger than the number of acres for which the operator has paid an 7831
acreage fee or filed a performance bond, upon notification by the 7832
chief, the operator shall pay an additional acreage fee in the 7833
amount of thirty dollars multiplied by the difference between the 7834
number of acres affected under the permit and the number of acres 7835
for which the operator has paid an acreage fee and shall file an 7836
additional performance bond in the amount of five hundred dollars 7837
multiplied by the difference between the number of acres affected 7838
under the permit and the number of acres for which the operator 7839
has filed bond. 7840

If the final report and certified map, as verified by the 7841
chief, show that the number of acres affected under the permit is 7842
smaller than the number of acres for which the operator has ~~paid~~ 7843
~~an acreage fee or~~ filed a performance bond, the chief shall order 7844
release of the ~~excess acreage fee and the~~ excess bond. However, 7845

the chief shall retain a performance bond in a minimum amount of 7846
two thousand dollars irrespective of the number of acres affected 7847
under the permit. ~~The release of the excess acreage fee shall be~~ 7848
~~in an amount equal to thirty dollars multiplied by the difference~~ 7849
~~between the number of acres affected under the permit and the~~ 7850
~~number of acres for which the operator has paid an acreage fee.~~ 7851
The release of the excess bond shall be in an amount equal to five 7852
hundred dollars multiplied by the difference between the number of 7853
acres affected under the permit and the number of acres for which 7854
the operator has filed bond. ~~Refunds of excess acreage fees shall~~ 7855
~~be paid by the treasurer of state out of the surface mining~~ 7856
~~reclamation fee fund, which is hereby created in the state~~ 7857
~~treasury. The treasurer of state shall place twenty thousand~~ 7858
~~dollars from the fees collected pursuant to sections 1514.02 and~~ 7859
~~1514.03 of the Revised Code in that fund and, as required by the~~ 7860
~~depletion thereof, place to the credit of the fund an amount~~ 7861
~~sufficient to make the total in the fund at the time of each such~~ 7862
~~credit twenty thousand dollars. The balance of the~~ 7863

The fees collected pursuant to sections this section and 7864
section 1514.02 and 1514.03 of the Revised Code shall be deposited 7865
with the treasurer of state to the credit of the surface mining 7866
~~administration~~ fund created under section ~~1514.11~~ 1514.06 of the 7867
Revised Code. 7868

If upon inspection the chief finds that any filing fee, 7869
acreage fee, performance bond, or part thereof is not paid when 7870
due or is paid on the basis of false or substantially inaccurate 7871
reports, ~~he~~ the chief may request the attorney general to recover 7872
the unpaid amounts that are due the state, and the attorney 7873
general shall commence appropriate legal proceedings to recover 7874
the unpaid amounts. 7875

Sec. 1514.04. Upon receipt of notification from the chief of 7876

the division of ~~mines and reclamation~~ mineral resources management 7877
of ~~his~~ the chief's intent to issue an order granting a surface 7878
mining permit to the applicant, the applicant shall file a surety 7879
bond, cash, an irrevocable letter of credit, or certificates of 7880
deposit in the amount of two thousand dollars, or five hundred 7881
dollars per acre of land to be affected, whichever is greater. 7882
Upon receipt of notification from the chief of ~~his~~ the chief's 7883
intent to issue an order granting an amendment to a surface mining 7884
permit, the applicant shall file a surety bond, cash, an 7885
irrevocable letter of credit, or certificates of deposit in the 7886
amount of five hundred dollars per acre of land to be affected. 7887

In the case of a surface mining permit, the bond shall be 7888
filed for the number of acres estimated to be affected during the 7889
first year of operation under the permit. In the case of an 7890
amendment to a surface mining permit, the bond shall be filed for 7891
the number of acres estimated to be affected during the balance of 7892
the period until the next anniversary date of the permit. 7893

A surety bond filed pursuant to this section and sections 7894
1514.02 and 1514.03 of the Revised Code shall be upon the form 7895
that the chief prescribes and provides and shall be signed by the 7896
operator as principal and by a surety company authorized to 7897
transact business in the state as surety. The bond shall be 7898
payable to the state and shall be conditioned upon the faithful 7899
performance by the operator of all things to be done and performed 7900
by ~~him~~ the operator as provided in this chapter and the rules and 7901
orders of the chief adopted or issued pursuant thereto. 7902

The operator may deposit with the chief, in lieu of a surety 7903
bond, cash in an amount equal to the surety bond as prescribed in 7904
this section, an irrevocable letter of credit or negotiable 7905
certificates of deposit issued by any bank organized or 7906
transacting business in this state, or an irrevocable letter of 7907

credit or certificates of deposit issued by any savings and loan 7908
association as defined in section 1151.01 of the Revised Code, 7909
having a cash value equal to or greater than the amount of the 7910
surety bond as prescribed in this section. Cash or certificates of 7911
deposit shall be deposited upon the same terms as the terms upon 7912
which surety bonds may be deposited. If one or more certificates 7913
of deposit are deposited with the chief in lieu of surety bond, ~~he~~ 7914
the chief shall require the bank or savings and loan association 7915
that issued any such certificate to pledge securities of a cash 7916
value equal to the amount of the certificate, or certificates, 7917
that is in excess of the amount insured by the federal deposit 7918
insurance corporation. The securities shall be security for the 7919
repayment of the certificate of deposit. 7920

Immediately upon a deposit of cash, a letter of credit, or 7921
certificates with the chief, ~~he~~ the chief shall deliver it to the 7922
treasurer of state who shall hold it in trust for the purposes for 7923
which it has been deposited. The treasurer of state shall be 7924
responsible for the safekeeping of such deposits. An operator 7925
making a deposit of cash, a letter of credit, or certificates of 7926
deposit may withdraw and receive from the treasurer of state, on 7927
the written order of the chief, all or any part of the cash, 7928
letter of credit, or certificates in the possession of the 7929
treasurer of state, upon depositing with the treasurer of state 7930
cash, an irrevocable letter of credit or negotiable certificates 7931
of deposit issued by any bank organized or transacting business in 7932
this state, or an irrevocable letter of credit or certificates of 7933
deposit issued by any savings and loan association, equal in value 7934
to the value of the cash, letter of credit, or certificates 7935
withdrawn. An operator may demand and receive from the treasurer 7936
of state all interest or other income from any certificates as it 7937
becomes due. If certificates deposited with and in the possession 7938
of the treasurer of state mature or are called for payment by the 7939

issuer thereof, the treasurer of state, at the request of the 7940
operator who deposited them, shall convert the proceeds of the 7941
redemption or payment of the certificates into such other 7942
negotiable certificates of deposit issued by any bank organized or 7943
transacting business in this state, such other certificates of 7944
deposit issued by any savings and loan association, or cash, as 7945
may be designated by the operator. 7946

Sec. 1514.05. (A) At any time within the period allowed an 7947
operator by section 1514.02 of the Revised Code to reclaim an area 7948
of land affected by surface mining, the operator may file a 7949
request, on a form provided by the chief of the division of ~~mines~~ 7950
~~and reclamation~~ mineral resources management, for inspection of 7951
the area of land upon which the reclamation, other than any 7952
required planting, is completed. The request shall include all of 7953
the following: 7954

(1) The location of the area and number of acres; 7955

(2) The permit number; 7956

(3) The amount of performance bond on deposit to ensure 7957
reclamation of the area; 7958

(4) A map showing the location of the acres reclaimed, 7959
prepared and certified in accordance with division (A)(10) or (11) 7960
of section 1514.02 of the Revised Code, as appropriate. 7961

The chief shall make an inspection and evaluation of the 7962
reclamation of the area of land for which the request was 7963
submitted within ninety days after receipt of the request or, if 7964
the operator fails to complete the reclamation or file the request 7965
as required, as soon as the chief learns of the default. 7966
Thereupon, if the chief approves the reclamation other than any 7967
required planting as meeting the requirements of this chapter, 7968
rules adopted thereunder, any orders issued during the mining or 7969

reclamation, and the specifications of the plan for mining and 7970
reclaiming, ~~he~~ the chief shall issue an order to the operator and 7971
the operator's surety releasing them from liability for one-half 7972
the total amount of their surety bond on deposit to ensure 7973
reclamation for the area upon which reclamation is completed. If 7974
the operator has deposited cash, an irrevocable letter of credit, 7975
or certificates of deposit in lieu of a surety bond to ensure 7976
reclamation, the chief shall issue an order to the operator 7977
releasing one-half of the total amount so held and promptly shall 7978
transmit a certified copy of the order to the treasurer of state. 7979
Upon presentation of the order to the treasurer of state by the 7980
operator to whom it was issued, or by the operator's authorized 7981
agent, the treasurer of state shall deliver to the operator or the 7982
operator's authorized agent the cash, irrevocable letter of 7983
credit, or certificates of deposit designated in the order. 7984

If the chief does not approve the reclamation other than any 7985
required planting, ~~he~~ the chief shall notify the operator by 7986
certified mail. The notice shall be an order stating the reasons 7987
for unacceptability, ordering further actions to be taken, and 7988
setting a time limit for compliance. If the operator does not 7989
comply with the order within the time limit specified, the chief 7990
may order an extension of time for compliance ~~if he determines~~ 7991
after determining that the operator's noncompliance is for good 7992
cause, resulting from developments partially or wholly beyond the 7993
operator's control. If the operator complies within the time limit 7994
or the extension of time granted for compliance, the chief shall 7995
order release of the performance bond in the same manner as in the 7996
case of approval of reclamation other than planting by the chief, 7997
and the treasurer of state shall proceed as in that case. If the 7998
operator does not comply within the time limit and the chief does 7999
not order an extension, or if the chief orders an extension of 8000
time and the operator does not comply within the extension of time 8001

granted for compliance, the chief shall issue another order 8002
declaring that the operator has failed to reclaim and, if the 8003
operator's permit has not already expired or been revoked, 8004
revoking the operator's permit. The chief shall thereupon proceed 8005
under division (C) of this section. 8006

(B) At any time within the period allowed an operator by 8007
section 1514.02 of the Revised Code to reclaim an area affected by 8008
surface mining, the operator may file a request, on a form 8009
provided by the chief, for inspection of the area of land upon 8010
which all reclamation, including the successful establishment of 8011
any required planting, is completed. The request shall include all 8012
of the following: 8013

(1) The location of the area and number of acres; 8014

(2) The permit number; 8015

(3) The remaining amount of performance bond on deposit to 8016
ensure reclamation of the area; 8017

(4) The type and date of any required planting of vegetative 8018
cover and the degree of success of growth; 8019

(5) A map showing the location of the acres reclaimed, 8020
prepared and certified in accordance with division (A)(10) or (11) 8021
of section 1514.02 of the Revised Code, as appropriate. 8022

The chief shall make an inspection and evaluation of the 8023
reclamation of the area of land for which the request was 8024
submitted within ninety days after receipt of the request or, if 8025
the operator fails to complete the reclamation or file the request 8026
as required, as soon as the chief learns of the default. 8027
Thereupon, if the chief finds that the reclamation meets the 8028
requirements of this chapter, rules adopted thereunder, any orders 8029
issued during the mining and reclamation, and the specifications 8030
of the plan for mining and reclaiming and decides to release any 8031
remaining performance bond on deposit to ensure reclamation of the 8032

area upon which reclamation is completed, within ten days of 8033
completing ~~his~~ the inspection and evaluation, ~~he~~ the chief shall 8034
order release of the remaining performance bond in the same manner 8035
as in the case of approval of reclamation other than planting, and 8036
the treasurer of state shall proceed as in that case. 8037

If the chief does not approve the reclamation performed by 8038
the operator, ~~he~~ the chief shall notify the operator by certified 8039
mail within ninety days of the filing of the application for 8040
inspection or of the date when ~~he~~ the chief learns of the default. 8041
The notice shall be an order stating the reasons for 8042
unacceptability, ordering further actions to be taken, and setting 8043
a time limit for compliance. If the operator does not comply with 8044
the order within the time limit specified, the chief may order an 8045
extension of time for compliance ~~if he determines~~ after 8046
determining that the operator's noncompliance is for good cause, 8047
resulting from developments partially or wholly beyond the 8048
operator's control. If the operator complies within the time limit 8049
or the extension of time granted for compliance, the chief shall 8050
order release of the remaining performance bond in the same manner 8051
as in the case of approval of reclamation by the chief, and the 8052
treasurer of state shall proceed as in that case. If the operator 8053
does not comply within the time limit and the chief does not order 8054
an extension, or if the chief orders an extension of time and the 8055
operator does not comply within the extension of time granted for 8056
compliance, the chief shall make another order declaring that the 8057
operator has failed to reclaim and, if the operator's permit has 8058
not already expired or been revoked, revoking the operator's 8059
permit. The chief then shall proceed under division (C) of this 8060
section. 8061

(C) Upon issuing an order under division (A) or (B) of this 8062
section declaring that the operator has failed to reclaim, the 8063
chief shall make a finding as to the number and location of the 8064

acres of land that the operator has failed to reclaim in the 8065
manner required by this chapter. The chief shall order the release 8066
of the performance bond in the amount of five hundred dollars per 8067
acre for those acres that ~~he~~ the chief finds to have been 8068
reclaimed in the manner required by this chapter. The release 8069
shall be ordered in the same manner as in the case of other 8070
approval of reclamation by the chief, and the treasurer of state 8071
shall proceed as in that case. If the operator has on deposit 8072
cash, an irrevocable letter of credit, or certificates of deposit 8073
to ensure reclamation of the area of the land affected, the chief 8074
at the same time shall issue an order declaring that the remaining 8075
cash, irrevocable letter of credit, or certificates of deposit is 8076
the property of the state and is available for use by the chief in 8077
performing reclamation of the area and shall proceed in accordance 8078
with section 1514.06 of the Revised Code. 8079

If the operator has on deposit a surety bond to ensure 8080
reclamation of the area of land affected, the chief shall notify 8081
the surety in writing of the operator's default and shall request 8082
the surety to perform the surety's obligation and that of the 8083
operator. The surety, within ten days after receipt of the notice, 8084
shall notify the chief as to whether it intends to perform those 8085
obligations. 8086

If the surety chooses to perform, it shall arrange for work 8087
to begin within thirty days of the day on which it notifies the 8088
chief of its decision. If the surety completes the work as 8089
required by this chapter, the chief shall issue an order to the 8090
surety releasing the surety from liability under the bond in the 8091
same manner as if the surety were an operator proceeding under 8092
this section. If, after the surety begins the work, the chief 8093
determines that the surety is not carrying the work forward with 8094
reasonable progress, or that it is improperly performing the work, 8095
or that it has abandoned the work or otherwise failed to perform 8096

its obligation and that of the operator, the chief shall issue an order terminating the right of the surety to perform the work and demanding payment of the amount due as required by this chapter.

If the surety chooses not to perform and so notifies the chief, does not respond to the chief's notice within ten days of receipt thereof, or fails to begin work within thirty days of the day it timely notifies the chief of its decision to perform its obligation and that of the operator, the chief shall issue an order terminating the right of the surety to perform the work and demanding payment of the amount due, as required by this chapter.

Upon receipt of an order of the chief demanding payment of the amount due, the surety immediately shall deposit with the chief cash in the full amount due under the order for deposit with the treasurer of state. If the surety fails to make an immediate deposit, the chief shall certify it to the attorney general for collection. When the chief has issued an order terminating the right of the surety and has the cash on deposit, the cash is the property of the state and is available for use by the chief, who shall proceed in accordance with section 1514.06 of the Revised Code.

Sec. 1514.06. (A) There is hereby created in the state treasury the surface mining ~~reclamation~~ fund. All cash that becomes the property of the state pursuant to section 1514.05 of the Revised Code shall be deposited in the fund, and expenditures from the fund shall be made by the chief of the division of ~~mines and reclamation~~ mineral resources management only for the purpose of reclaiming areas of land affected by surface mining operations on which an operator has defaulted.

(B) Expenditures of moneys from the fund, except as otherwise provided by this section, shall be made pursuant to contracts entered into by the chief with persons who agree to furnish all of

the materials, equipment, work, and labor, as specified and 8128
provided in the contracts, for the prices stipulated therein. With 8129
the approval of the director of natural resources, the chief may 8130
reclaim the land in the same manner as ~~he~~ the chief required of 8131
the operator who defaulted. Each contract awarded by the chief 8132
shall be awarded to the lowest responsive and responsible bidder, 8133
in accordance with section 9.312 of the Revised Code, after sealed 8134
bids are received, opened, and published at the time and place 8135
fixed by the chief. The chief shall publish notice of the time and 8136
place at which bids will be received, opened, and published, at 8137
least once at least ten days before the date of the opening of the 8138
bids, in a newspaper of general circulation in the county in which 8139
the area of land to be reclaimed under the contract is located. 8140
If, after so advertising for bids, no bids are received by the 8141
chief at the time and place fixed for receiving them, the chief 8142
may advertise again for bids, or, if ~~he~~ the chief considers the 8143
public interest will be best served, ~~he~~ the chief may enter into a 8144
contract for the reclamation of the area of land without further 8145
advertisement for bids. The chief may reject any or all bids 8146
received and again publish notice of the time and place at which 8147
bids for contracts will be received, opened, and published. 8148
8149

(C) With the approval of the director, the chief, without 8150
advertising for bids, may enter into a contract with the 8151
landowner, a surface mine operator or coal mine operator mining 8152
under a current, valid permit issued under this chapter or Chapter 8153
1513. of the Revised Code, or a contractor hired by a surety to 8154
complete reclamation, to carry out reclamation on land affected by 8155
surface mining operations on which an operator has defaulted. 8156

(D) With the approval of the director, the chief may carry 8157
out all or part of the reclamation work on land affected by 8158
surface mining operations on which the operator has defaulted 8159

using the employees and equipment of any division of the 8160
department of natural resources. 8161

(E) The chief shall require every contractor performing 8162
reclamation work under this section to pay workers at the greater 8163
of their regular rate of pay, as established by contract, 8164
agreement, or prior custom or practice, or the average wage rate 8165
paid in this state for the same or similar work, as determined by 8166
the chief under section 1513.02 of the Revised Code. 8167

(F) Each contract entered into by the chief under this 8168
section shall provide only for the reclamation of land affected by 8169
the surface mining operation or operations of one operator and not 8170
reclaimed by the operator as required by this chapter. If there is 8171
money in the fund derived from the performance bond deposited with 8172
the chief by one operator to ensure the reclamation of two or more 8173
areas of land affected by the surface mining operation or 8174
operations of one operator and not reclaimed by ~~him~~ the operator 8175
as required by this chapter, the chief may award a single contract 8176
for the reclamation of all such areas of land. 8177

(G) The cost of the reclamation work done under this section 8178
on each area of land affected by surface mining operations on 8179
which an operator has defaulted shall be paid out of the money in 8180
the fund derived from the performance bond that was deposited with 8181
the chief to ensure the reclamation of that area of land. If the 8182
amount of money is not sufficient to pay the cost of doing all of 8183
the reclamation work on the area of land that the operator should 8184
have done, but failed to do, the chief may expend from the 8185
reclamation ~~supplemental~~ forfeiture fund created in section 8186
1513.18 of the Revised Code or the surface mining ~~administration~~ 8187
fund created in this section ~~1514.11 of the Revised Code~~ the 8188
amount of money needed to complete reclamation to the standards 8189
required by this chapter. The operator is liable for that expense 8190
in addition to any other liabilities imposed by law. At the 8191

request of the chief, the attorney general shall bring an action 8192
against the operator for the amount of the expenditures from 8193
either fund. Moneys so recovered shall be deposited in the 8194
appropriate fund from which the expenditures were made. 8195

(H) If any part of the money in the surface mining 8196
~~reclamation~~ fund remains in the fund after the chief has caused 8197
the area of land to be reclaimed and has paid all the reclamation 8198
costs and expenses, or if any money remains because the area of 8199
land has been repermited under this chapter or reclaimed by a 8200
person other than the chief, the chief may expend the remaining 8201
money to complete other reclamation work performed under this 8202
section. 8203

Sec. 1514.07. Each order of the chief of the division of 8204
~~mines and reclamation~~ mineral resources management affecting the 8205
rights, duties, or privileges of an operator or ~~his~~ the operator's 8206
surety or of an applicant for a permit or an amendment to a permit 8207
or a plan shall be in writing and contain a finding by the chief 8208
of the facts upon which the order is based. Notice of the order 8209
shall be given by certified mail to each person whose rights, 8210
duties, or privileges are affected. 8211

If the chief finds that an operator has violated any 8212
requirement of this chapter, failed to perform any measure set 8213
forth in the approved plan of mining and reclamation that is 8214
necessary to prevent damage to adjoining property or to achieve, 8215
or has otherwise failed to achieve the performance standards of 8216
division (A)(9) of section 1514.02 of the Revised Code, or caused 8217
damage to adjoining property, the chief may issue orders directing 8218
the operator to cease violation, perform such measures, achieve 8219
such standards, or prevent or abate off-site damage. The order 8220
shall identify the operation where the violation occurs, the 8221
specific requirement violated, measure not performed, standard not 8222

achieved, or off-site damage caused, and where practicable 8223
prescribe what action the operator may take to comply with the 8224
order. The chief shall fix and set forth in the order a reasonable 8225
date or time by which the operator shall comply, and the order 8226
shall state that the chief may revoke the operator's permit if the 8227
order is not complied with by such date or time. If upon such date 8228
or time the chief finds that the operator has not complied with 8229
the order, ~~he~~ the chief may issue an order revoking the operator's 8230
permit. 8231

Sec. 1514.08. The chief of the division of ~~mines and~~ 8232
~~reclamation~~ mineral resources management may adopt, amend, and 8233
rescind rules in accordance with Chapter 119. of the Revised Code 8234
in order to prescribe procedures for submitting applications for 8235
permits, amendments to permits, and amendments to plans of mining 8236
and reclamation; filing annual reports and final reports; 8237
requesting inspection and approval of reclamation; paying permit 8238
and filing fees; and filing and obtaining the release of 8239
performance bonds deposited with the state. For the purpose of 8240
preventing damage to adjoining property or achieving one or more 8241
of the performance standards established in division (A)(9) of 8242
section 1514.02 of the Revised Code, the chief may establish 8243
classes of mining industries, based upon industrial categories, 8244
combinations of minerals produced, and geological conditions in 8245
which surface mining operations occur, and may prescribe different 8246
rules consistent with the performance standards for each class. 8247
For the purpose of apportioning the workload of the division 8248
~~between~~ of mineral resources management among the quarters of the 8249
year, the rules may require that applications for permits and 8250
annual reports be filed in different quarters of the year, 8251
depending upon the county in which the operation is located. 8252

Sec. 1514.10. No person shall: 8253

(A) Engage in surface mining without a permit; 8254

(B) Exceed the limits of a surface mining permit or amendment 8255
to a permit by mining land contiguous to an area of land affected 8256
under a permit or amendment, which contiguous land is not under 8257
permit or amendment; 8258

(C) Purposely misrepresent or omit any material fact in an 8259
application for a surface mining permit or amendment, an annual or 8260
final report, or in any hearing or investigation conducted by the 8261
chief of the division of ~~mines and reclamation~~ mineral resources 8262
management or the reclamation commission; 8263

(D) Fail to perform any measure set forth in the approved 8264
plan of mining and reclamation that is necessary to prevent damage 8265
to adjoining property or to achieve a performance standard in 8266
division (A)(9) of section 1514.02 of the Revised Code, or violate 8267
any other requirement of this chapter, a rule adopted thereunder, 8268
or an order of the chief ~~of reclamation~~. 8269

Sec. 1514.11. ~~There is hereby created in the state treasury~~ 8270
In addition to the purposes authorized in section 1514.06 of the 8271
Revised Code, the chief of the division of mineral resources 8272
management may use moneys in the surface mining administration 8273
~~fund to be used by the chief of the division of mines and~~ 8274
~~reclamation created under that section~~ for the administration and 8275
enforcement of this chapter, for the reclamation of land affected 8276
by surface mining under a permit issued under this chapter that 8277
the operator failed to reclaim and for which the performance bond 8278
filed by the operator is insufficient to complete the reclamation, 8279
and for the reclamation of land affected by surface mining that 8280
was abandoned and left unreclaimed and for which no permit was 8281
issued or bond filed under this chapter. ~~The chief shall expend~~ 8282
~~not more than five hundred thousand dollars from the fund during~~ 8283
~~any fiscal year for the reclamation of abandoned surface mines.~~ 8284

~~The For purposes of this section, the~~ chief shall expend moneys in 8285
the fund in accordance with the procedures and requirements 8286
established in section 1514.06 of the Revised Code ~~for~~ 8287
~~expenditures of moneys from the surface mining reclamation fund~~ 8288
~~created in that section~~ and may enter into contracts and perform 8289
work in accordance with that section. 8290

~~Permit fees and filing fees~~ Fees collected under sections 8291
1514.02 and 1514.03 of the Revised Code, one-half of the moneys 8292
collected from the severance taxes levied under divisions (A)(3) 8293
and (4) of section 5749.02 of the Revised Code, and all of the 8294
moneys collected from the severance tax levied under division 8295
(A)(7) of section 5749.02 of the Revised Code shall be credited to 8296
the fund in accordance with those sections. Notwithstanding any 8297
section of the Revised Code relating to the distribution or 8298
crediting of fines for violations of the Revised Code, all fines 8299
imposed under section 1514.99 of the Revised Code shall be 8300
credited to the fund. 8301

Sec. 1521.01. As used in sections 1521.01 to 1521.05 ~~and,~~ 8302
1521.13 to 1521.18, and 1521.20 to 1521.30 of the Revised Code: 8303

(A) "Consumptive use," "diversion," "Lake Erie drainage 8304
basin," "other great lakes states and provinces," "water 8305
resources," and "waters of the state" have the same meanings as in 8306
section 1501.30 of the Revised Code. 8307

(B) "Well" means any excavation, regardless of design or 8308
method of construction, created for any of the following purposes: 8309

(1) Removing ground water from or recharging water into an 8310
aquifer, excluding subsurface drainage systems installed to 8311
enhance agricultural crop production or urban or suburban 8312
landscape management or to control seepage in dams, dikes, and 8313
levees; 8314

(2) Determining the quantity, quality, level, or movement of ground water in or the stratigraphy of an aquifer, excluding borings for instrumentation in dams, dikes, levees, or highway embankments;

(3) Removing or exchanging heat from ground water, excluding horizontal trenches that are installed for water source heat pump systems.

(C) "Aquifer" means a consolidated or unconsolidated geologic formation or series of formations that are hydraulically interconnected and that have the ability to receive, store, or transmit water.

(D) "Ground water" means all water occurring in an aquifer.

(E) "Ground water stress area" means a definable geographic area in which ground water quantity is being affected by human activity or natural forces to the extent that continuous availability of supply is jeopardized by withdrawals.

(F) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes the United States, the state, any political subdivision of the state, and any department, division, board, commission, agency, or instrumentality of the United States, the state, or a political subdivision of the state.

(G) "State agency" or "agency of the state" has the same meaning as "agency" in section 111.15 of the Revised Code.

(H) "Development" means any artificial change to improved or unimproved real estate, including the construction of buildings and other structures, any substantial improvement of a structure, and mining, dredging, filling, grading, paving, excavating, and drilling operations.

(I) "Floodplain" means the area adjoining any river, stream, watercourse, or lake that has been or may be covered by flood

water. 8345

(J) "Floodplain management" means the implementation of an 8346
overall program of corrective and preventive measures for reducing 8347
flood damage, including the collection and dissemination of flood 8348
information, construction of flood control works, nonstructural 8349
flood damage reduction techniques, and adoption of rules, 8350
ordinances, or resolutions governing development in floodplains. 8351

(K) "One-hundred-year flood" means a flood having a one per 8352
cent chance of being equaled or exceeded in any given year. 8353

(L) "One-hundred-year floodplain" means that portion of a 8354
floodplain inundated by a one-hundred-year flood. 8355

(M) "Structure" means a walled and roofed building, 8356
including, without limitation, gas or liquid storage tanks, mobile 8357
homes, and manufactured homes. 8358

(N) "Substantial improvement" means any reconstruction, 8359
rehabilitation, addition, or other improvement of a structure, the 8360
cost of which equals or exceeds fifty per cent of the market value 8361
of the structure before the start of construction of the 8362
improvement. "Substantial improvement" includes repairs to 8363
structures that have incurred substantial damage regardless of the 8364
actual repair work performed. "Substantial improvement" does not 8365
include either of the following: 8366

(1) Any project for the improvement of a structure to correct 8367
existing violations of state or local health, sanitary, or safety 8368
code specifications that have been identified by the state or 8369
local code enforcement official having jurisdiction and that are 8370
the minimum necessary to ensure safe living conditions; 8371

(2) Any alteration of an historic structure designated or 8372
listed pursuant to federal or state law, provided that the 8373
alteration will not preclude the structure's continued listing or 8374

designation as an historic structure. 8375

(O) "Shore structure" includes, but is not limited to: 8376
beaches; groins; revetments; bulkheads; seawalls; breakwaters; 8377
certain dikes designated by the chief of the division of water; 8378
piers; docks; jetties; wharves; marinas; boat ramps; any 8379
associated fill or debris used as part of the construction of 8380
shore structures that may affect shore erosion, wave action, or 8381
inundation; and fill or debris placed along or near the shore, 8382
including bluffs, banks, or beach ridges, for the purpose of 8383
stabilizing slopes. 8384

(P) "Conservancy district" means a conservancy district 8385
established under Chapter 6101. of the Revised Code. 8386

(Q) "Park board" means the board of park commissioners of a 8387
park district created under Chapter 1545. of the Revised Code. 8388

(R) "Erosion control structure" means anything that is 8389
designed primarily to reduce or control erosion of the shore along 8390
or near lake erie, including, but not limited to, revetments, 8391
seawalls, bulkheads, certain breakwaters designated by the chief, 8392
and similar structures. "Erosion control structure" does not 8393
include wharves, piers, docks, marinas, boat ramps, and other 8394
similar structures. 8395

Sec. 1521.03. The chief of the division of water shall do all 8396
of the following: 8397

(A) Assist in an advisory capacity any properly constituted 8398
watershed district, conservancy district, or soil and water 8399
conservation district or any county, municipal corporation, or 8400
other government agency of the state in the planning of works for 8401
ground water recharge, flood mitigation, floodplain management, 8402
flood control, flow capacity and stability of streams, rivers, and 8403
watercourses, or the establishment of water conservation 8404

practices, within the limits of the appropriations for those 8405
purposes; 8406

(B) Have authority to conduct basic inventories of the water 8407
and related natural resources in each drainage basin in the state; 8408
to develop a plan on a watershed basis that will recognize the 8409
variety of uses to which water may be put and the need for its 8410
management for those uses; with the approval of the director of 8411
natural resources and the controlling board, to transfer 8412
appropriated or other funds, authorized for those inventories and 8413
plan, to any division of the department of natural resources or 8414
other state agencies for the purpose of developing pertinent data 8415
relating to the plan of water management; and to accept and expend 8416
moneys contributed by any person for implementing the development 8417
of the plan; 8418

(C) Have authority to make detailed investigations of all 8419
factors relating to floods, floodplain management, and flood 8420
control in the state with particular attention to those factors 8421
bearing upon the hydraulic and hydrologic characteristics of 8422
rivers, streams, and watercourses, recognizing the variety of uses 8423
to which water and watercourses may be put; 8424

(D) Cooperate with the United States or any agency thereof 8425
and with any political subdivision of the state in planning and 8426
constructing flood control works; 8427

(E) Hold meetings or public hearings, whichever is considered 8428
appropriate by the chief, to assist in the resolution of conflicts 8429
between ground water users. Such meetings or hearings shall be 8430
called upon written request from boards of health of city or 8431
general health districts created by or under the authority of 8432
Chapter 3709. of the Revised Code or authorities having the duties 8433
of a board of health as authorized by section 3709.05 of the 8434
Revised Code, boards of county commissioners, boards of township 8435

trustees, legislative authorities of municipal corporations, or 8436
boards of directors of conservancy districts ~~organized under~~ 8437
~~Chapter 6101. of the Revised Code~~ and may be called by the chief 8438
upon the request of any other person or at the chief's discretion. 8439
The chief shall collect and present at such meetings or hearings 8440
the available technical information relevant to the conflicts and 8441
to the ground water resource. The chief shall prepare a report, 8442
and may make recommendations, based upon the available technical 8443
data and the record of the meetings or hearings, about the use of 8444
the ground water resource. In making the report and any 8445
recommendations, the chief also may consider the factors listed in 8446
division (B) of section 1521.17 of the Revised Code. The technical 8447
information presented, the report prepared, and any 8448
recommendations made under this division shall be presumed to be 8449
prima-facie authentic and admissible as evidence in any court 8450
pursuant to Evidence Rule 902. 8451

(F) Perform stream or ground water gauging and may contract 8452
with the United States government or any other agency for the 8453
gauging of any streams or ground water within the state; 8454

(G) Primarily with regard to water quantity, have authority 8455
to collect, study, map, and interpret all available information, 8456
statistics, and data pertaining to the availability, supply, use, 8457
conservation, and replenishment of the ground and surface waters 8458
in the state in coordination with other agencies of this state; 8459

(H) Primarily with regard to water quantity and availability, 8460
be authorized to cooperate with and negotiate for the state with 8461
any agency of the United States government, of this state, or of 8462
any other state pertaining to the water resources of the state; 8463
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(I) Provide engineering support for the coastal management 8465
program established under Chapter 1506. of the Revised Code. 8466

Sec. ~~1507.02~~ 1521.20. The chief engineer of the department 8467
division of natural resources water shall act as the erosion agent 8468
of the state for the purpose of cooperating with the secretary of 8469
the army, acting through the chief of engineers of the United 8470
States army corps of engineers in the department of defense. The 8471
chief ~~engineer~~ shall cooperate with the secretary in carrying out, 8472
and may conduct, investigations and studies of conditions along 8473
the shorelines of Lake Erie and of the bays and projections 8474
therefrom, and of the islands therein, within the territorial 8475
waters of the state, with a view to devising and perfecting 8476
economical and effective methods and works for preventing, 8477
correcting, and ~~arresting~~ controlling shore erosion and damage 8478
therefrom and ~~preventing~~ controlling the inundation of improved 8479
property by the waters of Lake Erie, its bays, and associated 8480
inlets. 8481

Sec. ~~1507.03~~ 1521.21. The chief engineer of the department 8482
division of natural resources water, in the discharge of ~~his~~ the 8483
chief's duties under sections ~~1507.01~~ 1507.20 to ~~1507.10~~ 1507.30 8484
of the Revised Code, may call to ~~his~~ the chief's assistance, 8485
temporarily, any engineers or other employees in any state 8486
department, or in the Ohio state university or other educational 8487
institutions financed wholly or in part by the state, for the 8488
purpose of devising the most effective and economical methods of 8489
~~arresting and preventing~~ controlling shore erosion and damage from 8490
it and controlling the inundation ~~along the shorelines of improved~~ 8491
property by the waters of Lake Erie and its ~~connecting~~ bays and 8492
associated inlets. 8493

Such engineers and employees shall not receive any additional 8494
compensation over that which they receive from the departments or 8495
institutions by which they are employed, but they shall be 8496
reimbursed for their actual necessary expenses incurred while 8497

working under the direction of the chief ~~engineer~~ on erosion and
inundation projects.

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Sec. ~~1507.04~~ 1521.22. No person shall construct a beach,
groin, or other structure to ~~arrest or~~ control erosion, wave
action, or inundation along or near the Ohio shoreline of Lake
Erie, including related islands, bays, and inlets, without first
~~submitting an application for~~ obtaining a construction shore
structure permit, including from the chief of the division of
water. The application for a shore structure permit shall include
detailed plans and specifications prepared by a professional
engineer registered under Chapter 4733. of the Revised Code, ~~to~~
~~the chief engineer of the department of natural resources~~ An
applicant shall provide appropriate evidence of compliance with
any applicable provisions of this chapter and Chapters 1505.7 and
1506.7 ~~and 1521.~~ of the Revised Code, as determined by the chief
engineer. ~~Whenever possible, the chief engineer shall consider an~~
~~application for a permit from the United States army corps of~~
~~engineers of the department of defense to be adequate as an~~
~~application for a construction permit for the purposes of this~~
section. A temporary shore structure permit may be issued by the
chief or an authorized representative of the chief if it is
determined necessary to safeguard life, health, or property.

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Each application or reapplication for a permit under this
section shall be accompanied by a non-refundable fee ~~of not more~~
~~than five hundred dollars,~~ as the chief ~~engineer~~ shall prescribe
by rule.

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If the application is approved, the chief ~~engineer~~ shall
issue a permit to the applicant authorizing construction of the
project. If requested in writing by the applicant within thirty
days of issuance of a notice of disapproval of the application,
the chief ~~engineer~~ shall conduct an adjudication hearing under

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Chapter 119. of the Revised Code, except sections 119.12 and 8529
119.121 of the Revised Code. After reviewing the record of the 8530
hearing, the chief ~~engineer~~ shall issue a final order approving 8531
the application, disapproving it, or approving it conditioned on 8532
the making of specified revisions in the plans and specifications. 8533

The chief ~~engineer~~, by rule, shall limit the period during 8534
which a construction permit issued under this section is valid and 8535
shall establish reapplication requirements governing a 8536
construction permit that expires before construction is completed. 8537

In accordance with Chapter 119. of the Revised Code, the 8538
chief ~~engineer~~ shall adopt, and may amend or rescind, such rules 8539
as are necessary for the administration, implementation, and 8540
enforcement of this section. 8541

Sec. ~~1507.05~~ 1521.23. All moneys derived from the granting of 8542
permits and leases under section 1505.07 of the Revised Code for 8543
the removal of sand, gravel, stone, gas, oil, and other minerals 8544
and substances from and under the bed of Lake Erie and from 8545
applications for ~~construction~~ shore structure permits submitted 8546
under section ~~1507.04~~ 1521.22 of the Revised Code shall be paid 8547
into the state treasury to the credit of the permit and lease 8548
fund, which is hereby created. Notwithstanding any section of the 8549
Revised Code relating to the distribution or crediting of fines 8550
for violations of the Revised Code, all fines imposed under 8551
division (A) of section 1505.99 and division (C) of section 8552
~~1507.99~~ 1521.99 of the Revised Code shall be paid into that fund. 8553
The fund shall be administered by the department of natural 8554
resources for the protection of Lake Erie shores and waters; 8555
investigation and ~~prevention~~ control of erosion; the planning, 8556
development, and construction of facilities for recreational use 8557
of Lake Erie; implementation of section ~~1507.04~~ 1521.22 of the 8558
Revised Code; preparation of the state shore erosion plan under 8559

section ~~1507.10~~ 1521.29 of the Revised Code; and state 8560
administration of Lake Erie coastal erosion areas under sections 8561
1506.06 and 1506.07 of the Revised Code. 8562

Sec. ~~1507.06~~ 1521.24. The state, acting through the chief 8563
~~engineer~~ of the ~~department~~ division of ~~natural resources~~ water, 8564
subject to section ~~1507.09~~ 1521.28 of the Revised Code, may enter 8565
into agreements with counties, townships, municipal corporations, 8566
park boards, and conservancy districts, other political 8567
subdivisions, or any state departments or divisions for the 8568
purpose of constructing and maintaining projects to ~~prevent,~~ 8569
~~correct, and arrest~~ control erosion along the Ohio shoreline of 8570
Lake Erie and in any rivers and bays that are connected with Lake 8571
Erie and any other watercourses that flow into Lake Erie. Such 8572
projects also may be constructed on any Lake Erie island that is 8573
situated within the boundaries of the state. 8574

The cost of such shore erosion projects that are for the 8575
benefit of public littoral property shall be prorated on the basis 8576
of two-thirds of the total cost to the state through 8577
appropriations made to the division of ~~engineering~~ water and 8578
one-third of the cost to the counties, townships, municipal 8579
corporations, park boards, conservancy districts, or other 8580
political subdivisions. 8581

If a shore erosion emergency is declared by the governor, the 8582
state, acting through the chief ~~engineer~~, may spend whatever state 8583
funds are available to alleviate shore erosion, without 8584
participation by any political subdivision, regardless of whether 8585
the project will benefit public or private littoral property. 8586

A board of county commissioners, acting for the county over 8587
which it has jurisdiction, may enter into and carry out agreements 8588
with the chief ~~engineer~~ for the construction and maintenance of 8589

projects to ~~prevent, correct, and arrest~~ control shore erosion. In 8590
providing the funds for the county's proportionate share of the 8591
cost of constructing and maintaining the projects referred to in 8592
this section, the board shall be governed by and may issue and 8593
refund bonds in accordance with Chapter 133. of the Revised Code. 8594

A municipal corporation or a township, acting through the 8595
legislative authority or the board of township trustees, may enter 8596
into and carry out agreements with the chief ~~engineer~~ for the 8597
purpose of constructing and maintaining projects to ~~prevent,~~ 8598
~~correct, and arrest~~ control shore erosion. In providing the funds 8599
for the municipal corporation's or township's proportionate share 8600
of the cost of constructing and maintaining the projects referred 8601
to in this section, a municipal corporation or township may issue 8602
and refund bonds in accordance with Chapter 133. of the Revised 8603
Code. The contract shall be executed on behalf of the municipal 8604
corporation or township by the mayor, city manager, or other chief 8605
executive officer who has the authority to act for the municipal 8606
corporation or township. 8607

Conservancy districts may enter into and carry out agreements 8608
with the chief ~~engineer~~, in accordance with the intent of this 8609
section, under the powers conferred upon conservancy districts 8610
under Chapter 6101. of the Revised Code. 8611

Park boards may enter into and carry out agreements with the 8612
chief ~~engineer~~, in accordance with the intent of this section, and 8613
issue bonds for that purpose under the powers conferred upon park 8614
districts under Chapter 1545. of the Revised Code. 8615

The chief ~~engineer~~ shall approve and supervise all projects 8616
that are to be constructed in accordance with this section. The 8617
chief ~~engineer~~ shall not proceed with the construction of any 8618
project until all funds that are to be paid by the county, 8619
township, municipal corporation, park board, or conservancy 8620
district, in accordance with the terms of the agreement entered 8621

into between the chief ~~engineer~~ and the county, township, 8622
municipal corporation, park board, or conservancy district, are in 8623
~~his~~ the chief's possession and deposited in the shore erosion 8624
fund, which is hereby created in the state treasury. If the chief 8625
~~engineer~~ finds it to be in the best interests of the state to 8626
construct projects as set forth in this section by the state 8627
itself, without the financial contribution of counties, townships, 8628
municipal corporations, park boards, or conservancy districts, the 8629
chief ~~engineer~~ may construct the projects. 8630

In deciding whether to assist a county or municipal 8631
corporation in constructing and maintaining a project under this 8632
section, the state, acting through the chief ~~engineer~~, shall 8633
consider, among other factors, whether the county or municipal 8634
corporation has adopted or is in the process of adopting a Lake 8635
Erie coastal erosion area resolution or ordinance under division 8636
(D) of section 1506.07 of the Revised Code. 8637

All projects constructed by the state in conformity with 8638
sections ~~1507.02~~ 1521.20 to ~~1507.09~~ 1521.28 of the Revised Code 8639
shall be constructed subject to sections 153.01 to 153.20 of the 8640
Revised Code, except that the state architect and engineer is not 8641
required to prepare the plans and specifications for those 8642
projects. 8643

~~As used in this chapter:~~ 8644

~~(A) "Conservancy district" means a conservancy district 8645
established under Chapter 6101. of the Revised Code. 8646~~

~~(B) "Park board" means the board of park commissioners of a 8647
park district created under Chapter 1545. of the Revised Code. 8648~~

Sec. ~~1507.07~~ 1521.25. The chief ~~engineer~~ of the ~~department~~ 8649
division of ~~natural resources~~ water may enter into a contract with 8650
any county, township, municipal corporation, conservancy district, 8651

or park board that has an agreement with the state in accordance 8652
with section ~~1507.06~~ 1521.24 of the Revised Code for the 8653
construction of a shore erosion project. No contract shall be let 8654
until all money ~~which~~ that is to be paid by the political 8655
subdivision entering into the agreement has been deposited in the 8656
shore erosion fund created in section ~~1507.06~~ 1521.24 of the 8657
Revised Code, and no contract shall be valid until approved by the 8658
director of natural resources. 8659

Sec. ~~1507.071~~ 1521.26. (A) A board of county commissioners 8660
may use a loan obtained under division (C) of this section to 8661
provide financial assistance to any person who owns real property 8662
in a coastal erosion area, as defined in section 1506.01 of the 8663
Revised Code, and who has received a permit under section ~~1507.04~~ 8664
1521.22 of the Revised Code to construct an erosion control 8665
structure in that coastal erosion area. The board shall enter into 8666
an agreement with the person that complies with all of the 8667
following requirements: 8668

(1) The agreement shall identify the person's real property 8669
for which the erosion control structure is being constructed and 8670
shall include a legal description of that property and a reference 8671
to the volume and page of the deed record in which the title of 8672
that person to that property is recorded. 8673

(2) In accordance with rules adopted by the Ohio water 8674
development authority under division (V) of section 6121.04 of the 8675
Revised Code for the purposes of division (C) of this section and 8676
pursuant to an agreement between the board and the authority under 8677
that division, the board shall agree to cause payments to be made 8678
by the authority to the contractor hired by the person to 8679
construct an erosion control structure in amounts not to exceed 8680
the total amount specified in the agreement between the board and 8681
the person. 8682

(3) The person shall agree to pay to the board, or to the authority as the assignee pursuant to division (C) of this section, the total amount of the payments plus administrative or other costs of the board or the authority at times, in installments, and bearing interest as specified in the agreement.

The agreement may contain additional provisions that the board determines necessary to safeguard the interests of the county or to comply with an agreement entered into under division (C) of this section.

(B) Upon entering into an agreement under division (A) of this section, the board shall do all of the following:

(1) Cause the agreement to be recorded in the county deed records in the office of the county recorder of the county in which the real property is situated. Failure to record the agreement does not affect the validity of the agreement or the collection of any amounts due under the agreement.

(2) Establish by resolution an erosion control repayment fund into which shall be deposited all amounts collected under division (B)(3) of this section. Moneys in that fund shall be used by the board for the repayment of the loan and for administrative or other costs of the board or the authority as specified in an agreement entered into under division (C) of this section. If the amount of money in the fund is inadequate to repay the loan when due, the board of county commissioners, by resolution, may advance money from any other fund in order to repay the loan if that use of the money from the other fund is not in conflict with law. If the board so advances money in order to repay the loan, the board subsequently shall reimburse each fund from which the board advances money with moneys from the erosion control repayment fund.

(3) Bill and collect all amounts when due under the agreement

entered into under division (A) of this section. The board shall
certify amounts not paid when due to the county auditor, who shall
enter the amounts on the real property tax list and duplicate
against the property identified under division (A)(1) of this
section. The amounts not paid when due shall be a lien on that
property from the date on which the amounts are placed on the tax
list and duplicate and shall be collected in the same manner as
other taxes.

(C) A board may apply to the authority for a loan for the
purpose of entering into agreements under division (A) of this
section. The loan shall be for an amount and on the terms
established in an agreement between the board and the authority.
The board may assign any agreements entered into under division
(A) of this section to the authority in order to provide for the
repayment of the loan and may pledge any lawfully available
revenues to the repayment of the loan, provided that no moneys
raised by taxation shall be obligated or pledged by the board for
the repayment of the loan. Any agreement with the authority
pursuant to this division is not subject to Chapter 133. of the
Revised Code or any requirements or limitations established in
that chapter.

(D) The authority, as assignee of any agreement pursuant to
division (C) of this section, may enforce and compel the board and
the county auditor by mandamus pursuant to Chapter 2731. of the
Revised Code to comply with division (B) of this section in a
timely manner.

(E) The construction of an erosion control structure by a
contractor hired by an individual homeowner, group of individual
homeowners, or homeowners association that enters into an
agreement with a board under division (A) of this section is not a
public improvement, as defined in section 4115.03 of the Revised
Code, and is not subject to competitive bidding or public bond

laws.

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Sec. ~~1507.08~~ 1521.27. The state, or any county, township, municipal corporation, conservancy district, or park board that has entered into a contract under section ~~1507.07~~ 1521.25 of the Revised Code, may acquire lands by gift or devise, purchase, or appropriation. In case of appropriation, the proceedings shall be instituted in the name of the state or the political subdivision and shall be conducted in the manner provided for the appropriation of private property by the state or the political subdivision insofar as those proceedings are applicable. Either the fee or any lesser interest may be acquired as the state or the political subdivision considers advisable.

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Sec. ~~1507.09~~ 1521.28. Any action taken by the chief engineer of the ~~department~~ division of ~~natural resources~~ water under sections ~~1507.02~~ 1521.20 to ~~1507.09~~ 1521.30 of the Revised Code shall not be deemed in conflict with certain powers and duties conferred upon and delegated to federal agencies and to municipal corporations under Section 7 of Article XVIII, Ohio Constitution, or as provided by sections 721.04 to 721.11 of the Revised Code.

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Sec. ~~1507.10~~ 1521.29. The chief engineer of the ~~department~~ division of ~~natural resources~~ water, in cooperation with the division of geological survey, ~~shall~~ may prepare a plan for the ~~prevention~~ management of shore erosion in the state along Lake Erie, its bays, and associated inlets, revise the plan whenever it can be made more effective, and make the plan available for public inspection. In the preparation of the plan, the chief engineer ~~shall~~ may employ such existing plans as are available.

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The chief engineer also ~~shall~~ may establish a program to provide technical assistance on shore erosion control measures to

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municipal corporations, counties, townships, conservancy 8776
districts, park boards, and shoreline property owners. 8777

Sec. ~~1507.11~~ 1521.30. Upon application of any owner of real 8778
property damaged or destroyed by shore erosion, the county auditor 8779
of the county in which the real property is situated shall cause a 8780
reappraisal to be made and shall place the property on the tax 8781
list at its true value in money. 8782

Whenever the county auditor finds that ninety per cent or 8783
more of the area of any littoral parcel of land appearing upon the 8784
tax duplicate has been eroded and lies within the natural 8785
boundaries of Lake Erie and that the remainder of the parcel, if 8786
any, has no taxable value, ~~he~~ the auditor may certify that finding 8787
to the county board of revision. Upon consideration thereof, the 8788
board may authorize removal of the parcel from the tax duplicate 8789
and cancellation of all current and delinquent taxes, assessments, 8790
interest, and penalties charged against the parcel. 8791

Sec. 1521.99. (A) Whoever violates division (C)(1) of section 8792
1521.05 or division (E)(1) of section 1521.16 of the Revised Code 8793
is guilty of a misdemeanor of the fourth degree. 8794

(B) Whoever violates section 1521.06 or 1521.062 of the 8795
Revised Code shall be fined not less than one hundred dollars nor 8796
more than one thousand dollars for each offense. Each day of 8797
violation constitutes a separate offense. 8798

(C) Whoever violates sections 1521.20 to 1521.30 of the 8799
Revised Code shall be fined not less than one hundred dollars nor 8800
more than one thousand dollars for each offense. Each day of 8801
violation constitutes a separate offense. 8802

Sec. 1561.01. As used in this chapter and Chapters 1563., 8803
1565., and 1567. of the Revised Code, and in other sections of the 8804

Revised Code relating to the mining law, unless other meaning is 8805
clearly apparent in the language and context: 8806

(A) "Mine" means an underground or surface excavation or 8807
development with or without shafts, slopes, drifts, or tunnels for 8808
the extraction of coal, gypsum, asphalt, rock, or other materials 8809
containing the same, or for the extraction of natural gas or 8810
petroleum by means that are substantially similar to the 8811
underground extraction of coal, gypsum, asphalt, rock, or other 8812
materials containing the same, with hoisting or haulage equipment 8813
and appliances for the extraction of such materials; and embraces 8814
the land or property of the mining plant, the surface, and 8815
underground, that is used for or contributes to the mining 8816
properties, or concentration or handling of coal, gypsum, asphalt, 8817
rock, or other materials containing the same or of natural gas or 8818
petroleum. 8819

(B) "Shaft" means a vertical opening through the strata ~~which~~ 8820
that is or may be used for ventilation, drainage, or hoisting ~~men~~ 8821
workers or material or both in connection with the mining of coal 8822
or other minerals or materials. 8823

(C) "Slope" means an incline or opening used for the same 8824
purpose as a shaft. 8825

(D) "Drift" means an opening through the strata on which 8826
opening grades are such to permit the coal or materials to be 8827
hailed by mules or mechanical traction power, and which opening 8828
may be used for ventilation, drainage, ingress, egress, and other 8829
purposes in connection with the mining of coal or other materials. 8830

(E) "Excavations and workings" means the excavated portions 8831
of the mine, those abandoned as well as the places actually being 8832
worked, underground workings, shafts, tunnels, and other ways in 8833
the course of being sunk or driven, slopes, tunnels, and other 8834
openings, and all such shafts, together with all roads, 8835

appliances, machinery, and material connected with the same below 8836
the surface. 8837

(F) "Face" means the advancing breast of any working place. 8838

(G) "Pillar" means a solid block of ore, coal, or other 8839
material, left unmined to support the overlying strata in a mine. 8840

(H) "Rock dusting" means to distribute or apply fine rock 8841
dust on underground surfaces in coal mines to prevent, check, 8842
control, or extinguish coal dust explosions. 8843

(I) "Rock dust barriers" means a quantity of dry rock dust 8844
placed in suitable containers so located in underground coal mines 8845
that the advanced wave of a coal dust explosion will automatically 8846
cause the rock dust to be thrown into suspension to extinguish or 8847
arrest the flames of an explosion. 8848

(J) "Operator" means any firm, corporation, or individual 8849
operating any mine or part thereof. 8850

(K) "Superintendent" means the person who ~~shall have~~ has, on 8851
behalf of the operator, immediate supervision of one or more 8852
mines. 8853

(L) "Mine ~~foreman~~ foreperson" means the person whom the 8854
operator or superintendent places in charge of the inside or 8855
outside workings of the mine and of the persons employed therein 8856
or thereat. 8857

(M) "~~Foreman~~ Foreperson" means the person designated to 8858
assist the mine ~~foreman~~ foreperson in the immediate supervision of 8859
a portion or the whole of a mine or of the persons employed 8860
therein. 8861

(N) "Fire boss" means a person whom the mine ~~foreman~~ 8862
foreperson is required to employ under certain conditions 8863
designated in this chapter and Chapters 1563., 1565., and 1567. of 8864
the Revised Code, relative to explosive gases when the same are 8865

found to exist in a mine. 8866

(O) "Shot firer" means a practical and experienced person 8867
whose duties ~~shall be~~ are to charge, set off, and discharge the 8868
shots under the direction of the mine ~~foreman~~ foreperson or 8869
~~foreman~~ foreperson. 8870

(P) "Deputy mine inspector" means a person appointed in the 8871
division of ~~mines and reclamation~~ mineral resources management to 8872
inspect mines to see that this chapter and Chapters 1563., 1565., 8873
and 1567. of the Revised Code are complied with. 8874

(Q) "Permissible or approved" as applied in connection with 8875
explosive flame safety lamps, electric safety lamps, electric 8876
machinery, rescue apparatus, and other devices, appliances, 8877
machinery, and equipment means materials, apparatus, devices, 8878
appliances, machinery, and equipment officially listed by the mine 8879
safety and health administration in the United States department 8880
of labor and approved as having met its requirements for the 8881
respective specified uses, or equivalent standards determined and 8882
established by the chief of the division of ~~mines and reclamation~~ 8883
mineral resources management. 8884

(R) "Gas" means an inflammable gas, chiefly methane, ~~which~~ 8885
that when mixed in certain proportions with air is explosive. 8886

(S) "Methane" is a hydrocarbon gas (CH₄) frequently 8887
encountered in coal mines. 8888

(T) "Explosive mixture of methane and air" is a mixture of 8889
air and methane ~~which~~ that will explode in the presence of a flame 8890
or hot spark when the methane content is between five and fifteen 8891
per cent. 8892

(U) "Electric system" means all apparatus and electric 8893
circuits receiving electric energy or that may receive electric 8894
energy from a common source. Where the source of power is under 8895
control of the mine, such source of power will be considered as a 8896

part of the electric system. If power is obtained from a central station not under control of such mine, "electric system" refers only to that part of the system ~~which~~ that is under control of such mine.

(V) "Electric circuit" means all conductors, including ground returns, furnishing energy to or receiving energy from electric apparatus.

(W) "Branch circuit" means all circuits connected to main circuits coming from generators or other main sources of supply.

(X) "Potential" and "voltage" are synonymous and mean electrical pressure.

(Y) "Potential of a circuit or voltage of a circuit, machine, or any piece of electrical apparatus" is the potential normally existing between the conductors of such circuit or the terminals of such machine or apparatus.

(Z) "Difference of potential" means the difference of electrical pressure existing between any two points of an electrical system, or between any point of such system and the earth, as determined by a voltmeter.

(AA) A "~~low~~ Low voltage supply" means the situation where the conditions of the supply of electricity are such that the difference in potential between any points of the circuit does not exceed four hundred fifty volts.

(BB) A "~~high~~ High voltage supply" means the situation where the conditions of the supply of electricity are such that the difference of potential between any two points in the circuit exceeds four hundred fifty volts.

(CC) "Trailing cable" means an electric power cable attached to a mobile machine or unit.

(DD) "Grounding" means the connecting of any part of an

electric system with the earth in such a manner that there is no
difference of potential between such connected part and the earth.

(EE) "Mobile machinery or portable machinery" means machinery
~~which~~ that moves about under its own power, or is carried, pulled,
or trammed from place to place.

(FF) "Semipermanent" machinery means machinery ~~which~~ that is
mounted on a form of truck ~~which~~ that permits it to be moved
readily from place to place, but the function of which is to do
its work in a semipermanent location.

(GG) "Permanent" machinery means machinery ~~which~~ that is
installed on a permanent foundation attached to the ground.

(HH) "Underground station" means any place underground where
electrical machinery, transformers, or switchboards are
permanently installed.

(II) "Electrical inspector" means a person appointed by the
~~chief of the division of mines and reclamation~~ to examine surface
and underground electrical systems and equipment at mines for
fire, shock, and explosion hazards.

(JJ) A "~~well~~ Well" means any borehole, whether drilled or
bored, within the state, for the production, extraction, or
injection of any gas or liquid mineral, excluding only potable
water to be used as such, but including natural or artificial
brines and oil field waters.

(KK) "Prepared clay" means a clay ~~which~~ that is plastic and
is thoroughly saturated with fresh water to a weight and
consistency great enough to settle through the salt water in the
well in which it is to be used, except as otherwise approved by
the chief ~~of the division of mines and reclamation~~ in exceptional
cases.

(LL) "Rock sediment" means the combined cuttings and residue

from drilling sedimentary rocks and formations, commonly known as
sand pumpings. 8957
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(MM) "Accessible travel route" means an unobstructed 8959
passageway not less than twenty-four inches wide with reflective 8960
materials at intervals so as to be visible to persons using the 8961
passageway. 8962

(NN) "Longwall working face" means a working face in a coal 8963
mine in which work extracting coal from its natural deposit in the 8964
earth is performed during a mining cycle by longwall mining. 8965

(OO) "Longwall working section" means all areas from and 8966
including the section transformer to and including the longwall 8967
working face. 8968

(PP) "Longwall mining" means a system of mining designed for 8969
full pillar extraction that minimizes the possibility of outburst 8970
or squeezes and allows total caving of the main roof in the pillar 8971
area. 8972

Sec. 1561.02. The division of ~~mines and reclamation~~ mineral 8973
resources management has jurisdiction over all mines and quarries 8974
located in the state, and shall exercise such supervision over 8975
them and their development and operation as is provided by law. 8976

Sec. 1561.03. The chief of the division of ~~mines and~~ 8977
~~reclamation~~ mineral resources management shall enforce and 8978
supervise the execution of all laws enacted for the health and 8979
safety of persons and the protection and conservation of property 8980
within, about, or in connection with mines, mining, and quarries, 8981
and for such purpose shall adopt, publish, and enforce necessary 8982
rules not inconsistent with the mining laws of this state. 8983

Sec. 1561.04. The chief of the division of ~~mines and~~ 8984
~~reclamation~~ mineral resources management shall annually make a 8985

report to the governor, which shall include: 8986

(A) A summary of the activities and of the reports of the 8987
deputy mine inspectors; 8988

(B) A statement of the condition and the operation of the 8989
mines of the state; 8990

(C) A statement of the number of accidents in and about the 8991
mines, the manner in which they occurred, and any other data and 8992
facts bearing upon the prevention of accidents and the 8993
preservation of life, health, and property, and any suggestions 8994
relative to the better preservation of the life, health, and 8995
property of those engaged in the mining industry. 8996

The records of the bureau of workers' compensation shall be 8997
available to the chief for information concerning such a report. 8998
~~He~~ The chief shall send by mail to each coal operator in the 8999
state, to a duly designated representative of the miners at each 9000
mine, and to such other persons as ~~he~~ the chief deems proper, a 9001
copy of such report. ~~He~~ The chief may have as many copies of such 9002
report printed as are needed to make the distribution thereof as 9003
provided in this section. 9004

The chief shall also prepare and publish for public 9005
distribution quarterly reports, including therein information 9006
relative to the items enumerated in this section that is pertinent 9007
or available at such times. 9008

Sec. 1561.05. The laws relating to mines and mining and 9009
duties and functions of the division of ~~mines and reclamation~~ 9010
mineral resources management shall be administered by the chief of 9011
the division of ~~mines and reclamation~~ mineral resources 9012
management, and through and by deputy mine inspectors. If a 9013
vacancy occurs in the office of a deputy mine inspector, it may be 9014
filled by the chief, who shall select a qualified person from the 9015

eligible list certified to ~~him~~ the chief by the mine examining 9016
board for deputy mine inspectors. 9017

Sec. 1561.06. The chief of the division of ~~mines and~~ 9018
~~reclamation~~ mineral resources management shall designate the 9019
townships in which mineable or quarryable coal or other mineral is 9020
or may be mined or quarried, which townships shall be considered 9021
coal or mineral bearing townships. ~~He~~ The chief shall divide the 9022
coal or other mineral bearing townships into such districts as ~~he~~ 9023
the chief deems best for inspection purposes, and ~~he~~ the chief may 9024
change such districts whenever, in ~~his~~ the chief's judgment, the 9025
best interests of the service require. 9026

The chief shall designate as provided in this section as coal 9027
or mineral bearing townships those townships in which coal is 9028
being mined or in which coal is found in such thickness as to make 9029
the mining of such coal or mineral probable at some future time, 9030
and shall designate such township as a unit. As used in this 9031
chapter and Chapters 1563., 1565., and 1567. of the Revised Code, 9032
"coal or mineral bearing township" means a township ~~which~~ that has 9033
been so designated by the chief under this section. 9034

The chief shall also designate the townships in which coal is 9035
being mined or in which coal is found in such thickness as to make 9036
the mining of such coal probable at some future time as "coal 9037
bearing townships" as such term is used in Chapter 1509. of the 9038
Revised Code. ~~The chief shall certify to the chief of the division~~ 9039
~~of oil and gas the townships which he has so designated as coal~~ 9040
~~bearing townships.~~ 9041

Sec. 1561.07. The mining laws of this state shall extend to 9042
and govern the operation ~~af~~ of clay mines and clay stripping pits 9043
in so far as such laws are applicable thereto. The chief of the 9044
division of ~~mines and reclamation~~ mineral resources management 9045

shall adopt, publish, and enforce specific rules particularly 9046
applicable to clay mining operations to safeguard life and 9047
property in the clay mining industry and to secure safe and 9048
sanitary working conditions in such clay mines and clay stripping 9049
pits. 9050

Such rules adopted by the chief shall provide that: 9051

(A) Distances between break-throughs in clay mines shall not 9052
exceed one hundred feet, unless permission in special cases is 9053
granted by the chief, after maps have been filed with ~~him~~ the 9054
chief showing the method of working and ventilating the same, if 9055
such distances would add to increased safety~~+~~. 9056

(B) When, in the opinion of the mine ~~foreman~~ foreperson or 9057
deputy mine inspector, line brattices or other approved methods of 9058
circulation are necessary to deliver sufficient air to the working 9059
face, they shall be provided by the owner, operator, or lessee~~+~~. 9060

(C) Not more than a two days' supply of explosives shall be 9061
stored in a clay mine at any one time, and not more than one 9062
hundred pounds of explosives shall be stored in any one place at 9063
any one time~~+~~. 9064

(D) Charges of explosives shall be made up at least one 9065
hundred feet away from any storage place for explosives~~+~~. 9066

(E) There shall be no less than two persons in each working 9067
place when shots are being lighted~~+~~. 9068

(F) Misfired shots in clay mines shall be posted on the 9069
bulletin board or other conspicuous place available for 9070
examination by the workers when shots are fired by other than the 9071
loaders~~+~~. 9072

(G) The use of electric blasting caps shall be encouraged as 9073
a safety measure. 9074

The chief, in assigning deputy mine inspectors, shall 9075

designate inspectors who have had experience and are especially 9076
qualified in clay mining operations, to examine and inspect clay 9077
mining operations and enforce the law relating to such operations. 9078

The mine examining board, in conducting examinations and 9079
issuing certificates for mine ~~foremen~~ forepersons, shall in its 9080
rules ~~and regulations~~ provide for the examination of applicants 9081
for certificates as mine ~~foremen~~ forepersons in a clay mine or 9082
clay stripping pits to test the applicant on experience and 9083
fitness on the problems and duties peculiar to the clay mining 9084
industry. An applicant for a certificate as a clay mine ~~foreman~~ 9085
foreperson shall have at least three years' experience in mining 9086
operations. 9087

Sec. 1561.10. (A) There is hereby created in the division of 9088
~~mines and reclamation~~ mineral resources management the mine 9089
examining board consisting of five members to be appointed by the 9090
governor with the advice and consent of the senate. Terms of 9091
office shall be for three years, commencing on the eleventh day of 9092
September and ending on the tenth day of September. Each member 9093
shall hold office from the date of appointment until the end of 9094
the term for which the member was appointed. Vacancies shall be 9095
filled by appointment by the governor. Any member appointed to 9096
fill a vacancy occurring prior to the expiration of the term for 9097
which the member's predecessor was appointed shall hold office for 9098
the remainder of that term. Any member shall continue in office 9099
subsequent to the expiration date of the member's term until the 9100
member's successor takes office, or until a period of sixty days 9101
has elapsed, whichever occurs first. The governor may remove any 9102
member of the board for misconduct, incompetency, neglect of duty, 9103
or any other sufficient cause. 9104

One of the appointees to the board shall be a person who, 9105
because of previous vocation, employment, or affiliation, can be 9106

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classed as a representative of the owner, operator, or lessee of a coal mine. Prior to making the appointment, the governor shall request the major trade association in this state that represents owners, operators, or lessees of coal mines to submit to the governor the names and qualifications of three nominees. The governor shall appoint one of the nominees to the board. Except as otherwise provided in this division, the nominees shall have not less than five years of practical experience in the coal mining industry in positions in which they developed competence in the topics of mine health ~~and safety~~ and safety. The major trade association shall represent a membership that produced a larger quantity of coal mined in this state than the membership of any other trade association in the year prior to the year in which the appointment is made.

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One of the appointees shall be a person who, because of previous vocation, employment, or affiliation, can be classed as a representative of the owner, operator, or lessee of an aggregates mine. Prior to making the appointment, the governor shall request the major trade association in this state that represents owners, operators, or lessees of aggregates mines to submit to the governor the names and qualifications of three nominees. The governor shall appoint one of the nominees to the board. Except as otherwise provided in this division, the nominees shall have not less than five years of practical experience in the aggregates mining industry in positions in which they developed competence in the topics of mine health and safety. The major trade association shall represent a membership that produced a larger quantity of aggregates mined in this state than the membership of any other trade association in the year prior to the year in which the appointment is made.

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One of the appointees shall be a person who, because of previous vocation, employment, or affiliation, can be classed as a

representative of employees currently engaged in coal mining 9139
operations. Prior to making the appointment, the governor shall 9140
request the highest ranking officer in the major employee 9141
organization representing coal miners in this state to submit to 9142
the governor the names and qualifications of three nominees. The 9143
governor shall appoint one of the nominees to the board. Except as 9144
otherwise provided in this division, the nominees shall have not 9145
less than five years of practical experience in dealing with mine 9146
health and safety issues and at the time of the nomination shall 9147
be employed in positions that involve the protection of the health 9148
and safety of miners. The major employee organization representing 9149
coal miners shall represent a membership consisting of the largest 9150
number of coal miners in this state compared to other employee 9151
organizations in the year prior to the year in which the 9152
appointment is made. 9153

One of the appointees shall be a person who, because of 9154
previous vocation, employment, or affiliation, can be classed as a 9155
representative of employees currently engaged in aggregates mining 9156
operations. Prior to making the appointment, the governor shall 9157
request the highest ranking officer in the major employee 9158
organization representing aggregates miners in this state to 9159
submit to the governor the names and qualifications of three 9160
nominees. The governor shall appoint one of the nominees to the 9161
board. Except as otherwise provided in this division, the nominees 9162
shall have not less than five years of practical experience in 9163
dealing with mine health and safety issues and at the time of the 9164
nomination shall be employed in ~~positons~~ positions that involve 9165
the protection of the health and safety of miners. The major 9166
employee organization representing aggregates miners shall 9167
represent a membership consisting of the largest number of 9168
aggregates miners in this state compared to other employee 9169
organizations in the year prior to the year in which the 9170

appointment is made. 9171

One of the appointees shall be a person who can be classed as 9172
a representative of the public. Except as otherwise provided in 9173
this division, the appointee shall have not less than five years 9174
of technical, practical experience in either the field of mine 9175
health and safety or occupational health and safety, or both. For 9176
a period of three years prior to the appointment, the appointee 9177
shall not have been employed in the mining industry. 9178

An appointee who has received a bachelor's degree in mining 9179
engineering or technology need not have at least five years of 9180
practical experience as otherwise provided in this division, but 9181
shall have a total of not less than three years of practical 9182
experience in the mining industry in a position that provided the 9183
person with practical knowledge of mine health and safety. 9184

Not more than three of the members of the board shall belong 9185
to the same political party. The chief of the division of ~~mines~~ 9186
~~and reclamation~~ mineral resources management or the chief's 9187
designee shall be ex officio secretary to the board. 9188

(B) The board shall have full power to do both of the 9189
following: 9190

(1) Adopt and enforce reasonable rules relative to the 9191
exercise of its powers and proper rules to govern its proceedings 9192
and to regulate the manner of appeals; 9193

(2) Employ experts, advisors, and secretarial, clerical, 9194
stenographic, and other employees. 9195

(C) Each member of the board shall receive a salary fixed 9196
pursuant to division (J) of section 124.15 of the Revised Code 9197
when actually performing official duties, and, in addition to a 9198
salary, each member shall be reimbursed for all actual and 9199
necessary travel and incidental expenses incurred in carrying out 9200
official duties. 9201

(D) The board shall elect from its members a chairperson and vice-chairperson. A quorum of the board shall consist of not less than three members, and no action at any meeting shall be taken unless at least three votes are in accord. The secretary of the board shall keep a true and complete record of all the proceedings of the board. With the approval of the board, the secretary may employ clerical assistants. The board shall adopt all necessary rules and bylaws to govern its times and places of meetings, for organization and reorganization, for holding all examinations, and for governing all other matters requisite to the exercise of its powers, the performance of its duties, and the transaction of its business under this chapter and Chapters 1509., 1563., 1565., and 1567. of the Revised Code. The board shall adopt and have an official seal.

(E) Each member of the board shall complete the annual refresher training required for miners under 30 C.F.R. 48.8 (1997). In addition to the annual refresher training, each member shall complete twenty-four hours of continuing education during each member's three-year term of office on the topics of mining technology and laws governing mining health and safety.

Sec. 1561.13. The mine examining board shall conduct examinations for offices and positions in the division of ~~mines~~ mineral resources management, and for mine ~~foremen~~ forepersons, mine electricians, shot firers, surface mine blasters, and fire bosses, as follows:

(A) Division of ~~mines and reclamation~~ mineral resources management:

- (1) Deputy mine inspectors of underground mines;
- (2) Deputy mine inspectors of surface mines;
- (3) Electrical inspectors;

(4) Superintendent of rescue stations;	9232
(5) Assistant superintendents of rescue stations;	9233
(6) Mine chemists at <u>a division of mines laboratory if the</u>	9234
<u>chief of the division of mineral resources management chooses to</u>	9235
<u>operate a laboratory;</u>	9236
(7) Gas storage well inspector.	9237
(B) Mine foremen <u>forepersons</u> :	9238
(1) Mine foreman <u>foreperson</u> of gaseous mines;	9239
(2) Mine foreman <u>foreperson</u> of nongaseous mines;	9240
(3) Mine foreman <u>foreperson</u> of surface mines.	9241
(C) Foremen <u>forepersons</u> :	9242
(1) Foreman <u>Foreperson</u> of gaseous mines;	9243
(2) Foreman <u>Foreperson</u> of nongaseous mines;	9244
(3) Foreman <u>Foreperson</u> of surface maintenance facilities at	9245
underground or surface mines;	9246
(4) Foreman <u>Foreperson</u> of surface mines.	9247
(D) Fire bosses.	9248
(E) Mine electricians.	9249
(F) Surface mine blasters.	9250
(G) Shot firers.	9251
The board shall hold such meetings as are necessary for the	9252
proper discharge of its duties.	9253
The board shall meet annually at the capitol, as prescribed	9254
by its rules, for the examination of candidates for appointment or	9255
promotion as deputy mine inspectors and such other positions and	9256
offices set forth in division (A) of this section as are	9257
necessary. Special examinations may be held whenever it becomes	9258

necessary to make appointments to any of those positions. 9259

For the examination of persons seeking certificates of 9260
competency as mine ~~foremen~~ forepersons, ~~foremen~~ forepersons, mine 9261
electricians, shot firers, surface mine blasters, and fire bosses, 9262
the board shall hold meetings, quarterly or more often as 9263
required, at such times and places within the state as shall, in 9264
the judgment of the members, afford the best facilities to the 9265
greatest number of applicants. Public notice shall be given 9266
through the press or otherwise, not less than ten days in advance, 9267
announcing the time and place at which examinations under this 9268
section are to be held. 9269

The examinations provided for in this section shall be 9270
conducted under rules and conditions prescribed by the board. Such 9271
rules shall be made a part of the permanent record of the board, 9272
and such of them as relate to particular candidates shall, upon 9273
application of any candidate, be furnished to ~~him~~ the candidate by 9274
the board; they shall also be of uniform application to all 9275
candidates in the several groups. 9276

Sec. 1561.26. (A) As used in this section, "EMT-basic," 9277
"EMT-I," and "paramedic" have the same meanings as in section 9278
4765.01 of the Revised Code. 9279

(B) The superintendent of rescue stations, with the approval 9280
of the chief of the division of ~~mines and reclamation~~ mineral 9281
resources management, shall, at each rescue station provided for 9282
in section 1561.25 of the Revised Code, train and employ rescue 9283
crews of six members each, one of whom shall hold a mine ~~foreman~~ 9284
foreperson or fire boss certificate and be designated captain, and 9285
train and employ any number of such rescue crews as ~~he~~ the 9286
superintendent believes necessary. One member of a rescue crew 9287
shall be certified as an EMT-basic, EMT-I, or paramedic. Each 9288
member of a rescue crew shall devote the time specified by the 9289

chief each month for training purposes and shall be available at 9290
all times to assist in rescue work at explosions, mine fires, and 9291
other emergencies. 9292

A captain of mine rescue crews shall receive for service as 9293
captain the sum of twenty-four dollars per month, and each member 9294
shall receive the sum of twenty dollars per month, all payable on 9295
requisition approved by the chief. When engaged in rescue work at 9296
explosions, mine fires, or other emergencies away from their 9297
station, the members of the rescue crews and captains of the same 9298
shall be paid the sum of six dollars per hour for work on the 9299
surface, which includes the time consumed by such members in 9300
traveling to and from the scene of such emergency when such scene 9301
is away from the station of such members, and the sum of seven 9302
dollars per hour for all work underground at such emergency, and 9303
in addition thereto, the necessary living expenses of such members 9304
when such emergency is away from their home station, all payable 9305
on requisition approved by the chief. 9306

Each member of a mine rescue crew shall undergo an annual 9307
medical examination by a doctor designated by the chief. In 9308
designating such doctor, the chief shall choose one near ~~to~~ the 9309
station of the member of such rescue crews. Such doctor shall 9310
report ~~his~~ the doctor's findings to the chief and if, in the 9311
opinion of the chief, such report indicates that such member is 9312
physically unfit for further services, the chief shall relieve ~~him~~ 9313
the member from further duty. The fee charged by such doctor for 9314
such examination shall be paid in the same manner as fees are paid 9315
to doctors employed by the industrial commission for special 9316
medical examinations. 9317

The chief may remove any member of a rescue crew for any 9318
reason. Such crews shall be subject to the orders of the chief, 9319
the superintendent, and the deputy mine inspectors when engaged in 9320
actual mine rescue work. Mine rescue crews shall, in case of death 9321

or injury when engaged in rescue work, wherever the same may
occur, be paid compensation, or their dependents shall be paid
death benefits, from the workers' compensation fund, in the same
manner as other employees of the state.

(C) In addition to the training of rescue crews, each
assistant superintendent of rescue stations, with the approval of
the superintendent, shall provide for and conduct safety, first
aid, and rescue classes at any mine or for any group of miners who
make application for the conducting of such classes.

The superintendent shall prescribe and provide for a uniform
schedule of conducting such safety and rescue classes as will
provide a competent knowledge of modern safety and rescue methods
in, at, and about mines.

Sec. 1561.27. ~~The~~ A division of ~~mines and reclamation mineral~~
resources management laboratory, equipped for making proper
chemical tests of the air, gases, and coal and mine dust, together
with research, experimental work, and other things, proper,
necessary, or appurtenant to the inspection of mines, and
quarries, and to the administration of this chapter and Chapters
1509., 1563., 1565., and 1567. of the Revised Code, shall be
operated by, and under the direction and control of, the chief of
the division of ~~mines and reclamation mineral resources~~
management. ~~He~~ The chief shall employ not more than three
chemists, and such clerical help as conditions require. The
necessary equipment and supplies to maintain such laboratory shall
be supplied by the chief.

Sec. 1561.28. The chief of the division of ~~mines and~~
~~reclamation mineral resources management~~ shall designate one of
the chemists, provided for in section 1561.27 of the Revised Code,
to be in charge of and supervise and direct the work of ~~the~~ a mine

laboratory operated under that section. The chemists shall make 9352
proper chemical tests of samples of mine air, gases, and coal and 9353
mine dust, and keep a permanent record of the same showing the 9354
date, time, and place where taken, the results of the test and 9355
analysis, and any further data that is proper, necessary, and 9356
pertinent to the inspection of mines. They shall conduct such 9357
research and experimental work and tests as will provide for 9358
better working, health, and safety conditions in the mines and 9359
quarries, and will aid in the development and furtherance of such 9360
industries. 9361

Sec. 1561.31. Each deputy mine inspector shall inspect each 9362
mine in the inspector's district, the owner, lessee, agent, or 9363
operator of which is an employer as defined in section 4123.01 of 9364
the Revised Code, or any other mine at which three or more persons 9365
work, at intervals not exceeding three months between inspections, 9366
and all other mines in the inspector's district as often as 9367
practical, noting particularly the location and condition of 9368
buildings, the condition of the boiler, machinery, workings of the 9369
mine, the traveling ways and haulageways, the circulation and 9370
condition of the air and drainage, and the condition of electrical 9371
circuits and appliances. The inspector shall make tests for 9372
poisonous, explosive, and noxious gases, and shall specifically 9373
order compliance with any section of this chapter and Chapters 9374
~~1561.7~~, 1563., 1565., and 1567.7 and sections 1509.09, 1509.12, 9375
1509.13, 1509.14, 1509.15, 1509.17, and 1509.18 of the Revised 9376
Code ~~which~~ that the inspector finds is being violated. 9377

Upon completion of the inspection of a mine, the inspector 9378
shall fill out a report of the conditions found during inspections 9379
on a form provided by the chief of the division of ~~mines and~~ 9380
~~reclamation~~ mineral resources management, which form shall provide 9381
for statements as to whether the laws are being observed or 9382

violated, and if violated, the nature and extent thereof, the date 9383
of the inspection, the number of persons employed in and about the 9384
mine, whether or not a certificate of compliance issued pursuant 9385
to section 4123.35 of the Revised Code is posted and the date of 9386
expiration thereof, and matters, things, and practices that 9387
specifically are covered by law, order of the chief, or previous 9388
order of the inspector. The inspector shall make this report in 9389
quadruplicate or quintuplicate, and send the original to the 9390
chief, post a copy at the mine, give a copy to the mine 9391
superintendent, and retain a copy for the inspector's files. Where 9392
the miners of a mine have a mine safety committee, the inspector 9393
shall post one additional copy of the report of that mine at that 9394
mine for the use and possession of the committee. The report 9395
required by this section shall be known as the inspector's routine 9396
report. 9397

If an inspector orders compliance with this chapter and 9398
Chapters ~~1561.~~ 1563., 1565., and 1567. and sections 1509.09, 9399
1509.12, 1509.13, 1509.14, 1509.15, 1509.17, and 1509.18 of the 9400
Revised Code, and is assured by the superintendent of the mine to 9401
which the order applies that the order will be complied with, the 9402
inspector shall revisit the mine within a reasonable period of 9403
time and ascertain whether or not the order has been complied 9404
with. The inspector shall report the inspector's findings to the 9405
chief on a form to be provided by the chief, and take action to 9406
enforce compliance. 9407

Sec. 1561.32. The electrical inspectors shall examine surface 9408
and underground electrical installations at all mines for fire, 9409
shock, and explosion hazards, and for compliance with the 9410
electrical ~~regulations~~ requirements of this chapter and Chapters 9411
1563., 1565., and 1567. of the Revised Code, at least once each 9412
year. In gaseous mines such examinations shall be made of all 9413
underground installations at least once each six months. A written 9414

report of each examination shall be made to the owner, lessee, or 9415
agent of the mine, and to the chief of the division of ~~mines and~~ 9416
~~reclamation~~ mineral resources management, through the deputy mine 9417
inspector of the district in which the examination has been made. 9418
These inspection reports shall be handled in the same manner as 9419
are the reports of the deputy mine inspector. 9420

No owner, lessee, agent, or operator of a mine shall 9421
~~willfully~~ purposely refuse or neglect to comply with this section. 9422

Sec. 1561.33. On or before each Monday, each deputy mine 9423
inspector shall file in the office of the chief of the division of 9424
~~mines and reclamation~~ mineral resources management a record 9425
showing the number of mines in the district examined by ~~him~~ the 9426
deputy mine inspector during the preceding week, the number of 9427
persons employed in and about such mines, the date of each 9428
examination, the condition of each mine examined, whether the laws 9429
relating to mines and mining are being observed or violated, and 9430
if violated, the nature and extent of such violations, the 9431
progress made in safeguarding the lives and protecting the health 9432
of the employees in and about the mines, and other facts of public 9433
interest concerning the condition of mines and the development and 9434
progress in mining. 9435

Sec. 1561.34. If a deputy mine inspector finds danger of an 9436
imminent and extraordinary character in any mine ~~he~~, the deputy 9437
mine inspector shall immediately take steps to safeguard the 9438
employees, notify the superintendent, the mine ~~foreman~~ foreperson, 9439
or any other person in charge of employees at once of the 9440
condition ~~he~~ the deputy mine inspector has found, and require them 9441
to exercise their authority to remedy the situation; in all such 9442
instances, ~~he~~ the deputy mine inspector shall stop all workings in 9443
the particular section in which ~~he~~ the deputy mine inspector found 9444

the dangerous condition, or the entire mine if necessary, until 9445
the condition found is remedied. Before leaving the mine property, 9446
~~he~~ the deputy mine inspector shall make a report in writing 9447
setting forth clearly the dangerous conditions of imminent and 9448
extraordinary character found, the steps taken by ~~him~~ the deputy 9449
mine inspector to safeguard the employees, and confirming the 9450
orders or instructions given to the superintendent, mine ~~foreman~~ 9451
foreperson, or other person in charge of employees. ~~He~~ The deputy 9452
mine inspector shall make this report in quadruplicate or 9453
quintuplicate, sending the original at once to the chief of the 9454
division of ~~mines and reclamation~~ mineral resources management, 9455
giving a copy to the mine superintendent, posting one on the 9456
bulletin board of the mine, and retaining a copy for ~~his~~ the 9457
deputy mine inspector's files. Where the miners have a mine safety 9458
committee, ~~he~~ the deputy mine inspector shall post one additional 9459
copy on the mine bulletin board for the use and possession of the 9460
committee. This report shall be known as ~~his~~ the deputy mine 9461
inspector's emergency report. 9462

Sec. 1561.35. If the deputy mine inspector finds that any 9463
matter, thing, or practice connected with any mine and not 9464
prohibited specifically by law is dangerous or hazardous, or that 9465
from a rigid enforcement of this chapter and Chapters 1509., 9466
1563., 1565., and 1567. of the Revised Code, the matter, thing, or 9467
practice would become dangerous and hazardous so as to tend to the 9468
bodily injury of any person, the deputy mine inspector forthwith 9469
shall give notice in writing to the owner, lessee, or agent of the 9470
mine of the particulars in which the deputy mine inspector 9471
considers the mine or any matter, thing, or practice connected 9472
therewith is dangerous or hazardous and recommend changes that the 9473
conditions require, and forthwith shall mail a copy of the report 9474
and the deputy mine inspector's recommendations to the chief of 9475

the division of ~~mines and reclamation~~ mineral resources 9476
management. Upon receipt of the report and recommendations, the 9477
chief forthwith shall make a finding thereon and mail a copy to 9478
the owner, operator, lessee, or agent of the mine, and to the 9479
deputy mine inspector; a copy of the finding of the chief shall be 9480
posted upon the bulletin board of the mine. Where the miners have 9481
a mine safety committee, one additional copy shall be posted on 9482
the bulletin board for the use and possession of the committee. 9483

The owner, operator, lessee, or agent of the mine, or the 9484
authorized representative of the workers of the mine, within ten 9485
days may appeal to the mine examining board for a review and 9486
redetermination of the finding of the chief in the matter in 9487
accordance with section 1561.53 of the Revised Code. A copy of the 9488
decision of the board shall be mailed as required by this section 9489
for the mailing of the finding by the chief on the deputy mine 9490
inspector's report. 9491

Sec. 1561.351. A deputy mine inspector who makes a finding 9492
concerning a violation of this chapter or Chapter 1563., 1565., or 9493
1567. or section 1509.09, 1509.12, 1509.13, 1509.14, 1509.15, 9494
1509.17, or 1509.18 of the Revised Code that involves mining 9495
safety shall notify the chief of the division of ~~mines and~~ 9496
~~reclamation~~ mineral resources management of the finding. The chief 9497
shall review the inspector's finding, make a written determination 9498
regarding it, and provide a copy of the written determination to 9499
the owner, operator, lessee, or agent of the mine involved. The 9500
chief shall provide a copy of the written determination to any 9501
other interested party upon request. 9502

A person, such as an owner, operator, lessee, or agent of the 9503
mine or the authorized representative of the workers of the mine, 9504
who has an interest that is or may be adversely affected by the 9505
chief's determination may appeal the determination, not later than 9506

ten days after receiving notice of the determination, to the mine
examining board by filing a copy of the chief's written
determination with the board. The board shall hear the appeal in
accordance with section 1561.53 of the Revised Code.

Sec. 1561.36. Upon being notified by the owner, lessee, or
agent of a mine, or by a deputy mine inspector, that a major
accident, causing injury to persons or property, has occurred at a
mine within ~~his~~ the jurisdiction of the chief of the division of
mineral resources management, the chief ~~of the division of mines
and reclamation~~ shall go, and may order one or more of the deputy
mine inspectors to go, at once to such mine, inquire into the
cause of the accident, and make a written report upon the
condition of that part of the mine wherein the accident occurred
and the cause of the accident. ~~He~~ The chief shall file such report
in ~~his~~ the chief's office, and mail a copy thereof to the general
office of the owner, lessee, or agent of such mine.

Sec. 1561.37. When a deputy mine inspector receives notice of
the occurrence of a fatal or serious accident occurring at any
mine in ~~his~~ the deputy mine inspector's district, ~~he~~ the deputy
mine inspector shall go immediately to such mine, to investigate
fully into the cause of the accident, and shall make a report
thereon to the chief of the division of ~~mines and reclamation~~
mineral resources management in writing. A copy of such report
shall be mailed to the owner, operator, lessee, or agent of such
mine. If the accident is of such a nature that the deputy mine
inspector needs assistance, ~~he~~ the deputy mine inspector may
request the chief to attend or to assign additional deputy mine
inspectors to assist ~~him~~ the deputy mine inspector who requested
assistance.

Sec. 1561.38. In case of controversy or disagreement between

the deputy mine inspector and the owner, lessee, or agent of a 9537
mine, or persons working therein, or in case of emergency 9538
requiring counsel, the deputy mine inspector may call upon the 9539
chief of the division of ~~mines and reclamation~~ mineral resources
management for such assistance and counsel as is necessary. 9541

Sec. 1561.45. Fines collected by reason of prosecutions under 9542
this chapter and Chapters 1563., 1565., and 1567. of the Revised 9543
Code shall be paid to the chief of the division of ~~mines and~~ 9544
~~reclamation~~ mineral resources management, and by ~~him~~ the chief 9545
paid into the state treasury to the credit of the mining 9546
regulation fund created in section 1561.48 of the Revised Code. 9547

Sec. 1561.47. If upon inspection a deputy mine inspector or 9548
other authorized representative of the division of ~~mines and~~ 9549
~~reclamation~~ mineral resources management finds any violation of 9550
law, or any other conditions that constitute an imminent and 9551
substantial threat to miners' health or safety, the chief of the 9552
division of ~~mines and reclamation~~ mineral resources management may 9553
issue, modify, or revoke reasonable orders requiring the operator 9554
to abate the violation or condition within a reasonable period of 9555
time. No operator shall violate or fail to comply with any order 9556
issued under this section. 9557

Sec. 1561.48. All moneys collected under sections 1561.14, 9558
1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 9559
1561.45, and 1561.46 of the Revised Code shall be paid into the 9560
state treasury to the credit of the mining regulation fund, which 9561
is hereby created. The department of natural resources shall use 9562
the moneys in the fund to pay the operating expenses of the 9563
division of ~~mines and reclamation~~ mineral resources management. 9564

Sec. 1561.49. The chief of the division of ~~mines and~~ 9565

~~reclamation~~ mineral resources management may designate not more 9566
than thirty deputy mine inspectors, at least one of whom shall be 9567
classified and appointed as electrical inspector provided for in 9568
division (B) of section 1561.12 of the Revised Code; one gas 9569
storage well inspector; one superintendent of rescue stations; 9570
three assistant superintendents of rescue stations; three 9571
chemists; and such clerks, stenographers, and other employees as 9572
are necessary for the administration of this chapter and Chapters 9573
~~1561.,~~ 1563., 1565., 1567., and 1509. of the Revised Code. 9574

Such officers, employees, and personnel shall be appointed 9575
and employed under such conditions and qualifications as set forth 9576
in such chapters. 9577

Sec. 1561.50. When written charges of neglect of duty, 9578
incompetency, or malfeasance in office against any deputy mine 9579
inspector are made and filed with the chief of the division of 9580
~~mines and reclamation~~ mineral resources management, signed by not 9581
less than fifteen employees, or an owner, lessee, or agent of a 9582
mine, the chief shall promptly investigate such charges and advise 9583
in writing the complainant whose name appears first in the 9584
charges, the result of such investigation. 9585

If the mine employs less than fifteen ~~men~~ employees, such 9586
charges shall be filed and signed by not less than fifty per cent 9587
of the employees. 9588

Sec. 1561.51. When written charges of neglect of duty, 9589
incompetency, or malfeasance in office against the deputy mine 9590
inspector are filed with the chief of the division of ~~mines and~~ 9591
~~reclamation~~ mineral resources management, signed by not less than 9592
fifteen employees, or otherwise as provided in section 1561.50 of 9593
the Revised Code, or the owner, lessee, or agent of a mine, and 9594
the signers of the charges are dissatisfied with the result of the 9595

investigation made by the chief, they may appeal to the mine 9596
examining board by filing the same charges against the deputy mine 9597
inspector and a copy of the report of the investigation made by 9598
the chief in the matter with the board, and the board shall hear 9599
the appeal in accordance with section 1561.53 of the Revised Code. 9600
The board shall mail a copy of its decision to the complainant 9601
whose name appears first in the charges. 9602

Sec. 1561.53. (A) As used in this section, "decision of the 9603
chief" includes a decision, disapproval of an application to drill 9604
a well, terms and conditions of a permit, or a suspension order 9605
issued by the chief of the division of ~~mines and reclamation~~ 9606
mineral resources management under section 1509.08 of the Revised 9607
Code; a finding of the chief made under section 1561.35 or 1563.13 9608
of the Revised Code; a determination made by the chief under 9609
section 1561.351 of the Revised Code; a report of an investigation 9610
made by the chief under section 1561.51 of the Revised Code; or 9611
disapproval of an application for a permit, renewal permit, or 9612
modification issued under section 6111.044 of the Revised Code. 9613

(B)(1) Except as otherwise provided in division (B)(2) of 9614
this section, the mine examining board has exclusive original 9615
jurisdiction to hear and decide appeals made to the board under 9616
sections 1509.06, 1509.08, 1561.35, 1561.351, 1561.51, 1563.13, 9617
and 6111.044 of the Revised Code. An appeal made under those 9618
sections does not operate as a stay of any decision of ~~te~~ the 9619
chief. 9620

(2) Notwithstanding any other provision of law to the 9621
contrary, from ~~the effective date of this section~~ November 24, 9622
1999, until the date on which all members of the mine examining 9623
board have been appointed in accordance with the qualifications 9624
established in section 1561.10 of the Revised Code, as amended, 9625
both of the following apply: 9626

(a) A person, such as an owner, operator, lessee, or agent of a mine or the authorized representative of the workers of a mine, who has an interest that is or may be adversely affected by a decision of the chief that involves mine health and safety may appeal it, not later than ten days after receiving notice of the decision, to the reclamation commission in accordance with section 1513.13 of the Revised Code by filing a copy of the chief's written decision with the commission.

(b) An owner, operator, lessee, or agent of a mine who appeals a decision of the chief that involves mine health and safety to the reclamation commission in accordance with division (B)(2)(a) of this section, upon filing the appeal, shall provide written notification of the appeal to the authorized representative of the affected workers of the mine involved. The authorized representative of the mine workers may intervene and participate as a party to the appeal by filing a written notice of intervention with the commission not later than ten days following receipt of notification of the appeal.

(c) The board shall provide written notice of the time and place of a hearing not less than five days prior to the hearing. The hearing shall be of record.

(d) The board shall conduct hearings and render decisions in a timely fashion and shall hear expedited appeals as required under section 1509.08 of the Revised Code.

Whenever the board conducts a hearing, it shall prepare a report setting forth its findings of fact and conclusions of law and shall mail a copy of the report by certified mail to the parties. A party, not later than fourteen days after receipt of the report, may serve and file written objections to the board's report with the secretary of the board. Objections shall be specific and state with particularity the grounds for them. Upon

consideration of the objections, the board may adopt, reject, or
modify the report or hear additional evidence.

(E) The board shall affirm a decision of the chief unless the
board determines that it is arbitrary, capricious, or otherwise
inconsistent with law; in that case the board shall vacate the
decision of the chief and may remand it to the chief for further
proceedings that the board may direct.

(F) The chairperson of the board, under conditions that the
chairperson prescribes, may grant temporary relief that the
chairperson considers appropriate pending final determination of
an appeal if all of the following conditions are met:

(1) All parties to the appeal have been notified and given an
opportunity for a hearing to be held on the request for temporary
relief.

(2) The person requesting relief shows that there is a
substantial likelihood that the person will prevail on the merits.

(3) The relief will not adversely affect the health or safety
of miners.

The chairperson shall issue a decision expeditiously and
promptly provide written notification of the decision to all
parties to the appeal.

Any party to an appeal filed with the board who is aggrieved
or adversely affected by a decision of the chairperson to grant or
deny temporary relief under this section may appeal that decision
to the board. The board may confine its review to the record
developed at the hearing before the chairperson.

The appeal shall be filed with the board not later than
thirty days after the chairperson issues the decision on the
request for temporary relief. The board shall issue a decision as
expeditiously as possible.

The board shall affirm the decision of the chairperson 9688
granting or denying temporary relief unless it determines that the 9689
decision is arbitrary, capricious, or otherwise inconsistent with 9690
law. 9691

Sec. 1561.54. For the purpose of participation in an 9692
adjudicatory hearing conducted under section 1561.53 of the 9693
Revised Code, the chief of the division of ~~mines and reclamation~~ 9694
mineral resources management or the mine examining board may 9695
require the attendance of witnesses and the production of books, 9696
records, and papers and may, and at the request of any party 9697
shall, issue subpoenas for witnesses or subpoenas duces tecum to 9698
compel the production of any books, records, papers, or other 9699
material relevant to the inquiry, directed to the sheriff of each 9700
county where the witnesses or materials are found, which subpoenas 9701
shall be served and returned in the same manner that subpoenas 9702
issued by courts of common pleas are served and returned. The fees 9703
and mileage of sheriffs and witnesses shall be the same as those 9704
allowed by the court of common pleas in criminal cases. 9705

In cases of disobedience or neglect of a subpoena served on a 9706
person or the refusal of a witness to testify on any matter 9707
regarding which the witness lawfully may be interrogated, the 9708
court of common pleas of the county in which the disobedience, 9709
neglect, or refusal occurs, or any judge of that court, on 9710
application of the chief or the board or any member of the board, 9711
shall compel obedience by attachment procedures for contempt as in 9712
the case of disobedience of the requirements of a subpoena issued 9713
from the court or a refusal to testify in it. 9714

A witness at any hearing shall testify under oath or 9715
affirmation, which the chief or any member of the board shall 9716
administer. 9717

Sec. 1561.99. Whoever violates any section of this chapter or 9718
any order of the chief of the division of ~~mines and reclamation~~ 9719
mineral resources management is guilty of a minor misdemeanor. 9720

Sec. 1563.04. The operator of each underground mine shall 9721
have a survey made whenever the workings of ~~said the~~ mine have 9722
extended four hundred feet in any direction from the point shown 9723
on the map by the last survey of such mine, but not ~~oftener~~ more 9724
often than once every six months, or whenever such mine is to be 9725
abandoned or shut down for a sufficient period of time to make it 9726
impossible to survey the working faces as prescribed by this 9727
section because of the caving of the roof. Such surveys shall be 9728
accurately plotted on the original map of the mine as prescribed 9729
~~for~~ in section 1563.03 of the Revised Code. A copy of such map 9730
with the latest survey plotted thereon shall be kept at such mine, 9731
available for the use of the chief of the division of ~~mines and~~ 9732
~~reclamation~~ mineral resources management, and the deputy mine 9733
inspectors, and available for inspection by the employees at all 9734
reasonable times, and a copy of the same shall be promptly 9735
forwarded to the chief, with the certificate of the engineer 9736
making same and of the superintendent or mine ~~foreman~~ foreperson 9737
in charge of the mine at the time of the survey, acknowledged 9738
before a notary public or other officer empowered to administer 9739
oaths, in the following form: 9740

"I, the undersigned, hereby certify that this map is correct 9741
and shows all the information required by section 1563.03 of the 9742
Revised Code and covers the period ending 9743

..... 9744
..... Engineer 9745

Acknowledged before me a 9746
..... thisday of..... 9747

..... 9748

I, the undersigned, hereby certify that I am mine ~~foreman~~ 9749
foreperson at the mine represented by this map and to the best of 9750
my knowledge and belief the same correctly represents the 9751
excavations of the mine for the period ending..... 9752

..... Mine ~~Foreman~~ Foreperson

Acknowledged before me a 9753
.....thisday of..... 9754
....." 9755

The operator of a mine shall file, at least annually, a map 9756
of the same with the chief, so certified. 9757

No operator of a mine shall refuse or neglect to comply with 9758
this section. 9759

Sec. 1563.05. Upon the refusal or neglect of the owner, 9760
lessee, or agent of the mine to make and file a map or any 9761
addition thereto, as required by sections 1563.03, 1563.04, and 9762
1563.42 of the Revised Code, within sixty days after being 9763
directed to do so by the chief of the division of ~~mines and~~ 9764
~~reclamation~~ mineral resources management, the chief may cause such 9765
map or addition thereto to be made in duplicate at the expense of 9766
such owner, lessee, or agent, the cost of which shall be 9767
recoverable against such owner, lessee, or agent in the name of 9768
the chief ~~of the division of mines and reclamation~~, in any court 9769
of competent jurisdiction in the county in which such mine is 9770
located, or in Franklin county. 9771

Sec. 1563.06. For the purpose of making the examinations 9772
provided for in this chapter and Chapters 1509., 1561., 1565., and 9773
1567. of the Revised Code, the chief of the division of ~~mines and~~ 9774
~~reclamation~~ mineral resources management, and each deputy mine 9775
inspector, may enter any mine at a reasonable time, by day or by 9776

night, but in such manner as will not necessarily impede the 9777
working of the mine, and the owner, lessee, or agent thereof shall 9778
furnish the means necessary for such entry and examination. 9779

Sec. 1563.11. (A) Unless a permit has been issued by the 9780
director of transportation, or the board of county commissioners, 9781
or the board of township trustees, or such other public authority 9782
that is charged by law with the maintenance of a public road, and 9783
the approval of the chief of the division of ~~mines and reclamation~~ 9784
~~in the department of natural resources~~ mineral resources 9785
management has been obtained, no person, firm, or corporation, 9786
engaged in mining or quarrying any mineral, coal, stone, or clay, 9787
shall: 9788

(1) Extend any part of an open pit excavation closer than 9789
fifty feet of horizontal distance to any part of a public road; 9790

(2) Deposit mine refuse or removed overburden: 9791

(a) Closer to a public road than a line parallel to the 9792
boundary line of such road and fifty feet of horizontal distance 9793
away from such road and at the same elevation as the elevation of 9794
the crown of such road; 9795

(b) Higher than a line beginning at a point fifty feet of 9796
horizontal distance away from such road and at the same elevation 9797
as the elevation of the crown of such road, and extending from 9798
such beginning point upward and away from such road at an angle of 9799
forty degrees from the horizontal plane. 9800

Any person, firm, or corporation desiring such a permit shall 9801
apply in writing therefor to the proper public authority, and 9802
shall describe in such application the excavating or depositing of 9803
mine refuse or removed overburden ~~which~~ that it will do and for 9804
which it requests a permit. The applicant shall also furnish such 9805
public authority with such additional data and information 9806

concerning such work as such public authority may request and 9807
~~which~~ that shall be relevant, in making the determination ~~which~~ 9808
that such public authority is required to make as to the amount of 9809
bond or other security the applicant shall be required to deposit 9810
before such a permit is issued to the applicant. 9811

Upon receipt of such an application such public authority 9812
shall promptly consider what damage, if any, may be done to such 9813
public highway by the excavating or depositing of mine refuse or 9814
removed overburden for which the permit is requested, and estimate 9815
the reasonable cost of repairing such damage, if any should occur, 9816
and fix the amount of such estimate of cost as the amount of bond 9817
or other security ~~which~~ that the applicant shall deposit with such 9818
public authority upon issuance of the permit requested, to ensure 9819
payment of the cost of repairing any such damage ~~which~~ that might 9820
occur. Such public authority shall promptly notify the applicant 9821
of the amount of bond or other security it has so fixed. 9822

Upon approval of the chief ~~of the division of mines and~~ 9823
~~reclamation~~ and deposit with the public authority of a surety bond 9824
signed by the applicant as principal, and by a surety company 9825
authorized to transact business in this state as surety, or of 9826
cash or other security satisfactory to such public authority, in 9827
the amount fixed by such authority, and conditioned upon the 9828
payment to such public authority by applicant of the cost of 9829
repairing any damage to such public road occurring as a result of 9830
the excavating or depositing of mine refuse or removed overburden 9831
for which the permit was issued, the public authority shall issue 9832
to the applicant the permit for which the applicant applied. 9833

If, at the end of three years after such excavation or 9834
deposit of mine refuse or removed overburden is made, the licensee 9835
shall have paid or caused to be paid all cost of repairing any 9836
damage to such public road occurring within such time as a result 9837
of such excavating or depositing for which such permit was issued, 9838

or, if within such period of time no such damage to such shall 9839
have occurred, the bond or cash or other security deposited with 9840
the public authority upon the issuance of such permit, shall be 9841
released and returned to such applicant. 9842

(B) Any person, firm, or corporation owning any land 9843
containing mineral, coal, stone, or clay, and over any portion of 9844
which any state, county, or township road or public highway 9845
passes, may drill, excavate, mine, or quarry through or under such 9846
road. Before ~~said~~ the work ~~shall be~~ is commenced, such person, 9847
firm, or corporation shall execute and deliver to the director of 9848
transportation in case of state roads, to the board of county 9849
commissioners in case of county roads, or to the board of township 9850
trustees in case of township roads, a bond, with good and 9851
sufficient surety in such amount as shall be considered by the 9852
director, the board of county commissioners, or the board of 9853
township trustees, sufficient to cover any damages that may accrue 9854
by excavating, mining, or quarrying through or under any such 9855
road, the same to be approved by such director, board of county 9856
commissioners, or board of township trustees. Such bond shall be 9857
conditioned that while crossing over or mining or quarrying under 9858
any such road, a safe and unobstructed passageway or road shall be 9859
kept open by such person, firm, or corporation for the public use, 9860
and as soon as practicable, such road shall be fully restored to 9861
its original safe and passable condition. When such crossing is 9862
made by excavation at a depth of more than thirty feet below the 9863
surface of such road, the person, firm, or corporation making the 9864
same shall be liable to the director, board of county 9865
commissioners, or board of township trustees for any damage that 9866
may accrue by such excavation, and shall be held to fully repair 9867
any such damage and to restore such road to its original safe and 9868
passable condition. The right to mine or quarry across or under 9869
public highways as provided in this section, shall accrue to the 9870

owner, lessee, or agent of the land upon or through which such 9871
highway passes. 9872

As used in this section, "road" or "highway" means the entire 9873
right of way as well as the improved portion thereof, and includes 9874
bridges, viaducts, grade separations, appurtenances, and 9875
approaches on or to such road or highway. 9876

Sec. 1563.111. No owner, lessee, or agent shall conduct ~~his~~ 9877
mining operations within twenty-five feet of any known well, or 9878
locate a mine opening within three hundred feet of any well ~~which~~ 9879
that produces oil or gas unless ~~he~~ the owner, lessee, or agent 9880
obtains permission in writing from ~~the division of mines and~~ 9881
~~reclamation and~~ the chief of the division of ~~oil and gas~~ mineral 9882
resources management. 9883

Sec. 1563.12. Any person, firm, or corporation, beginning the 9884
opening of a mine, whether or not such person, firm, or 9885
corporation is the owner, lessee, or agent of the property upon 9886
which such mine is located, shall notify the chief of the division 9887
of ~~mines and reclamation~~ mineral resources management, and observe 9888
the following in the construction of such mine: 9889

(A) If the opening is a slope or vertical shaft, no explosive 9890
used therein shall be fired by means of a squib or fuse after the 9891
same is extended more than twenty-five feet from the surface, and 9892
thereafter and until the slope or shaft reaches the seam and the 9893
entry or landing is extended beyond a break-through or other place 9894
driven at right angles thereto, no explosive shall be fired except 9895
by means of an electric battery operated from the surface after 9896
all persons are on the surface. 9897

(B) A substantial structure to sustain sheave wheels or 9898
pulleys, ropes, and loads, shall be provided, and if the opening 9899
is a shaft, the same shall be placed at a height of not less than 9900

twenty-five feet above the tipping place. 9901

(C) A landing platform shall be arranged in such manner that 9902
no material can fall into the shaft while the bucket is being 9903
emptied, and the shaft shall not be sunk to a depth of more than 9904
thirty feet without such structure. 9905

(D) If the bucket used for hoisting material is to land on a 9906
truck, the track on which such truck is operated and the platform 9907
shall be so constructed that material cannot fall into the shaft. 9908

(E) Rock and coal shall not be hoisted from a shaft or slope 9909
except in a bucket or cage attached to a rope by a safety hook, 9910
clevis, or other safe attachment, and the bucket or cage securely 9911
locked so that same cannot tip or empty while being hoisted. 9912

(F) Such rope shall be fastened to the side of the drum, and 9913
not less than three coils of rope shall always remain on the drum. 9914

(G) After the shaft reaches a depth of one hundred feet, the 9915
same shall be provided with guides and guide attachments, applied 9916
in such a manner as to prevent the bucket from swing while being 9917
lowered or hoisted, and such guides and guide attachments shall be 9918
maintained at a distance of not more than seventy-five feet from 9919
the bottom of the shaft. 9920

(H) The sides of all shafts shall be properly secured for 9921
safety and no loose rock or material shall be allowed to remain on 9922
any timber in the shaft after each blast. 9923

(I) All loose timber, tools, and materials shall be kept away 9924
from the top of the shaft to reduce the danger of the same falling 9925
down the shaft. 9926

(J) Where explosive gas is encountered, the person in charge 9927
shall see that the shaft or slope is examined before each shift of 9928
~~men enter~~ workers enters to work, and before the ~~men~~ the workers 9929
descend after each blast. 9930

(K) The slope, or shaft, shall be properly ventilated so that 9931
persons working therein will have the necessary air. 9932

(L) An efficient brake shall be attached to each drum of an 9933
engine used in hoisting material and persons, and all machinery, 9934
ropes, and chains connected therewith shall be carefully examined 9935
once each shift. 9936

(M) Not more than four persons shall be lowered or hoisted in 9937
or on a bucket at one time, and no person shall be permitted to 9938
ride on a loaded bucket. 9939

(N) The bucket used in lowering or hoisting persons shall be 9940
equipped with proper safety devices, so that it cannot become 9941
detached from the rope or cable, and cannot tip or turn upside 9942
down while being so used. 9943

~~The chief of the division of mines and reclamation,~~ and the 9944
deputy mine inspector, shall have jurisdiction over such mine when 9945
the shaft or slope reaches a depth of twenty-five feet, and such 9946
person, firm, or corporation shall comply with any order issued by 9947
either or both of them with respect to the safety of persons 9948
employed. Other than this section, this chapter and Chapters 9949
1561., 1565., and 1567. of the Revised Code do not apply to the 9950
opening of a mine until such opening reaches the seam, and the 9951
entry or landing is extended beyond a break-through, or other 9952
place driven at right angles thereto. 9953

No operator of a mine shall refuse or neglect to comply with 9954
this section. 9955

Sec. 1563.13. When a deputy mine inspector considers that the 9956
ways and means of egress in any underground mine from the interior 9957
working places to the surface are inadequate as a safe and ready 9958
means of escape in case of emergency, from danger of fire at any 9959
point, or any other cause that may result in the entombment of 9960

persons working in the mine, the deputy mine inspector shall give 9961
notice in writing to the owner, lessee, or agent of the mine of 9962
the particular in which the deputy mine inspector considers the 9963
conditions dangerous, recommending any changes that the conditions 9964
require, and forthwith shall mail a copy of the deputy mine 9965
inspector's recommendations to the chief of the division of ~~mines~~ 9966
~~and reclamation~~ mineral resources management. Upon receipt of the 9967
recommendations, the chief forthwith shall make a finding 9968
concerning them and mail a copy to the operator of the mine and to 9969
the deputy mine inspector. A copy of the finding of the chief 9970
shall be posted upon the bulletin board at the time. 9971

9972

The operator of the mine, or the authorized representative of 9973
the workers of the mine, within ten days may appeal to the mine 9974
examining board for a review and redetermination of the finding of 9975
the chief in the matter in accordance with section 1561.53 of the 9976
Revised Code. A copy of the decision of the board shall be mailed 9977
as required by this section for the mailing of the finding by the 9978
chief on the deputy mine inspector's report. 9979

No operator of a mine shall refuse or neglect to comply with 9980
this section. 9981

Sec. 1563.17. From a point where the seam is reached in the 9982
opening of an underground mine, to a point not exceeding a 9983
distance of four hundred feet therefrom, break-throughs shall be 9984
made between mine entries, where there are no rooms worked, not 9985
more than one hundred feet apart, provided such entries are not 9986
advanced beyond the point where the break-through will be made 9987
until the break-through is complete. Break-throughs between 9988
entries, except as provided in this section, shall be made not 9989
exceeding sixty feet apart. Where there is a solid block on one 9990
side of the room, break-throughs shall be made between such room 9991

and the adjacent room not to exceed sixty feet apart; where there 9992
is a breast or group of rooms, a break-through shall be made on 9993
one side or the other of each room, except the room adjoining ~~said~~ 9994
the block not to exceed forty feet from the outside corner of the 9995
break-through to the nearest corner of the entrance to the room, 9996
and on the opposite side of the same room a break-through shall be 9997
made not to exceed eighty feet from the outside corner of the 9998
break-through to the nearest corner of the entrance to the room, 9999
and thereafter break-throughs shall be made not to exceed eighty 10000
feet apart on each side of the room. No working place, except 10001
those provided for within a distance of four hundred feet of the 10002
principal opening of a mine, shall be driven more than eighty feet 10003
in advance of a break-through or airway. The required air current 10004
shall be distributed to the working face of such entry or room. 10005
All break-throughs between entries, and when necessary between 10006
rooms, except the one nearest the working face, shall be closed 10007
and made airtight by brattice, trap doors, or other means, so that 10008
the current of air in circulation may sweep to the interior of the 10009
mine. Brattices between permanent inlet and outlet airways shall 10010
be constructed in a substantial manner of brick, masonry, 10011
concrete, or nonperishable material, provided that in hand-loading 10012
and nongaseous mines such brattices may be of wood. In mines 10013
generating firedamp, so as to be detected by a flame safety lamp, 10014
the air current shall be conducted by brattice, or other means, 10015
near enough to the working face to expel the firedamp, and prevent 10016
the accumulation of same. With the approval of the chief of the 10017
division of ~~mines and reclamation~~ mineral resources management, a 10018
greater distance than specified in this section may be allowed 10019
between break-throughs. Any operator of a mine desiring to allow a 10020
greater distance between break-throughs than specified in this 10021
section shall file a written request to do so with the chief, 10022
together with a map of the mining and ventilating system for which 10023

approval and permission ~~is~~ are asked, attached thereto, and ~~said~~ 10024
the map shall become a part of the records in the office of the 10025
chief. 10026

No operator of a mine shall refuse or neglect to comply with 10027
this section. 10028

Sec. 1563.20. For the protection of transportation ~~men~~ 10029
workers, track shall be laid to provide a minimum clearance of 10030
fourteen inches on the side of the entry opposite the trolley or 10031
feed wire at all haulage turnouts and crossovers between butt 10032
entries, on gathering passageways, on room entries, and chutes 10033
between room entries, except that where brake handles are on the 10034
side of mine cars, the clearance shall be provided on the wire 10035
side of such entries as have the wire on the same side as the 10036
brake handles. The clearance specified in this section shall be 10037
measured horizontally between the topside of the widest mine car 10038
and the rib. This section does not apply to entries having been 10039
driven prior to September 2, 1941, or at any mine or section of a 10040
mine, where, in the opinion of the division of ~~mines and~~ 10041
~~reclamation~~ mineral resources management, the roof conditions are 10042
such as to require a width of entry not sufficient to provide the 10043
clearance set out in this section. 10044

No operator of a mine shall refuse or neglect to comply with 10045
this section. 10046

Sec. 1563.24. In all mines generating methane in such 10047
quantities as to be considered a gaseous mine under section 10048
1563.02 of the Revised Code, the mine ~~foreman~~ foreperson of such 10049
mine shall: 10050

(A) Employ a sufficient number of competent ~~men~~ persons 10051
holding ~~foreman~~ foreperson of gaseous mines or fire boss 10052
certificates, except as provided in section 1565.02 of the Revised 10053

Code, to examine the working places whether they are in actual 10054
course of working or not, and the traveling ways and entrances to 10055
old workings with approved flame safety lamps, all of which shall 10056
be done not more than three hours prior to the time fixed for the 10057
employees to enter such mine; 10058

(B) Have all old parts of the mine not in the actual course 10059
of working, but ~~which~~ that are open and safe to travel, examined 10060
not less than once each three days by a competent ~~man~~ person who 10061
holds a ~~foreman~~ foreperson of gaseous mines or a fire boss 10062
certificate; 10063

(C) See that all parts of the mine not sealed off as provided 10064
in section 1563.41 of the Revised Code are kept free from standing 10065
gas, and upon the discovery of any standing gas, see that the 10066
entrance to the place where the gas is so discovered is fenced off 10067
and marked with a sign upon which is written the word "danger," 10068
and such sign shall so remain until such gas has been removed; 10069
10070

(D) Have the mine examined on all idle days, holidays, and 10071
Sundays on which ~~men~~ employees are required to work therein; 10072

(E) If more than three hours elapse between shifts, have the 10073
places in which the succeeding shift works examined by a competent 10074
~~man~~ person who holds a ~~foreman~~ foreperson of gaseous mines or fire 10075
boss certificate; 10076

(F) See that this chapter and Chapters 1509., 1561., 1565., 10077
and 1567. of the Revised Code, with regard to examination of 10078
working places, removal of standing gas, and fencing off of 10079
dangerous places, are complied with before the ~~men~~ employees 10080
employed by ~~him~~ the mine foreperson for this particular work are 10081
permitted to do any other work; 10082

(G) Have a report made on the blackboard provided for in 10083
section 1567.06 of the Revised Code, which report shall show the 10084

condition of the mine as to the presence of gas and the place 10085
where such gas is present, if there is any, before ~~he~~ the mine
foreperson permits the employees to enter the mine; 10086
10087

(H) Have reports of the duties and activities enumerated in 10088
this section signed by the person who makes such examination+ 10089
~~such.~~ The reports so signed shall be sent once each week to the 10090
deputy mine inspector of the district in which the mine is located 10091
on blanks furnished by the division of ~~mines and reclamation~~ 10092
mineral resources management for that purpose, and a copy of such 10093
report shall be kept on file at the mine+. 10094

(I) Have the fire boss record a report after each 10095
examination, in ink, in the fire boss' record book, which book 10096
shall show the time taken in making the examination and also 10097
clearly state the nature and location of any danger that was 10098
discovered in any room, entry, or other place in the mine, and, if 10099
any danger was discovered, the fire boss shall immediately report 10100
the location thereof to the mine ~~foreman~~ foreperson. 10101

No person shall enter the mine until the fire bosses return 10102
to the mine office on the surface, or to a station located in the 10103
mine, where a record book as provided for in this section shall be 10104
kept and signed by the person making the examination, and report 10105
to the oncoming mine ~~foreman~~ foreperson that the mine is in safe 10106
condition for the ~~men~~ employees to enter. When a station is 10107
located in any mine, the fire bosses shall sign also the report 10108
entered in the record book in the mine office on the surface. The 10109
record books of the fire bosses shall at all times during working 10110
hours be accessible to the deputy mine inspector and the employees 10111
of the mine. 10112

In every mine generating explosive gas in quantities 10113
sufficient to be detected by an approved flame safety lamp, when 10114
the working portions are one mile or more from the entrance to the 10115

mine or from the bottom of the shaft or slope, a permanent station 10116
of suitable dimensions may be erected by the mine ~~foreman~~ 10117
foreperson, provided that the location is approved by the deputy 10118
mine inspector, for the use of the fire bosses, and a fireproof 10119
vault of ample strength shall be erected in such station of brick, 10120
stone, or concrete, in which the temporary record book of the fire 10121
bosses, as described in this section, shall be kept. No person, 10122
except a mine ~~foreman~~ foreperson of gaseous mines, and in case of 10123
necessity such other persons as are designated by ~~him~~ the mine 10124
foreperson, shall pass beyond the permanent station and danger 10125
signal until the mine has been examined by a fire boss, and the 10126
mine or certain portions thereof reported by ~~him~~ the fire boss to 10127
be safe. 10128

This section does not prevent a mine ~~foreman~~ foreperson or 10129
~~foreman~~ foreperson of gaseous mines from being qualified to act 10130
and acting in the capacity of fire boss. The record book shall be 10131
supplied by the division of ~~mines and reclamation~~ and purchased by 10132
the operator. 10133

No mine ~~foreman~~ foreperson or person delegated by ~~him~~ the 10134
mine foreperson, or any operator of a mine, or other person, shall 10135
refuse or neglect to comply with this section. 10136

Sec. 1563.26. All mines, except those mines or locations in a 10137
mine ~~which~~ that are too wet or too high in incombustible content 10138
to propagate an explosion, shall be rock dusted. The rock dusting 10139
shall be done with such regularity and frequency that all surfaces 10140
required to be rock dusted shall be kept in such condition that 10141
the incombustible content of the adhering and lodging dust is not 10142
less than sixty-five per cent. When methane is present in any 10143
ventilating current, such incombustible content shall be not less 10144
than sixty-five per cent plus one and four-tenths per cent for 10145
each one tenth of one per cent of methane so present. 10146

The rock dust to be used shall be pulverized limestone or any other material containing less than five per cent combustible material. All dust ~~must~~ shall be so pulverized that it will all go through a sieve ~~which~~ that has twenty openings to the linear inch and at least fifty per cent of such dust shall pass through a sieve with two hundred openings to the linear inch. The rock dust shall not contain more than four per cent free silicon and silicon dioxide.

The rock dust shall be distributed on top, bottom, and sides of all haulageways, traveling ways, developing entries, and rooms to within forty feet of face. Back entries shall be rock dusted for at least one thousand feet out by the junction with the first active entry.

In coal mines where rock dusting is required, the superintendent shall see that a representative sample of dust is gathered at each sampling point from the roof, sides, and floor of all entries by a competent person once each sixty days and tested to determine if any part of the mine requires redusting, and a record shall be kept in a book furnished by the division of ~~mines and reclamation~~ mineral resources management for that purpose. Such books shall be kept in the mine office. Such record shall show the location at which samples have been taken and the results of the analyses or tests. The distance between sampling points on haulageways and traveling ways shall not exceed two thousand feet, but in developing entries and in entries producing coal from rooms or pillars and their parallel entries the distance between sampling points shall not exceed five hundred feet.

No operator of a mine shall refuse or neglect to comply with this section.

Sec. 1563.33. Each operator shall carry out on a continuing basis a program to improve the roof control system of each coal

mine and the means and measures to accomplish such system. The 10178
roof and ribs of all active underground roadways, travelways, and 10179
working places shall be supported or otherwise controlled 10180
adequately to protect persons from falls of the roof or ribs. A 10181
roof control plan and revisions thereof suitable to the roof 10182
conditions and mining system of each coal mine and approved by the 10183
chief of the division of ~~mines and reclamation~~ mineral resources 10184
management shall be adopted and set out in printed form on or 10185
before January 1, 1977. The plan shall show the type of support 10186
and spacing approved by the chief. Such plan shall be reviewed 10187
periodically, at least every six months by the chief, taking into 10188
consideration any falls of roof or ribs or inadequacy of support 10189
of roof or ribs. No person may proceed beyond the last permanent 10190
support unless adequate temporary support is provided or unless 10191
such temporary support is not required under the approved roof 10192
control plan and the absence of such support will not pose a 10193
hazard to the miners. A copy of the plan shall be furnished to the 10194
chief or ~~his~~ the chief's authorized representative and shall be 10195
available to the miners and their representatives. 10196

No person shall refuse or neglect to comply with this 10197
section. 10198

Sec. 1563.34. Each operator shall adopt an adequate program 10199
for improving roof control systems. This program shall include a 10200
roof control plan, provision for the training of miners, a history 10201
of all unintentional roof falls, and systematic evaluation of the 10202
effectiveness of the roof control system in use. Each operator 10203
shall adopt a roof control plan suitable to the roof conditions 10204
and the mining system for all underground roadways, travelways 10205
including escapeways, and working places of each mine. Roof 10206
control plans shall be filed with the chief of the division of 10207
~~mines and reclamation~~ mineral resources management. The chief 10208

shall notify the operator in writing of the approval of a proposed 10209
roof control plan. If revisions are required for approval, the 10210
changes required ~~will~~ shall be specified and the operator ~~will~~ 10211
shall be afforded an opportunity to discuss the revisions with the 10212
chief. 10213

A roof control plan shall include the following information: 10214

(A) Name and address of the company; 10215

(B) Name and address of the mine; 10216

(C) Names and addresses of the responsible officials; 10217

(D) Area of the mine covered by the roof control plan; 10218

(E) A columnar section of the mine strata ~~which~~ that shall: 10219

(1) Show the name and thickness of the coalbed and any 10220
persistent partings; 10221

(2) Identify by type and show the thickness of each stratum 10222
(rock layer) up to and including the main roof over and for ten 10223
feet under the coalbed; 10224

(3) Show the maximum cover over the mining area covered 10225
included in the roof control plan. 10226

(F) A description of the sequence of mining and installation 10227
of supports including temporary supports. The description shall 10228
include: 10229

(1) Drawings on eight and one-half by eleven inch paper or on 10230
paper folded to this size, showing the location of all roof, face, 10231
and rib supports for each method of mining employed at the mines. 10232
The scale shall be specified and not less than five feet to the 10233
inch nor more than twenty feet to the inch. A legend explaining 10234
all the symbols used shall also be included on the drawings. 10235

(2) A list of all roof support materials employed in the roof 10236
10237

control system including, where applicable, the name of the 10238
manufacturer and its designation for the item. Prior approval 10239
shall be obtained before making any changes in the materials 10240
listed. 10241

No person shall refuse or neglect to comply with this 10242
section. 10243

Sec. 1563.35. The chief of the division of ~~mines and~~ 10244
~~reclamation~~ mineral resources management shall approve roof 10245
control plans on a mine-by-mine basis in accordance with the 10246
criteria or specifications set forth in this section. Additional 10247
measures may be required. Roof control plans ~~which~~ that do not 10248
conform to these criteria or specifications may be approved if the 10249
operator satisfies the chief that the resultant roof conditions 10250
will provide no less protection to the miners. 10251

(A) The following criteria apply to full roof bolting plans. 10252
A full roof bolting plan is one in which roof bolts constitute the 10253
sole means of roof support at a face as part of the normal mining 10254
cycle. 10255

(1) Roof bolt assemblies shall meet the following 10256
specifications: 10257

(a) All components of the roof bolt assembly shall comply 10258
with the American national standards institute, "specifications 10259
for roof bolting materials in coal mines." 10260

(b) Roof bolts that provide support by creating a beam of 10261
laminated strata shall be of a length that assures adequate 10262
anchorage, but in no case may the length of the bolt be less than 10263
thirty inches. 10264

(c) Roof bolts that provide support by suspending the 10265
immediate roof from a stronger overlying strata shall be of a 10266
length that permits anchoring at least twelve inches in the 10267

stronger strata. 10268

(d) Bearing plates used directly against the mine roof shall 10269
be not less than six inches square or of equivalent area. In 10270
exceptional cases where the mine roof is firm and not susceptible 10271
to sloughing, bearing plates five inches square or of equivalent 10272
area may be used. 10273

(e) When wooden material such as planks, header blocks, and 10274
crossbars are used between the bearing plate and the roof for 10275
additional bearing, the use shall be limited to short life 10276
openings, not to exceed three years, unless treated. Bearing 10277
plates used in conjunction with wooden materials shall be not less 10278
than four inches square or of equivalent area. 10279

(f) When washers are used, the shape of such washers shall 10280
conform to the shape of roof bolt head and the shape of the 10281
bearing plate and such washers shall be of sufficient strength to 10282
withstand loads up to the yield point of the roof bolt. 10283

(2) Full roof bolting plan installation practices shall meet 10284
the following criteria: 10285

(a) Finishing bits shall be easily identifiable by sight or 10286
feel and the diameter ~~should~~ shall be within a tolerance of plus 10287
thirty thousandths of one inch minus zero of the ~~manufacturers~~ 10288
manufacturer's recommended hole diameter for the anchor used. 10289

(b) Torque ranges specified in the roof control plan shall be 10290
capable of providing roof bolt loads to within plus or minus one 10291
thousand pounds of fifty per cent of either the yield point of the 10292
roof bolt being used or the anchorage capacity of the strata, 10293
whichever is less. In no case, however, ~~should~~ shall installed 10294
torques provide loads that exceed the yield point of the roof bolt 10295
being used or the anchorage capacity. ~~Relationship~~ Relationships 10296
for determining roof bolt load for torque applied are as follows: 10297

Expansion	Pounds of load	10298
-----------	----------------	-------

type			
roof		per foot-pound	10299
bolt			
(in		of torque	10300
inches)			
Cone neck or			10301
self-centering			
roof bolt			
	5/8	30	10302
	3/4	30	10303
Standard roof			10304
bolt without			
hard washer or			
lubricant			
	5/8	50	10305
	3/4	40	10306
Standard roof			10307
bolt with hard			
washer or			
lubricant			
	5/8	60	10308
	3/4	60	10309
(c) Each operator shall outline and describe roof bolt			10310
testing procedures to be followed in the roof control plan. The			10311
procedures to be followed should <u>shall</u> include:			10312
(i) Providing and maintaining an approved, calibrated torque			10313
wrench on each roof bolting machine. An approved wrench shall be			10314
one that will indicate the actual torque on the roof bolt.			10315
(ii) Designating a qualified person to spot-check torques on			10316
at least twenty-five per cent of the roof bolts immediately after			10317
the working place has been fully bolted. If the majority of the			10318
installed torques fall outside the recommended range, the			10319

remaining roof bolts in the working place shall be tested. If the 10320
majority of the torques still fall outside the recommended range, 10321
necessary adjustments in the equipment used for tightening the 10322
roof bolts shall be made immediately. If, after adjustments are 10323
made and required torques are not achieved, supplementary support 10324
such as additional roof bolts, longer bolts with adequate 10325
anchorage, posts, cribs, or crossbars shall be installed. 10326

(iii) On a daily basis, spot-check torques on at least ten 10327
per cent of the roof bolts from the outby corner of the last open 10328
crosscut to the face and record the results. This record shall 10329
show the number of roof bolts tested, number of roof bolts below 10330
the recommended range, and the number of roof bolts above the 10331
recommended range. If results show that a majority of the roof 10332
bolts are not maintaining at least seventy per cent of the minimum 10333
torque required (fifty per cent if plates bear against wood), or 10334
have exceeded the maximum required torque by fifty per cent, 10335
supplementary support such as additional roof bolts, longer roof 10336
bolts with adequate anchorage, posts, cribs, or crossbars shall be 10337
installed until a review of the adequacy of the roof control plan 10338
is made by an authorized representative of the chief. 10339

(d) Devices shall be used to compensate for the angle when 10340
roof bolts are installed at angles greater than five per cent from 10341
the perpendicular to the roof line. 10342

(3) The roof bolting pattern shall meet the following 10343
criteria: 10344

(a) Roof bolt spacing either lengthwise or crosswise shall 10345
not exceed five feet. 10346

(b) Roof bolts shall be installed as close as possible to, 10347
but not more than five feet from, the rib before a sidecut is 10348
started. 10349

(c) Roof bolts shall be installed as close as possible to, 10350

but not more than five feet from, the face before starting 10351
conventional cutting or a continuous miner run. 10352

(4) Openings shall not exceed twenty feet in width where roof 10353
bolting is the sole means of roof support. 10354

(B) A conventional roof control plan is one in which 10355
installation of materials other than roof bolts, such as metal or 10356
wood posts, jacks, or cribs, in conjunction with wooden cap blocks 10357
(half headers), footers (sills), planks, or beams, are installed 10358
as the sole means of roof support at a face as part of the normal 10359
mining cycle. The following criteria apply to conventional roof 10360
control plans: 10361

(1) Support materials shall meet the following 10362
specifications: 10363

(a) Posts shall be of solid, straight-grain wood with the 10364
ends sawed square and free from defects ~~which~~ that would affect 10365
their strength. 10366

(b) The diameter of round posts shall not be less than one 10367
inch for each fifteen inches of length, but in no case ~~should~~ 10368
shall the diameter be less than four inches; split posts shall 10369
have a cross-sectional area equal to that required for round posts 10370
to equivalent length. 10371

(c) Wooden cap blocks and footers shall have flat paralleled 10372
sides and be not less than two inches thick, four inches wide, and 10373
twelve inches long. 10374

(d) Wooden crossbars and planks shall be straight and of 10375
solid wood. Crossbars shall have a minimum cross-sectional area of 10376
twenty-four square inches and the minimum thickness shall be three 10377
inches. Planks shall have a minimum cross-sectional area of eight 10378
square inches and a minimum thickness of one inch. 10379

(e) Cribbing material shall be of wood having parallel flat 10380

sides. In no case may the crib be less than thirty inches square.	10381
(2) Conventional roof control plan installation practices shall meet the following criteria:	10382 10383
(a) No more than two wooden wedges should <u>shall</u> be used to install a post.	10384 10385
(b) Posts shall not be installed under roof susceptible to sloughing or under disturbed roof without a wooden cap block, plank, or crossbar between the post and the roof.	10386 10387 10388
(c) Posts shall be installed tight and on solid footing.	10389
(d) Blocks used for lagging between the roof and wooden crossbars, planks, or metal bars shall be spaced so that the load on the supports will be equally distributed.	10390 10391 10392
(e) Cap blocks should <u>shall</u> be used between jacks and the roof.	10393 10394
(3) The support pattern shall meet the following criteria:	10395
(a) Spacing of roadway roof supports shall not exceed five feet.	10396 10397
(b) Width of roadways shall not exceed fourteen feet on the straight and sixteen feet on the curves.	10398 10399
(c) Roof supports shall be installed to within five feet of the uncut face; however, the supports nearest the face may be removed to facilitate the operation of face equipment if equivalent temporary support is installed prior to removal.	10400 10401 10402 10403
(d) When an opening is no longer needed for storing supplies or for travel of equipment, the roof at the entrance of all such openings along travelways shall be supported by extending the post line across the opening.	10404 10405 10406 10407
(4) Openings shall not exceed twenty feet in width where the roof is supported solely by conventional means.	10408 10409

(C) The following criteria apply to combination roof control plans. For a plan where both roof bolts and conventional supports are used for roof control at the face, the criteria for a full roof bolting plan and a conventional roof control plan shall apply with the following modifications:

(1) Any place being driven over twenty feet in width shall be supported in compliance with a combination roof control plan.

(2) The roadway shall be limited to sixteen feet in width on both the straight and the curves to within ten feet of the uncut face.

(3) A row of posts shall be set for each five feet of space between the roadway posts and the ribs.

(4) Openings shall not exceed thirty feet in width.

(D) The following criteria apply to spot roof bolting plans. Spot roof bolting may be used only as a supplement to the approved roof control plan at random locations where adverse roof conditions are encountered. Where spot roof bolting is used, the criteria in divisions (A)(1) and (2) of this section shall apply. In addition, roof bolts shall be installed in accordance with roof conditions, but in no case ~~should~~ shall spacing exceed four feet lengthwise and crosswise. Roof bolting ~~should~~ shall begin under safe roof and continue for the length of the adverse roof condition until safe roof is again encountered.

(E) The following criteria apply to pillar recovery plans. Any reduction in pillar size during second mining or intentional retreat mining shall be considered pillar recovery:

(1) Division (A), (B), or (C) of this section shall apply depending on whether the pillar recovery plan calls for conventional support or a combination of conventional support and roof bolting.

(2) During development, the size and shape of the pillars shall be dictated by the depth of cover, height of coal, and other conditions associated with the coal bed. The smallest dimension of the pillar may not be less than twenty feet.

(3) Pillar splits and lifts may not exceed twenty feet in width.

(4) A minimum of two rows of breaker posts or the equivalent shall be installed on not more than four foot centers across each opening leading into pillared areas and such posts ~~should~~ shall be installed before production is started. Such posts shall be installed near the breakline between the lift being started and the gob.

(5) A row of roadside-radius (turn) posts or the equivalent shall be installed on not more than four foot centers leading into pillar splits, including secondary splits in slabs, wings, or fenders.

(6) The width of the roadway leading from the solid pillars to a final stump (pushout) may not exceed fourteen feet. At least two rows of posts or their equivalent shall be set on each side of the roadway on not more than four foot centers. Only one open roadway leading to a final stump (pushout) may be permitted.

(7) Before full pillar recovery is begun in areas where roof bolts were used as the sole means of roof support and openings are more than sixteen feet wide, supplementary support shall be installed on either side on not more than four foot centers lengthwise, and the width of all roadways may not exceed sixteen feet. These supports shall be extended from the entrance to the split for at least one full pillar outby the pillar in which the split is being made.

(8) The following criteria shall apply to open end pillaring:

(a) At least two rows of breaker posts or their equivalent shall be installed between the lift being started and the gob on not more than four foot centers before the initial cut is made and shall be extended to within seven feet of the face. The width of the roadway may not exceed fourteen feet.

(b) If the roof in open end pillaring has a tendency to hang, falls shall be made, or cribs installed in addition to the breakline posts between the active lift and the hanging area. The cribs may be set not more than eight feet apart. Heavy duty hydraulic jacks set at centers close enough to give equivalent support may be substituted for cribs, if such jacks are removed remotely.

(F) The following criteria apply to special roof control plans. A special roof control plan shall be adopted and followed when support is installed on an intermittent basis, but only at predetermined locations, such as at intersections, or when equipment is especially designed to provide either natural or artificial support as the coal is mined. Special roof control plans also cover experimental installations using new devices, materials, or methods for roof support.

(1) The following criteria apply to mining methods using continuous miners with integral roof bolting equipment where roof bolts are the sole means of roof support.

(a) The distance between roof bolts shall not exceed eight feet crosswise, unless additional material such as wooden planks, wooden beams, or metal straps are installed in conjunction with the roof bolts. Roof bolts installed more than eight feet, but less than nine feet apart shall be supplemented with a wooden plank at least two inches thick by eight inches wide or its equivalent. Roof bolts installed more than nine feet, but less than ten feet apart shall be supplemented with a wooden plank at

least three inches thick by eight inches wide or its equivalent. 10502

Roof bolts may not be installed more than ten feet apart. 10503

(b) Work in intersections, pillar splits, or other such 10504

places may not be started until additional support has been 10505

installed where the roof is supported with only two roof bolts 10506

crosswise. Such support shall reduce bolt spacing to a maximum of 10507

five feet. 10508

(c) The maximum opening width where the roof may be supported 10509

by only two roof bolts crosswise is sixteen feet. 10510

(d) The distance between the last row of bolts and the face 10511

may not exceed the distance from the head of the machine to the 10512

integral roof bolting equipment before starting a continuous miner 10513

run. 10514

(2) Before any new support materials, devices, or systems are 10515

used as a sole means of roof support, their effectiveness shall be 10516

demonstrated by experimental installations in areas approved by 10517

the chief. 10518

(G) The following criteria apply to temporary supports: 10519

(1) The following criteria apply to the installation of 10520

temporary supports in faces: 10521

(a) In areas where permanent artificial support is required 10522

temporary support shall be used until such permanent support is 10523

installed. 10524

(b) Only those persons engaged in installing temporary 10525

support may be allowed to proceed beyond the last permanent 10526

support until such temporary supports are installed. 10527

(c) A minimum of two temporary supports shall be installed on 10528

not more than five foot centers and within five feet of the rib or 10529

face when work is being done between such support and the nearest 10530

rib or face. At least four temporary supports shall be installed 10531

on not more than five foot centers when work is being done in 10532
other areas of the face in by the last permanent support. No person 10533
may be permitted to proceed beyond temporary support in any 10534
direction unless such support is within five feet of the rib face 10535
or permanent support. 10536

(2) During rehabilitation work such as rebolting, installing 10537
crossbars, or other permanent roof support, taking down loose 10538
roof, and cleaning up falls of roof, temporary roof supports shall 10539
be installed and the following criteria shall apply: 10540

(a) Where rebolting work is ~~being~~ being done or crossbars are 10541
being installed, at least two rows of temporary supports on not 10542
more than five foot centers shall be installed across the place so 10543
that the work in progress is done between the installed temporary 10544
supports and permanent roof supports installed in sound roof. The 10545
distance between the permanent supports and the nearest temporary 10546
supports may not exceed five feet. 10547

(b) Tools used to take down loose material shall be of a 10548
design that will enable ~~workmen~~ workers to perform their duties 10549
from a safe position without exposure to falling material. Where 10550
loose material is being taken down, a minimum of two temporary 10551
supports on centers of not more than five feet shall be set 10552
between the ~~workmen~~ workers and the material if such work cannot 10553
be done from an area supported by permanent roof supports. 10554

(c) Where roof falls have occurred, a minimum of four 10555
temporary supports shall be set before starting any work in and 10556
around the affected area. These supports shall be located so as to 10557
provide the maximum protection for persons working in the area. 10558

(H) Any operator who intends to recover roof supports shall 10559
include a detailed plan for such recovery in the roof control 10560
plan. The following criteria apply to recovery procedures: 10561

(1) Recovery shall be done only under the direct supervision 10562

of a general mine ~~foreman~~ foreperson, mine ~~foreman~~ foreperson, or 10563
section ~~foreman~~ foreperson. 10564

(2) Except where circumstances preclude such assignment, only 10565
experienced miners shall be assigned to such work. 10566

(3) The person supervising recovery shall make a careful 10567
examination and evaluation of the roof and designate each support 10568
to be recovered. 10569

(4) Supports may not be recovered in the following areas: 10570

(a) Where roof fractures are present or there ~~are~~ are other 10571
indications of the roof being structurally weak; 10572

(b) Where any second mining has been done; 10573

(c) Where torque readings on roof bolts or visual 10574
observations of conventional support indicate excessive loading. 10575

(5) Two rows of temporary supports on not more than four foot 10576
centers, lengthwise and crosswise, shall be set across the place, 10577
beginning not more than four feet in by the support being 10578
recovered. In addition, at least one temporary support shall be 10579
provided as close as practicable to the support being recovered. 10580

(6) Temporary supports used may not be recovered unless 10581
recovery is done remotely from under roof where the permanent 10582
supports have not been disturbed and two rows of temporary 10583
support, set across the place on four foot centers, are maintained 10584
at all times between the ~~workmen~~ workers and the unsupported area. 10585

(7) No one may be permitted to enter any area from which 10586
supports have been recovered. 10587

(8) Entrances to the areas from which supports are being 10588
recovered shall be marked with danger signs placed at conspicuous 10589
locations. The danger signs ~~will~~ shall suffice as long as further 10590
support recovery work is being done in the area. If the recovery 10591
work is completed or suspended for three or more days, the areas 10592

shall be barricaded. 10593

(I) No person shall refuse or neglect to comply with this 10594
section. 10595

Sec. 1563.37. (A) The operator, in accordance with the 10596
approved plan, shall provide at or near each working face and at 10597
such other locations in the coal mines as the chief of the 10598
division of ~~mines and reclamation~~ mineral resources management may 10599
prescribe an ample supply of suitable materials of proper size 10600
with which to secure the roof of all working places in a safe 10601
manner. Safety posts, jacks, or other approved devices shall be 10602
used to protect the ~~workmen~~ workers when roof material is being 10603
taken down, crossbars are being installed, roof bolt holes are 10604
being drilled, roof bolts are being installed, and in such other 10605
circumstances as may be appropriate. Loose roof and overhanging or 10606
loose faces and ribs shall be taken down or supported. Except in 10607
the case of recovery work, supports knocked out shall be replaced 10608
promptly. 10609

(B) The operator shall have an adequate supply of roof 10610
support material (including temporary supports) as specified in 10611
the approved roof control plan for the type of mining being 10612
conducted as close as practical to the working face, but not 10613
farther away than the first open crosscut outby the working face 10614
unless storing of such supplies in this area poses a hazard to the 10615
miner. In such cases supplies shall be stored at an alternate 10616
location approved by an authorized representative of the chief. 10617
Where mining equipment such as roof drilling machines or timbering 10618
machines are required to install the supports, such support 10619
material may be transported from place to place on the equipment. 10620
An adequate supply shall be defined as sufficient material 10621
including temporary supports, to support roof exposed by one 10622
complete cycle of mining. An additional supply of supplementary 10623

roof support materials, such as posts, jacks, crossbars, or 10624
different length roof bolts, shall be located within fifty feet of 10625
each working section in the event adverse roof conditions, such as 10626
water coming from the roof, slips, washouts, wants, or roof 10627
cracks, are encountered. 10628

(C) When installation of roof bolts is permitted, such roof 10629
bolts shall be tested in accordance with the approved roof control 10630
plan. 10631

(D) The criteria ~~which~~ that may be required in the roof 10632
control plan for testing installed roof bolts are set forth in 10633
divisions (A)(2)(c)(ii) and (iii) of section 1563.35 of the 10634
Revised Code. 10635

(E) Roof bolts shall not be recovered where complete 10636
extractions of pillars are attempted, where adjacent to clay 10637
veins, or at the locations of other irregularities, whether 10638
natural or otherwise, that induce abnormal hazards. Where roof 10639
bolts recovery is permitted, it may be conducted only in 10640
accordance with methods prescribed in the approved roof control 10641
plan, and it shall be conducted by experienced miners, but only 10642
where adequate temporary support is provided. 10643

(F) To assure that miners are protected during roof bolt 10644
recovery work, the operator shall conform with criteria set forth 10645
in division (H) of section 1563.35 of the Revised Code. 10646

(G) Where miners are exposed to danger from falls of roof, 10647
face, and ribs, the operator shall examine and test the roof, 10648
face, and ribs before any work or machine is started, and as 10649
frequently thereafter as may be necessary to insure safety. When 10650
dangerous conditions are found, they shall be corrected 10651
immediately. 10652

(H) No person shall refuse or neglect to comply with this 10653
section. 10654

Sec. 1563.40. The operator shall effectively close or fence 10655
all openings to mines abandoned after June 3, 1941, so that 10656
persons or animals cannot inadvertently enter therein. 10657

Abandoned vertical shafts and other abandoned openings 10658
leading to underground workings, which shafts and other openings 10659
are abandoned after August 26, 1949, shall be closed within ninety 10660
days after abandonment as follows: 10661

(A) Vertical shafts shall be completely filled with earth or 10662
other noncombustible material, or the top of such shaft shall be 10663
covered with a substantial reinforced concrete slab, the design of 10664
which has been approved by the chief of the division of ~~mines and~~ 10665
~~reclamation~~ mineral resources management. 10666

(B) Other openings not potentially usable in later mining 10667
operations shall be closed with earth or masonry in a way ~~which~~ 10668
that may reasonably be expected to prevent unauthorized persons 10669
from entering the same. 10670

No operator of a mine shall refuse or neglect to comply with 10671
this section. 10672

Sec. 1563.41. The operator of a mine, before sealing off any 10673
abandoned workings, shall obtain the approval of the deputy mine 10674
inspector and the chief of the division of ~~mines and reclamation~~ 10675
mineral resources management. The seals used in sealing off such 10676
workings, when approved by the chief, shall be constructed of not 10677
less than eighteen-inch concrete or masonry bulkheads effectively 10678
anchored to the ceiling, ribs, and floor, except where seals are 10679
used to seal abandoned individual panel or room entries, they 10680
shall be constructed of concrete or masonry bulkheads not less 10681
than six inches in thickness effectively anchored to the ceiling, 10682
ribs, and floor in a manner approved by the deputy mine inspector 10683
and the chief. All seals are to be bled or drained of gas in a 10684

manner approved by the deputy mine inspector and the chief. 10685

No operator of a mine shall refuse or neglect to comply with 10686
this section. 10687

Sec. 1563.42. The operator of a mine, before the pillars are 10688
drawn previous to the abandonment of any part of the mine, shall 10689
have a correct map of such part of the mine made, showing its area 10690
and workings to the day of the abandonment and the pillars drawn 10691
previous to abandonment, and file such map within ninety days 10692
after the abandonment of such mine, in the office of the county 10693
recorder of the county where such mine is located, and with the 10694
chief of the division of ~~mines and reclamation~~ mineral resources 10695
management. Such map shall have attached the usual certificate of 10696
the mining engineer making it, and the mine ~~foreman~~ foreperson in 10697
charge of the underground workings of the mine, and such operator 10698
shall pay to the recorder for filing such map, a fee of five 10699
dollars. 10700

No operator of a mine shall refuse or neglect to comply with 10701
this section. 10702

Sec. 1563.43. The operator of a mine shall give notice to the 10703
chief of the division of ~~mines and reclamation~~ mineral resources 10704
management when: 10705

(A) A change occurs in the name of a mine, in the name of the 10706
operator thereof, or in the officers of an incorporated company 10707
owning or operating such mine; 10708

(B) Work is commenced opening a new shaft, slope, or mine; 10709

(C) A mine is abandoned, or the working thereof is 10710
discontinued; 10711

(D) The working of a mine is commenced, after an abandonment 10712
or discontinuance thereof for a period of more than three months; 10713

(E) The pillars of a mine are about to be removed or robbed; 10714

(F) A squeeze, crush, or fire occurs, or a dangerous body of 10715
gas is found, or any cause or change occurs that may seem to 10716
affect the safety of persons employed therein. 10717

No operator of a mine shall refuse or neglect to comply with 10718
this section. 10719

Sec. 1563.46. If the appliances of a mine for the safety of 10720
the persons working therein do not conform to this chapter and 10721
Chapters 1509., 1561., 1565., and 1567. of the Revised Code, or if 10722
the owner, lessee, or agent disregards the requirements of such 10723
chapters, on application by the chief of the division of ~~mines and~~ 10724
~~reclamation~~ mineral resources management, in the name of the 10725
state, any court of competent jurisdiction may enjoin or restrain 10726
the owner, lessee, or agent from operating such mine, until it 10727
conforms to such chapters. Such remedy shall be cumulative, and 10728
shall not affect any other proceedings authorized against the 10729
owner, lessee, or agent for the matter complained of in the 10730
action. The attorney general shall represent the chief in all 10731
actions under this section. 10732

Sec. 1565.05. The operator of a mine shall keep on file a 10733
copy of the certificate of each mine ~~foreman~~ foreperson, ~~foreman~~ 10734
foreperson, and fire boss in ~~his~~ the operator's employ or under 10735
~~his~~ the operator's control. Such certificate shall be exhibited to 10736
the chief of the division of ~~mines and reclamation~~ mineral 10737
resources management, or any deputy mine inspector, upon ~~his~~ 10738
demand. 10739

No operator of a mine shall refuse or neglect to comply with 10740
this section. 10741

Sec. 1565.06. (A) In emergencies arising at a mine because of 10742

accident, death, illness, or any other cause, an operator may 10743
appoint noncertificate ~~men~~ persons as ~~foremen~~ forepersons and fire 10744
bosses to act until certified ~~foremen~~ forepersons and fire bosses 10745
satisfactory to ~~him~~ the operator can be secured. Such appointee 10746
may not serve in such capacity for a period longer than six months 10747
or until such time thereafter as an examination is held for such 10748
certified ~~men~~ persons under section 1561.13 of the Revised Code. 10749
The employer of such noncertificate ~~man~~ person shall, upon 10750
appointment of such noncertificate ~~man~~ person in this capacity, 10751
forward the name of such noncertificate ~~man~~ person to the chief of 10752
the division of ~~mines and reclamation~~ mineral resources 10753
management. 10754

(B) An operator may appoint as a temporary ~~foreman~~ foreperson 10755
or fire boss a noncertificate person who is within six months of 10756
possessing the necessary actual practical experience to qualify to 10757
take the examination for certification for the position to which 10758
the person is temporarily appointed. Upon appointment of a 10759
noncertificate person, the operator shall forward the name, social 10760
security number, and brief summary of the person's actual 10761
practical experience to the mine examining board, and the board 10762
shall issue the person a temporary certificate for the position to 10763
which the person has been temporarily appointed. A temporary 10764
certificate issued under this division is valid for six months or 10765
until such time thereafter as an examination is held under section 10766
1561.13 of the Revised Code for the position to which the person 10767
has been temporarily appointed. 10768

(C) A person who possesses a valid certificate issued by 10769
another state for a position for which the mine examining board 10770
issues a certificate shall be eligible for a temporary certificate 10771
from the board upon presentation to the board of a copy of the 10772
certificate from that other state. A temporary certificate issued 10773
under this division shall be valid for six months. 10774

No operator of a mine shall violate or fail to comply with 10775
this section. 10776

Sec. 1565.07. The superintendent in charge of a mine shall 10777
direct the mine ~~foreman~~ foreperson in such manner as is necessary 10778
to secure compliance with this chapter and Chapters 1561., 1563., 10779
and 1567.7 and sections 1509.18 and 1509.19 of the Revised Code. 10780
The superintendent may act as mine ~~foreman~~ foreperson, but if ~~he~~ 10781
the superintendent does so act regularly, ~~he~~ the superintendent 10782
shall obtain a certificate from the mine examining board in the 10783
same manner as the certification of mine ~~foremen~~ foreperson is 10784
obtained. 10785

A person designated as a superintendent of an underground 10786
coal mine after January 1, 1977, shall, within six months after 10787
being so designated, demonstrate to the chief of the division of 10788
~~mines and reclamation~~ mineral resources management that ~~he~~ the 10789
person has knowledge of the mining laws of this state governing 10790
the operation of underground coal mines either by presenting 10791
evidence that ~~he~~ the person has passed a mine ~~foreman~~ foreperson 10792
examination given by the mine examining board or an examination 10793
given by the chief concerning the laws of this state governing the 10794
operation of underground coal mines. 10795

No person shall refuse or neglect to comply with this 10796
section. 10797

Sec. 1565.08. If a person certified by the mine examining 10798
board ~~willfully~~ purposely violates the mining laws, ~~his~~ the 10799
person's certificate may be revoked after investigation and a 10800
hearing in accordance with ~~sections 119.01 to 119.13~~ Chapter 119. 10801
of the Revised Code, by the chief of the division of ~~mines and~~ 10802
~~reclamation~~ mineral resources management, with the approval of the 10803
mine examining board. 10804

No person whose license, certificate, or similar authority to perform any certifiable mining duties in another state is suspended or revoked by that state shall be certified for an equivalent mining certificate in this state during the period of the suspension or revocation in the other state.

Sec. 1565.11. The miners employed in a mine may appoint two of their number to act as a safety committee to inspect, not more often than once each month, the mine and the machinery connected therewith, and to measure the ventilating current. The operator may accompany such committee, or appoint two or more persons for that purpose. The operator shall afford every necessary facility for making such inspection and measurement, but the committee shall not interrupt or impede the work in the mine, at the time of such inspection and measurement. After such inspection and measurement, such committee shall forthwith make a report thereof to the chief of the division of ~~mines and reclamation~~ mineral resources management, on a blank furnished by ~~him~~ the chief.

No operator of a mine shall refuse or neglect to comply with this section, and no such person shall violate this section.

Sec. 1565.12. When a loss of life is occasioned by accident in any mine, the operator thereof shall forthwith give notice thereof to the chief of the division of ~~mines and reclamation~~ mineral resources management, and to the deputy mine inspector in charge of the district. Such notice shall be given by telephone or telegraph. The operator of such mine shall, within twenty-four hours after such accident causing loss of life, send a written report of the accident to the chief. Such written report shall specify the character and cause of ~~said~~ the accident, the names of the persons killed, and the nature of the injuries ~~which~~ that caused death. In the case of injury thereafter resulting in death,

the operator shall send a written notice thereof to the chief, and 10835
to the deputy mine inspector of such district, at such time as 10836
such death comes to ~~his~~ the operator's knowledge. 10837

No operator of a mine shall refuse or neglect to comply with 10838
this section. 10839

Sec. 1565.15. (A) As used in this section: 10840

(1) "EMT-basic," "EMT-I," "paramedic," and "emergency medical 10841
service organization" have the same meanings as in section 4765.01 10842
of the Revised Code. 10843

(2) "First aid provider" includes an EMT-basic, an EMT-I, a 10844
paramedic, or a supervisory employee at a surface coal mine who 10845
has satisfied the training requirements established in division 10846
(D)(1) of this section. 10847

(B) The operator of an underground coal mine where twenty or 10848
more persons are employed on a shift, including all persons 10849
working at different locations at the mine within a ten-mile 10850
radius, shall provide at least one EMT-basic or EMT-I on duty at 10851
the underground coal mine whenever employees at the mine are 10852
actively engaged in the extraction, production, or preparation of 10853
coal. The operator shall provide EMTs-basic or EMTs-I on duty at 10854
the underground coal mine at times and in numbers sufficient to 10855
ensure that no miner works in a mine location that cannot be 10856
reached within a reasonable time by an EMT-basic or an EMT-I. 10857
EMTs-basic and EMTs-I shall be employed on their regular coal 10858
mining duties at locations convenient for quick response to 10859
emergencies in order to provide emergency medical services inside 10860
the underground coal mine and transportation of injured or sick 10861
employees to the entrance of the mine. The operator shall provide 10862
for the services of at least one emergency medical service 10863
organization to be available on call to reach the entrance of the 10864

underground coal mine within thirty minutes at any time that 10865
employees are engaged in the extraction, production, or 10866
preparation of coal in order to provide emergency medical services 10867
and transportation to a hospital. 10868

The operator shall make available to EMTs-basic and EMTs-I 10869
all of the equipment for first aid and emergency medical services 10870
that is necessary for those personnel to function and to comply 10871
with the regulations pertaining to first aid and emergency medical 10872
services that are adopted under the "Federal Mine Safety and 10873
Health Act of 1977," 91 Stat. 1290, 30 U.S.C.A. 801, and 10874
amendments to it. The operator of the underground coal mine shall 10875
install telephone service or equivalent facilities that enable 10876
two-way voice communication between the EMTs-basic or EMTs-I in 10877
the mine and the emergency medical service organization outside 10878
the mine that provides emergency medical services on a regular 10879
basis. 10880

(C) The operator of a surface coal mine shall provide at 10881
least one first aid provider on duty at the mine whenever 10882
employees at the mine are actively engaged in the extraction, 10883
production, or preparation of coal. The operator shall provide 10884
first aid providers on duty at the surface coal mine at times and 10885
in numbers sufficient to ensure that no miner works in a mine 10886
location that cannot be reached within a reasonable time by a 10887
first aid provider. First aid providers shall be employed on their 10888
regular coal mining duties at locations convenient for quick 10889
response to emergencies in order to provide emergency medical 10890
services and transportation of injured or sick employees to the 10891
entrance of the surface coal mine. The operator shall provide for 10892
the services of at least one emergency medical service 10893
organization to be available on call to reach the entrance of the 10894
surface coal mine within thirty minutes at any time that employees 10895
are engaged in the extraction, production, or preparation of coal 10896

in order to provide emergency medical services and transportation 10897
to a hospital. 10898

The operator shall make available to first aid providers all 10899
of the equipment for first aid and emergency medical services that 10900
is necessary for those personnel to function and to comply with 10901
the regulations pertaining to first aid and emergency medical 10902
services that are adopted under the "Federal Mine Safety and 10903
Health Act of 1977," 91 Stat. 1290, 30 U.S.C.A. 801, and 10904
amendments to it, including, without limitation, a portable oxygen 10905
cylinder with a medical regulator and oxygen delivery system. 10906

(D)(1) A supervisory employee at a surface coal mine shall be 10907
considered to be a first aid provider for the purposes of this 10908
section if the employee has received from an instructor approved 10909
by the chief of the division of ~~mines and reclamation~~ mineral
resources management ten hours of initial first aid training as a 10910
selected supervisory employee under 30 C.F.R. 77.1703 and receives 10911
five hours of refresher first aid training as a selected 10912
supervisory employee under 30 C.F.R. 77.1705 in each subsequent 10913
calendar year. 10914
10915

(2) Each miner employed at a surface coal mine who is not a 10916
first aid provider shall receive from an instructor approved by 10917
the chief three hours of initial first aid training and two hours 10918
of refresher first aid training in each subsequent calendar year. 10919

(3) The training received in accordance with division (D) of 10920
this section shall consist of a course of instruction established 10921
in the manual issued by the mine safety and health administration 10922
in the ~~united states~~ United States department of labor entitled 10923
"~~First~~ first aid, ~~A Bureau a bureau of Mines Instruction Manual~~
mines instruction manual" or its successor or any other curriculum 10924
approved by the chief. The training shall be included in the hours 10925
of instruction provided to miners in accordance with training 10926
10927

requirements established under 30 C.F.R. part 48, subpart ~~(B)~~(B), 10928
as amended, and 30 C.F.R. part 77, as amended. 10929

(E) Each operator of a surface coal mine shall establish, 10930
keep current, and make available for inspection an emergency 10931
medical plan that includes the telephone numbers of the division 10932
of ~~mines and reclamation~~ mineral resources management and of an 10933
emergency medical services organization the services of which are 10934
required to be retained under division (C) of this section. The 10935
chief shall adopt rules in accordance with Chapter 119. of the 10936
Revised Code that establish any additional information required to 10937
be included in an emergency medical plan. 10938

(F) Each operator of an underground coal mine or surface coal 10939
mine shall provide or contract to obtain emergency medical 10940
services training or first aid training, as applicable, at the 10941
operator's expense, that is sufficient to train and maintain the 10942
certification of the number of employees necessary to comply with 10943
division (B) of this section and that is sufficient to train 10944
employees as required under division (D) of this section and to 10945
comply with division (C) of this section. 10946

(G) The division may provide emergency medical services 10947
training for coal mine employees by operating an emergency medical 10948
services training program accredited under section 4765.17 of the 10949
Revised Code or by contracting with the operator of an emergency 10950
medical services training program accredited under that section to 10951
provide that training. The division may charge coal mine operators 10952
a uniform part of the unit cost per trainee. 10953

(H) No coal mine operator shall violate or fail to comply 10954
with this section. 10955

Sec. 1567.02. In the operation of mines, mine owners, 10956
lessees, and their agents may continue to use the type of 10957
appliance and machinery owned or operated in such mines on 10958

September 2, 1941, in the manner permitted by the statutes in 10959
force on June 3, 1941, and until the mine in which such appliances 10960
or machinery are located is exhausted or abandoned; in the use of 10961
such appliances or machinery, they shall comply with the rules of 10962
the chief of the division of ~~mines and reclamation~~ mineral 10963
resources management. In gaseous mines, as parts of such machinery 10964
or appliances become worn out and have to be replaced, the chief 10965
or the deputy mine inspector shall order that such replacement 10966
parts put the machinery or appliance in a condition or state, as 10967
far as practicable, to meet the requirements of the United States 10968
bureau of mines for permissible machinery or appliances; in case 10969
any piece of machinery or appliance is worn out and is not so 10970
connected with the use of other machinery and appliances as to 10971
make it necessary to replace such worn-out piece with the same 10972
type in order to continue the use of the connected appliances and 10973
machinery, the machinery or appliance purchased for such 10974
replacement shall be of a type made lawful under this chapter and 10975
Chapters 1561., 1563., and 1565. of the Revised Code, which in 10976
gaseous mines shall be of permissible or approved type. The chief, 10977
in making such rules, shall incorporate therein the statutes in 10978
force on June 3, 1941, governing the use of such appliances and 10979
machinery. If in ~~his~~ the chief's opinion such statutes do not 10980
provide the required protection, additional rules to cover such 10981
use shall be made by ~~him~~ the chief or by the deputy mine 10982
inspector, with ~~his~~ the chief's approval. The deputy mine 10983
inspector and the electrical inspector shall, in their periodic 10984
inspection of the mines, report on the condition of all machinery 10985
and appliances to see that this section is being complied with. 10986

Sec. 1567.08. The mine ~~foreman~~ foreperson shall each day 10987
enter plainly or have entered in ink, in a book provided for that 10988
purpose, a report of the condition of the mine, which report shall 10989

clearly state any danger that such mine ~~foreman~~ foreperson has 10990
observed during the day, or any danger reported to ~~him~~ the mine 10991
foreperson by ~~his~~ the mine foreperson's assistants, the fire 10992
bosses, or the shot firers when employed. The report shall also 10993
state whether or not there is a proper supply of material on hand 10994
for the safe working of the mine, and whether or not the 10995
requirements of the law are complied with. ~~He~~ The mine foreperson 10996
shall also, once each week, enter plainly or have entered in ink, 10997
in ~~said~~ the book, a true report of all air measurements required 10998
by this chapter and Chapters 1561., 1563., and 1565. of the 10999
Revised Code, designating the place, the area of each 11000
break-through and entry separately, the velocity of the air in 11001
each break-through and entry, and the number of ~~men~~ workers 11002
employed in each separate split of air, with the date when the 11003
measurements were taken. ~~Said~~ The book shall be kept in the mine 11004
office at the mine, for examination by the deputy mine inspector, 11005
and by any person working in the mine, in the presence of the mine 11006
~~foreman~~ foreperson. The mine ~~foreman~~ foreperson shall each day 11007
personally sign and certify to all facts entered and recorded in 11008
such book. 11009

The mine ~~foreman~~ foreperson shall each day read carefully and 11010
personally sign in ink, and certify to such facts, all reports 11011
entered in the record book of the fire bosses. 11012

The record books shall be prescribed and supplied by the 11013
division of ~~mines and reclamation~~ mineral resources management and 11014
purchased by the operator. 11015

No person shall refuse or neglect to comply with this 11016
section. 11017

Sec. 1567.09. The operator of a mine shall provide and 11018
maintain the necessary artificial means of capacity and power 11019

capable of supplying the required ventilation, and shall maintain 11020
a sufficient volume of air, not less per minute than one hundred 11021
fifty cubic feet for each person measured at the point in the mine 11022
where distribution to the various working sections begins and 11023
distributed to the working faces so as to expel or dilute and 11024
render harmless, explosive, poisonous, and noxious gases. The air 11025
shall be measured at the last entry break-through in each working 11026
section to see that a sufficient volume of air, not less than nine 11027
thousand cubic feet per minute, is being distributed at such 11028
point, provided that in gaseous mines the volume of air 11029
maintained for each person shall be not less than two hundred 11030
cubic feet per minute measured at the point in the mine where 11031
distribution to the various working sections begins. 11032

No more than sixty-five ~~men~~ workers shall be permitted to 11033
work on one continuous current of air or split of air except with 11034
the written consent of the chief of the division of ~~mines and~~ 11035
~~reclamation~~ mineral resources management, and in no case shall the 11036
number of ~~men~~ workers exceed ninety. 11037

Air in which ~~men~~ workers work or travel in mines shall be 11038
improved when it contains less than nineteen and one-half per cent 11039
oxygen, or more than one-half of one per cent carbon dioxide, or 11040
is contaminated with noxious or poisonous gases. If the air 11041
immediately returning from a split that ventilates any group of 11042
active workings contains more than one per cent methane, as 11043
determined with a permissible flame safety lamp, by air analysis, 11044
or by other recognized means of accurate detection, the 11045
ventilation shall be improved. If the air immediately returning 11046
from such a split contains one and one-half per cent methane, the 11047
employees shall be withdrawn from the mine or the portion of the 11048
mine affected thereby, and all power shall be cut off from such 11049
mine or portion of the mine until such dangerous condition has 11050
been corrected. If the air immediately returning from such a split 11051

contains one and one-half per cent or more of methane, but not 11052
more than two per cent of methane, withdrawal of the employees 11053
from such mine or portion of the mine and shutting off all power 11054
from such mine or portion of the mine shall not be required if all 11055
of the following requirements are met: 11056

(A) The volume of air provided and maintained in such split 11057
is equal to or in excess of eighteen thousand cubic feet of air 11058
per minute; 11059

(B) Only permissible electric equipment is used; 11060

(C) The air does not pass over trolley or other bare power 11061
wires; 11062

(D) An official certified under this chapter and Chapters 11063
1561., 1563., and 1565. of the Revised Code is continually testing 11064
the gas content of the air during the mining operations therein. 11065

At working faces and other places where methane has 11066
accumulated and is likely to attain an explosive mixture, blasting 11067
shall not be done and the ~~men~~ workers shall be removed from such 11068
working faces or places until such condition has been corrected. 11069

When the methane content of air in face operations exceeds 11070
one per cent at any point twelve or more inches from the roof, 11071
face, or rib, as determined by a permissible methane detector, a 11072
permissible flame safety lamp, or analysis, such condition shall 11073
be corrected by improving the ventilation promptly. The electric 11074
face equipment at such point shall be turned off and not turned 11075
back on until the methane condition is corrected by improving the 11076
ventilation. 11077

In gaseous mines, air that has passed through abandoned panel 11078
sections shall not be re-used to ventilate live workings. Mines 11079
that cannot comply with this requirement at once may continue to 11080
operate as at present for a reasonable length of time until future 11081
mine development and ventilation can be changed to permit 11082

compliance with this section. 11083

No operator of a mine shall refuse or neglect to comply with 11084
this section. 11085

Sec. 1567.10. Every outside fan installed after September 2, 11086
1941, at any coal mine shall be placed at least twenty feet from 11087
the side or mouth of the shaft entry or slope with which it is 11088
connected for ventilating purposes and shall be of fireproof 11089
construction. Explosion doors shall be provided in a direct line 11090
with the mine opening. 11091

Upon the written order of the chief of the division of ~~mines~~ 11092
~~and reclamation~~ mineral resources management, all main mine fans 11093
installed after September 2, 1941, shall be so arranged that the 11094
ventilating current can be quickly reversed. No fan shall be 11095
reversed while ~~men~~ workers are in the mine unless authority to do 11096
so is given, preferably in writing, by the mine ~~foreman~~ 11097
foreperson, superintendent, state inspector, or other responsible 11098
person. The fan shall be inspected at least daily. 11099

Every main ventilating fan at nongaseous mines shall be kept 11100
in operation continuously day and night, unless operations are 11101
definitely suspended, except when written permission is given by 11102
the inspector to stop it. The permission, or a copy thereof, shall 11103
be posted by the mine ~~foreman~~ foreperson in a conspicuous place at 11104
the entrances of the mine, and shall state the particular hours 11105
the fan may be stopped. The inspector may withdraw or modify such 11106
permission at any time and in any manner ~~he~~ the inspector deems 11107
best. In all cases in which permission has been given by the 11108
inspector to stop the ventilating fan, the fan shall be started a 11109
sufficient length of time prior to the appointed time for any 11110
person working therein to enter, to clear the mine of explosive, 11111
poisonous, and noxious gases, and shall be kept in operation a 11112
sufficient length of time after the appointed time for such 11113

employees to leave their working places, for all persons to be out 11114
of the mine. 11115

Every main ventilating fan at gaseous mines shall be kept in 11116
operation continuously day and night unless operations are 11117
definitely suspended. Should it become necessary to stop the fan 11118
at any mine, gaseous or nongaseous, because of an accident to part 11119
of the machinery connected therewith, or by reason of any other 11120
unavoidable cause, the mine ~~foreman~~ foreperson or the ~~foreman~~ 11121
foreperson in charge shall, after first having provided for the 11122
safety of the persons employed in the mine, order the fans stopped 11123
for necessary repairs. Should the ventilating fans be stopped at 11124
any time for any reason at any gaseous mine for a period of time 11125
sufficient to cause a serious interruption of the ventilation, the 11126
source of electric power shall be forthwith disconnected from the 11127
mine, and the source of electric power shall not be reconnected 11128
with the mine until the fans have been started, and the mine has 11129
been examined by the mine ~~foreman~~ foreperson, ~~foreman~~ foreperson, 11130
or fire boss, and reported safe. A record of such examination 11131
shall be entered in the fire boss record book. The person in 11132
charge of the mine at the time of the examination is responsible 11133
for the execution of this latter provision. 11134

No operator of a mine shall refuse or neglect to comply with 11135
this section. 11136

Sec. 1567.11. Booster and blower fans may be installed only 11137
with the approval of the chief of the division of ~~mines and~~ 11138
~~reclamation~~ mineral resources management, following the submission 11139
by the owner, lessee, or agent of a definite plan of ventilation 11140
in which it is proposed to use such fans and the reason therefor. 11141

No operator of a mine shall refuse or neglect to comply with 11142
this section. 11143

Sec. 1567.13. The mine ~~foreman~~ foreperson shall see that 11144
careful watch is kept over the ventilating apparatus and airways, 11145
and that the volume of the ventilating current is measured at 11146
least once each week at the inlet and outlet, at or near the face 11147
of all entries, and at that point in the mine where distribution 11148
to the various working sections begins. Such measurements shall be 11149
noted in duplicate on blanks furnished by the division of ~~mines~~ 11150
~~and reclamation~~ mineral resources management. On the first day of 11151
each month, the mine ~~foreman~~ foreperson shall forward such blanks 11152
with ~~his~~ the mine foreperson's signature thereon to the deputy 11153
mine inspector in the district in which the mine is located, and 11154
such blanks shall be properly filled in with the actual 11155
measurements so taken as prescribed in this section. On all 11156
examinations ~~which~~ that the mine ~~foreman~~ foreperson makes of the 11157
old workings, ~~he~~ the mine foreperson shall mark on a conspicuous 11158
place with chalk ~~his~~ the mine foreperson's initials and the date 11159
of the month of such examination. 11160

No person shall refuse or neglect to comply with this 11161
section. 11162

Sec. 1567.17. Where direct current is used underground in 11163
mines, the following rules shall govern: 11164

(A) In determining the voltage limit the difference in 11165
potential shall not exceed three hundred twenty-five volts 11166
measured by a meter at the nearest switchboard except with the 11167
written approval of the chief of the division of ~~mines and~~ 11168
~~reclamation~~ mineral resources management. 11169

(B) For the protection of circuits, a switch and circuit 11170
breaker shall be installed in the ungrounded side of the circuit, 11171
but may be omitted from the return side. Fuses may be substituted 11172
for circuit breakers transmitting twenty-five kilowatts or less. 11173

Each circuit leading in the underground workings of such mine 11174
shall be provided with a suitable ammeter. Additional switches 11175
shall be installed in the ungrounded side of all branch circuits. 11176

(C) One side of grounded circuits shall be very efficiently 11177
insulated from the earth. 11178

(D) All trolley and feed wires shall be placed on the 11179
opposite side of the track from refuge holes or necks of room. All 11180
lines except telephone, shot firing, and signal lines shall be on 11181
the same side as the trolley lines. 11182

(E) All terminal ends of feed and trolley wires shall be 11183
guarded to prevent persons from inadvertently coming in contact 11184
with them. 11185

(F) No locomotive shall be operated by means of a person 11186
holding and sliding upon, or frequently making contact with, the 11187
positive wire with any device attached to the cable as a 11188
substitute for a trolley, except to move a locomotive out of 11189
traffic because of a broken trolley pole or fixtures attached 11190
thereto. This does not prohibit the operation of a locomotive by 11191
means of a cable without the use of the trolley, if the connection 11192
with and disconnection from the positive wire is made when the 11193
locomotive is not in motion. 11194

(G) Inside the mine the trolley wire shall be installed 11195
parallel to the gauge line of the rail and as far away as 11196
practical, and in no place closer than six inches from the gauge 11197
line, except where written permission is given by the chief. The 11198
trolley wire shall be securely supported on hangers efficiently 11199
insulated. Such hangers shall be placed at intervals of not 11200
exceeding thirty feet and at less intervals if it is necessary to 11201
prevent the sag between points of support exceeding three inches. 11202
Hangers installed after September 2, 1941, shall be of sufficient 11203
height to place the trolley wire within six inches of the roof or 11204

cross timbers at the point of trolley wire support, except where 11205
the trolley wire may be above the top of the normal seam or draw 11206
slate taken with the seam or six feet six inches from the top of 11207
the rail. 11208

(H) In underground workings all feed wires shall be in places 11209
either above the trolley wire on the same hangers, between trolley 11210
wire and rib, or on the rib as close to the roof as practicable, 11211
and securely supported on hangers sufficiently insulated, not more 11212
than fifty feet apart. If feed wires are installed in entries 11213
~~which~~ that are not equipped with trolleys, they are to be 11214
installed as close to the rib as practicable. 11215

(I) Recharging stations for battery locomotives located 11216
inside a mine shall be adequately ventilated at all times. All 11217
charging panels shall be equipped with automatic overload circuit 11218
breakers and ammeters. All refuse or movable material of an 11219
inflammable nature shall be kept out of such stations. 11220

(J) All trolley and positive feed wires crossing places where 11221
persons or animals are required to travel shall be safely guarded 11222
or protected from such persons or animals coming in contact with 11223
such wires, except where such wires are above the top of normal 11224
seam or draw slate taken with the seam, or six feet six inches 11225
from the top of the rail. 11226

(K) No trolley wire shall be extended into or maintained in 11227
any room while being used as a working place; no trolley or feed 11228
wire shall be extended into any entry beyond the outside corner of 11229
the last break-through, except in case of systems of mining or 11230
equipment approved by the chief. 11231

(L) When necessary to carry bare wires down shafts or slopes 11232
used as traveling ways, the wires ~~must~~ shall be thoroughly 11233
protected so that persons cannot inadvertently come in contact 11234
with them. 11235

(M) When positive machine feed wires are extended into rooms, 11236
they shall be placed not nearer than four feet from the rail where 11237
the room is of sufficient width, and shall only be connected to 11238
the positive wire on the entry while in actual use. The wire used 11239
for making such connections shall be of sufficient length to reach 11240
across the entry, and when the same is disconnected, it shall be 11241
removed from the entry or be kept with the machine. No electric 11242
wires shall be extended into any room unless a one hundred fifty 11243
foot trailing cable will not reach the face of the room, and then 11244
not beyond the outside corner of the last break-through, except in 11245
the case of systems of mining and equipment approved by the chief. 11246
Means shall be provided by which machine runners may readily 11247
install the machine cable across the entry so as to render it free 11248
from ground, and so the cable will not come in contact with 11249
persons or animals required to travel such entry. 11250

11251

(N) Any track or rail that is used as a return circuit shall 11252
be properly bonded. When metallic ~~pipe-lines~~ pipelines parallel a 11253
rail or track used for return, the pipe may be bonded to the rail 11254
at both ends to avoid electrolysis, and if the ~~pipe-line~~ pipeline 11255
is of unusual length, intermediate bonds ~~should~~ shall be 11256
installed. No ~~pipe-line~~ pipeline or any part thereof shall be used 11257
exclusively as the return. In a section of a mine where electric 11258
detonators or electric squibs are used, metallic ~~pipe-line~~ 11259
pipeline rails and return lines in that section shall be bonded 11260
together. 11261

(O) All lighting circuits of a mine, whether underground or 11262
outside, shall be installed in such a manner that they will not be 11263
a fire hazard or will not endanger persons coming in contact 11264
therewith. 11265

No operator of a mine shall refuse or neglect to comply with 11266
this section. 11267

Sec. 1567.18. When alternating current is used underground in 11268
~~mine~~ mines, the following rules apply: 11269

(A) On all low voltage circuits all wires shall be protected 11270
by a switch and an automatic overload circuit breaker on each wire 11271
of the circuit, except that fuses may be substituted for circuit 11272
breakers in the case of lighting circuits and in the case of power 11273
circuits transmitting twenty-five kilowatts or less. All wires 11274
shall be insulated with a standard insulation and shall be placed 11275
between trolley wire and rib or on the rib as close to the roof as 11276
practicable and securely supported upon hangers efficiently 11277
insulated. Additional switches shall be installed in all branch 11278
circuits. All points of connection shall be properly protected so 11279
that persons cannot inadvertently come in contact therewith. No 11280
voltage in excess of two hundred sixty volts measured at the 11281
nearest switchboard shall be used in mobile machinery except with 11282
the written approval of the chief of the division of ~~mines and~~ 11283
reclamation mineral resources management. 11284

(B) When high voltage circuits are used, all wires shall be 11285
provided with a suitable ammeter and protected by an oil-break 11286
switch on each wire of the circuit, such switch to be equipped 11287
with an automatic overload trip. All wires shall be insulated with 11288
a standard insulation at least fifty per cent higher than the 11289
standard for the commercial rated voltage between conductors and 11290
ground and installed in conduit or be lead covered with an 11291
additional covering of steel armor wire or steel tape, and all 11292
wire shall be subject to carrying capacity according to the rules 11293
of the national board of fire underwriters. This cable may be 11294
installed either in or on the bottom or in the location prescribed 11295
for direct current feed lines, except no further insulation shall 11296
be required than specified in this section. 11297

(C) No voltage in excess of eight thousand volts between 11298

conductor and ground may be used to operate semipermanent and
permanent machinery except with the written approval of the chief.
All installations shall be made in accordance with the accepted
electrical standards and practices, especially with regard to
protective switches, insulation materials, clearance danger signs,
and gates. The location, ventilation, and protection against fire
hazard and personal injury shall be subject to the approval of the
chief.

(D) The division of ~~mines and reclamation~~ mineral resources
management shall accept standard electrical practices in regard to
the underground electrical installations and operation of
alternating current equipment, but may augment the same to provide
additional safeguards. When exercising this authority, the
division shall give due consideration to the safety experience in
regard to similar installations and the similar operation thereof
under similar conditions.

(E) The mine ~~foreman~~ foreperson shall have posted at the mine
opening, and in all permanent substations therein, a copy of
instructions as to the method of resuscitation of persons
suffering from electric shock. All persons working about such
stations, or with electric machines, shall familiarize themselves
with such rules.

No operator of a mine shall refuse or neglect to comply with
this section.

Sec. 1567.19. At all stripping mines where alternating
current is used to operate shovels or to convert alternating
current to direct current, and where the machines used for this
purpose are installed on the shovel or building attached thereto,
or where armored cables are used to conduct the current from the
main transmission line to ~~said~~ the shovel, all machines and
armored cables so installed or used ~~must~~ shall be grounded in a

manner approved by the chief of the division of ~~mines and~~ 11330
~~reclamation~~ mineral resources management. 11331

No owner, lessee, agent, or operator of a mine shall violate 11332
this section. 11333

Sec. 1567.23. No employee, ~~workman~~ worker, or miner shall 11334
have in ~~his~~ the employee's, worker's, or miner's possession inside 11335
of an underground mine more than one twenty-five pound keg or box 11336
of blasting powder or other explosives. Every person who has 11337
powder or other explosives in an underground mine shall keep the 11338
same in a wooden box suitable to contain the original container of 11339
such explosive. Such box shall be kept at all times at least 11340
twenty-five feet from the track and electric wire, no two of such 11341
boxes shall be kept within twenty-five feet of each other, nor 11342
shall blasting powder and high explosives be kept in the same box, 11343
and in no case shall detonating caps be kept in a box with 11344
blasting powder or high explosives. 11345

Where systems of mining are such that it is impracticable to 11346
comply with ~~the provisions of~~ the first paragraph of this section, 11347
~~such provisions~~ those requirements may be modified in writing by 11348
the chief of the division of ~~mines and reclamation~~ mineral 11349
resources management, upon the request of the owner, lessee, or 11350
agent of such mine. No operator shall maintain or have a magazine 11351
for the storage of blasting powder or high explosives, including 11352
detonating caps, in the underground workings of any mine, except 11353
with the written permission of the chief. 11354

No employee or operator of a mine shall refuse or neglect to 11355
comply with this section. 11356

Sec. 1567.34. The owner, lessee, or agent of any mine shall 11357
not order or permit solid shooting in a mine unless ~~he~~ the owner, 11358
lessee, or agent has obtained written permission to do so from the 11359

chief of the division of ~~mines and reclamation~~ mineral resources 11360
management, who may issue such permit when in ~~his~~ the chief's 11361
judgment such solid shooting is necessary for the just and 11362
reasonably profitable operation of such mine. 11363

No owner, lessee, agent, or operator of a mine shall violate 11364
this section. 11365

Sec. 1567.35. No gasoline, naphtha, kerosene, fuel oil, or 11366
gas engine shall be used in a mine, except for operating pumping 11367
machinery where electric, compressed air, or steam power is not 11368
available or cannot be transmitted to the pump, in which case the 11369
owner, lessee, or agent shall observe the following: 11370

(A) Notice shall be given to the chief of the division of 11371
~~mines and reclamation~~ mineral resources management, before 11372
installing, and the installation and operation shall be subject to 11373
the chief's approval. 11374

(B) No wood or inflammable material shall be permitted within 11375
twenty-five feet of the engine. 11376

(C) The supply tank from which the gasoline, naphtha, 11377
kerosene, or fuel oil is fed to the engine, shall be of metal, 11378
with a suitable screw cap opening, fitted with a gasket, so as to 11379
make the tank airtight and prevent the escape of gas into the 11380
atmosphere, and the tank kept free from leaks. 11381

(D) The gasoline, naphtha, kerosene, or fuel oil shall be fed 11382
from a tank to the carburetor or mixer by metal tubes securely 11383
connected so as to reduce the possibility of leaks to a minimum. 11384

(E) The exhaust from the engine shall be conducted by means 11385
of metal pipes into the return air current, so that the combustion 11386
fumes will not enter the workings of the mine where the ~~men~~ 11387
worker's are required to work, or be conducted in an upcast shaft 11388
or slope not used as a means of ingress or egress or through metal 11389

pipes to the surface. 11390

(F) At no time shall more than five gallons of such gasoline, 11391
naphtha, kerosene, or fuel oil be taken into the mine, including 11392
that in the supply tank. 11393

(G) No gasoline, naphtha, kerosene, or fuel oil shall be 11394
taken into the mine except in metallic cans, with a screw cap 11395
opening at the top, fitted with a suitable gasket. 11396

(H) No package, can, or supply tank of an engine, containing 11397
gasoline, naphtha, kerosene, or fuel oil, shall be opened until 11398
ready to make the transfer from the package or can to the supply 11399
tank, and in transferring, a funnel shall be used so as to avoid 11400
spilling the gasoline, naphtha, kerosene, or fuel oil, and the cap 11401
on the supply tank shall be immediately closed. 11402

(I) In no case shall the package, can, or supply tank be 11403
opened when an open light or other thing containing fire is within 11404
twenty-five feet of the same, provided that subject to the 11405
approval of the chief, the restrictions in the use of fuel oil in 11406
a mine shall not apply to mobile or portable machinery, if such 11407
mobile or portable machinery is used in a clay, limestone, shale, 11408
or any other mine not a coal mine. 11409

No owner, lessee, agent, or operator of a mine shall violate 11410
this section. 11411

Sec. 1567.39. The operator of an underground coal mine, at 11412
which locomotives are used for hauling coal, shall keep a light on 11413
the front end of the locomotive when it is in use. When the 11414
locomotive is run ahead of the trip, and the trip rider is not 11415
required to ride the rear car of the trip, a signal, light, or 11416
marker, approved by the deputy mine inspector, shall be carried on 11417
the rear end of the trip to indicate when the trip has passed. 11418
Cars shall not be pushed ahead of the locomotive where it can be 11419

avoided. When cars are run ahead of the locomotive, a light shall 11420
be carried on the front end of the trip, and the cars shall not be 11421
moved at a speed greater than four miles per hour. When rope 11422
haulage is used, an enclosed light shall be carried on the front 11423
end of each train so hauled. 11424

A trip light, reflectors, or other devices approved by the 11425
chief of the division of ~~mines and reclamation~~ mineral resources 11426
management shall be used on the rear of trips pulled and on the 11427
front of trips pushed or lowered in slopes. However, trip lights 11428
or other approved devices need not be used on cars being shifted 11429
to and from loading machines, on cars being handled at loading 11430
heads, during gathering operations at working faces, when trailing 11431
locomotives are used, or on trips pulled by animals. Cars on main 11432
haulage roads shall not be pushed, except where necessary to push 11433
cars from side tracks located near the working section to the 11434
producing entries and rooms, where necessary to clear switches and 11435
sidetracks, and on the approach to cages, slopes, and surface 11436
inclines. Warning lights or reflective signs or tapes shall be 11437
installed along haulage roads at locations of abrupt or sudden 11438
changes in the overhead clearance. 11439

No person, other than the ~~motorman~~ locomotive operator and 11440
~~brakeman~~ brakeperson, shall ride on a locomotive unless authorized 11441
by the mine ~~foreman~~ foreperson, and then only when safe riding 11442
facilities are provided. 11443

Positive-acting stopblocks or derails shall be used where 11444
necessary to protect persons from danger of runaway haulage 11445
equipment. The operator of all self-propelled equipment including 11446
off-track equipment shall give an audible warning wherever persons 11447
may be endangered by the movement of the equipment. Locomotives 11448
and personnel carriers shall not approach within three hundred 11449
feet of preceding haulage equipment, except trailing locomotives 11450

that are an integral part of the trip. A total of at least 11451
thirty-six inches of unobstructed side clearance (both sides 11452
combined) shall be provided for all rubber-tired haulage equipment 11453
where such equipment is used. Off-track haulage roadways shall be 11454
maintained as free as practicable from bottom irregularities, 11455
debris, and wet or muddy conditions that affect the control of the 11456
equipment. Operators of self-propelled equipment shall face in the 11457
direction of travel. Mechanical steering and control devices shall 11458
be maintained so as to provide positive control at all times. All 11459
self-propelled, rubber-tired haulage equipment shall be equipped 11460
with well maintained brakes, lights, and a warning device. On and 11461
after January 1, 1977, all tram control switches on rubber-tired 11462
equipment shall be designed to provide automatic return to the 11463
stop or off position when released. 11464

No operator of a mine shall refuse or neglect to comply with 11465
this section. 11466

Sec. 1567.45. (A) When more than the lawful number of persons 11467
get on a cage or elevator to be lowered into a mine, or to be 11468
hoisted out of a mine, the person in charge of the lowering or 11469
hoisting of such persons shall order a sufficient number to get 11470
off such cage or elevator to comply with section 1567.49 of the 11471
Revised Code, and shall not lower or raise the cage until such 11472
order is complied with. 11473

(B) Every hoist used to transport persons at a coal mine 11474
shall be equipped with overspeed, overwind, and automatic stop 11475
controls. Every hoist-handling platform, cage, or other device 11476
used to transport persons shall be equipped with brakes capable of 11477
stopping the fully loaded platform, cage, or other device; with 11478
hoisting cable adequately strong to sustain the fully loaded 11479
platform, cage, or other device; and have a proper margin of 11480
safety. Cages, platforms, or other devices ~~which~~ that are used to 11481

transport persons in shafts and slopes shall be equipped with 11482
safety catches or other no less effective devices approved by the 11483
chief of the division of ~~mines and reclamation~~ mineral resources 11484
management that act quickly and effectively in an emergency, and 11485
such catches shall be tested at least once every two months. 11486
Hoisting equipment, including automatic elevators, that is used to 11487
transport persons shall be examined daily. Where persons are 11488
transported into or out of a coal mine by hoists, a qualified 11489
hoisting engineer shall be on duty while any person is 11490
underground, except that no such engineer is necessary for 11491
automatically operated cages, platforms, or elevators. Brakes on 11492
hoists used to transport persons shall be capable of stopping and 11493
holding the fully loaded platform, cage, or other device at any 11494
point in the shaft, slope, or incline. 11495

(C) All hoisting equipment at a mine, including automatic 11496
elevators, safety catches, and other devices approved by the 11497
chief, shall be examined daily, and the examination shall include, 11498
but not be limited to, the following: 11499

(1) A visual examination of the rope for wear, broken wires, 11500
and corrosion, especially at excessive strain points, such as near 11501
the attachments, where the rope rests on the sheaves and where the 11502
rope leaves the drum at both ends; 11503

(2) An examination of the rope fastenings for defects; 11504

(3) An examination of safety catches; 11505

(4) An examination of the cage, platforms, elevators, or 11506
other devices for loose, missing, or defective parts; 11507

(5) An examination of the head sheaves to check for broken 11508
flanges, defective bearings, rope alignment, and proper 11509
lubrication; 11510

(6) An observation of the lining and all other equipment and 11511
appurtenances installed in the shaft. 11512

A log or record of each daily examination of hoisting equipment shall be kept, listing each item examined. Each daily entry shall be signed by the person or persons making the examination. The reports of the examinations shall be read and countersigned by a responsible company official daily.

(D) Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used. An accurate and reliable indicator of the position of the cage, platform, skip, bucket, or cars shall be provided, and shall be placed so that it is in clear view of the hoisting engineer and shall be checked daily to determine its accuracy. The American national standards institute "specifications for the use of wire ropes for mines," M11.1-1960, or the latest revision thereof, shall be used as a guide in the use, selection, installation, and maintenance of wire ropes used for hoisting. Alterations or changes in a hoist ~~which~~ that affect the rated capacity shall be made only with the approval of the chief.

(E) There shall be at least two effective methods approved by the chief of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube. One of the methods used to communicate between shaft stations and the hoist room shall give signals ~~which~~ that can be heard by the hoisting engineer at all times while ~~men~~ workers are underground. Signaling systems used for communication between shaft stations and the hoist room shall be tested daily. Other safeguards adequate, in the judgment of the chief or a deputy mine inspector, to minimize hazards with respect to transportation of ~~men~~ workers and materials shall be provided. Divisions (E)(1), (2), and (3) of this section set forth the criteria by which the chief or a deputy mine inspector shall be guided in requiring other safeguards on a mine-by-mine basis. The chief or deputy mine inspector shall notify the operator in writing of any additional specific

safeguard ~~he~~ the chief or deputy mine inspector requires and shall 11545
fix a time in which the operator shall comply. If the safeguard is 11546
not provided within the time fixed and if it is not maintained 11547
thereafter, a notice of violation shall be issued to the operator. 11548

11549

(1) Hoists and elevators used to transport materials shall be 11550
equipped with brakes capable of stopping and holding the fully 11551
loaded platform, cage, skip, car, or other device at any point in 11552
the shaft, slope, or incline. 11553

(2) The clutch of a free-drum on a ~~man~~hoist worker hoist 11554
shall be provided with a locking mechanism or interlocked with the 11555
brake to prevent the accidental withdrawal of the clutch. The 11556
hoist rope attached to a cage, ~~man~~ worker car, or trip shall be 11557
equipped with two bridle chains or cables connected securely to 11558
the rope at least three feet above the attaching device and to the 11559
cross-piece of the cage, ~~man~~ worker car, or trip. The hoist rope 11560
shall have at least three full turns on the drum when extended to 11561
its maximum working length and shall make at least one full turn 11562
on the drum shaft or around the spoke of the drum in the case of a 11563
free drum, and be fastened securely. Cages used for hoisting ~~men~~ 11564
workers shall be constructed with the sides enclosed to a height 11565
of at least six feet and shall have gates, safety chains, or bars 11566
across the ends of the cage when ~~men~~ workers are being hoisted or 11567
lowered. Self-dumping cages, platforms, or other devices used for 11568
transportation of ~~men~~ workers shall have a locking device to 11569
prevent tilting when ~~men~~ workers are transported thereon. An 11570
attendant shall be on duty at the surface when ~~men~~ workers are 11571
being hoisted or lowered at the beginning and end of each 11572
operating shift. Precautions shall be taken to protect persons 11573
working in shaft sumps. ~~Workmen~~ Workers shall wear safety belts 11574
while doing work in or over shafts. 11575

(3) The doors of automatic elevators shall be equipped with 11576

interlocking switches so arranged that the elevator car will be
immovable while any door is opened or unlocked, and arranged so
that such door or doors cannot be inadvertently opened when the
elevator car is not at a landing. A "stop" switch shall be
provided in the automatic elevator compartment that will permit
the elevator to be stopped at any location in the shaft. A slack
cable device shall be used where appropriate on automatic
elevators ~~which~~ that will automatically shut off the power and
apply the brakes in the event the elevator is obstructed while
descending. Each automatic elevator shall be provided with a
telephone or other effective communication system by which aid or
assistance can be obtained promptly.

No person shall refuse or neglect to comply with this
section.

Sec. 1567.52. The management of any mine may, with the
consent of the deputy mine inspector, add to the code of signals
to increase its efficiency, or to promote the safety of the ~~men~~
workers in such mine, but whatever code is established and in use
at any mine ~~must~~ shall be approved by the division of ~~mines and~~
~~reclamation~~ mineral resources management, and conspicuously posted
at the top, at the bottom, and in the engine room, for the
information and instruction of all persons concerned.

No operator of a mine shall refuse or neglect to comply with
this section.

Sec. 1567.54. At each mine at which the only means of egress
is by vertical shaft, the operator shall provide adequate fire
protection to secure the safety of such shaft, and, when but one
shaft is the only available means of egress, shall keep in
attendance a competent person when persons are inside of such
mine.

Each underground coal mine shall be provided with suitable 11607
firefighting equipment adapted for the size and conditions of the 11608
mine. The chief of the division of ~~mines and reclamation~~ mineral 11609
resources management shall adopt and may amend or rescind rules 11610
establishing minimum requirements for the type, quality, and 11611
quantity of such equipment. The rules shall include the following 11612
minimum firefighting equipment at each underground coal mine, 11613
regardless of its size or condition, except where indicated: 11614
waterlines shall be capable of delivering fifty gallons of water a 11615
minute at a nozzle pressure of fifty pounds per square inch. A 11616
portable water car shall be of at least one thousand gallon 11617
capacity and shall have at least three hundred feet of fire hose 11618
with nozzles. A portable water car shall be capable of providing a 11619
flow through the hose of fifty gallons of water per minute at a 11620
nozzle pressure of fifty pounds per square inch. A portable 11621
chemical car shall carry enough chemicals to provide a fire 11622
extinguishing capacity equivalent to that of a portable water car. 11623
A portable foam-generating machine or device shall have facilities 11624
and equipment for supplying the machine with thirty gallons of 11625
water per minute at thirty pounds per square inch for a period of 11626
thirty-five minutes. A portable fire extinguisher shall be either 11627
a multipurpose dry chemical type containing a nominal weight of 11628
five pounds of dry powder and enough expellant to apply the powder 11629
or a foam-producing type containing at least two and one-half 11630
gallons of foam-producing liquids and enough expellant to supply 11631
the foam. Only fire extinguishers approved by the ~~Underwriters~~ 11632
~~Laboratories~~ underwriters laboratories, Incorporated ~~incorporated,~~ 11633
or ~~Factory Mutual Research Corporation~~ factory mutual research 11634
corporation, carrying appropriate labels as to type and purpose, 11635
shall be used. After January 1, 1977, all new portable fire 11636
extinguishers acquired for use in a coal mine shall have a 2A 10 11637
BC or higher rating. 11638

Fire hose shall be lined with a ~~materiel~~ material having 11639
flame resistant qualities meeting requirements for hose in Bureau 11640
of Mines' Schedule 2G. The cover shall be polyester, or other 11641
material with flame-spread qualities and mildew resistance equal 11642
or superior to polyester. The bursting pressure shall be at least 11643
four times the water pressure at the valve to the hose inlet with 11644
the valve closed; the maximum water pressure in the hose nozzle 11645
shall not exceed one hundred pounds per square inch, gauge. 11646
However, fire hose installed for use in underground coal mines 11647
prior to December 30, 1970, shall be mildew-proof and have a 11648
bursting pressure at least four times the water pressure at the 11649
valve to the hose inlet with the valve closed, and the maximum 11650
water pressure in the hose nozzle with water flowing shall not 11651
exceed one hundred pounds per square inch, gauge. 11652

Each working section of an underground coal mine producing 11653
three hundred tons or more per shift shall be provided with two 11654
portable fire extinguishers and two hundred forty pounds of rock 11655
dust in bags or other suitable containers; waterlines shall extend 11656
to each section loading point and be equipped with enough fire 11657
hose to reach each working face unless the section loading point 11658
is provided with two portable water cars, or two portable chemical 11659
cars, or one portable water or chemical car and either a portable 11660
foam-generating machine or a portable high-pressure rock-dusting 11661
machine fitted with at least two hundred fifty feet of hose and 11662
supplied with at least sixty sacks of rock dust. 11663

Each working section of an underground coal mine producing 11664
less than three hundred tons of coal per shift shall be provided 11665
with two portable fire extinguishers, one hundred forty pounds of 11666
rock dust in bags or other suitable containers, and at least five 11667
hundred gallons of water and at least three pails of ten quart 11668
capacity. In lieu of the five hundred gallon water supply a 11669
~~water-line~~ waterline of sufficient hose to reach the working 11670

places, a portable water car of at least five hundred gallon 11671
capacity, or a portable, all-purpose dry powder chemical car of at 11672
least one hundred twenty-five pounds capacity may be provided. 11673

In all underground coal mines, waterlines shall be installed 11674
parallel to the entire length of belt conveyors and shall be 11675
equipped with fire hose outlets with valves at three hundred foot 11676
intervals along each belt conveyor and at tailpieces. At least 11677
five hundred feet of fire hose with fittings suitable for 11678
connection with each belt conveyor waterline system shall be 11679
stored at strategic locations along the belt conveyor. Waterlines 11680
may be installed in entries adjacent to the conveyor entry belt as 11681
long as the outlets project into the belt conveyor entry. 11682

In underground coal mines producing three hundred tons of 11683
coal or more per shift, waterlines shall be installed parallel to 11684
all haulage tracks using mechanized equipment in the track or 11685
adjacent entry and shall extend to the loading point of each 11686
working section. Waterlines shall be equipped with outlet valves 11687
at intervals of not more than five hundred feet, and five hundred 11688
feet of fire hose with fittings suitable for connection with such 11689
waterlines shall be provided at strategic locations. Two portable 11690
water cars, readily available may be used in lieu of waterlines 11691
prescribed under this paragraph. 11692

In underground coal mines producing less than three hundred 11693
tons of coal per shift, a tank of water of at least fifty-five 11694
gallon capacity with at least three pails of not less than 11695
ten-quart capacity, or not less than two hundred forty pounds of 11696
bagged rock dust shall be provided at five hundred foot intervals 11697
along all main and secondary haulage roads. 11698

Each track or offtrack locomotive, self-propelled mantrip 11699
car, or personnel carrier shall be equipped with one portable fire 11700
extinguisher. 11701

Two portable fire extinguishers or one extinguisher having at least ten pounds of dry powder or five gallons of foam-producing liquids shall be provided at each permanent electrical installation. One portable fire extinguisher and two hundred forty pounds of rock dust shall be provided at each temporary electrical installation.

One portable fire extinguisher or two hundred forty pounds of rock dust shall be provided at locations where welding, cutting, or soldering with arc or flame is being done.

At each wooden door through which power lines pass there shall be one portable fire extinguisher or two hundred forty pounds of rock dust within twenty-five feet of the door on the intake air side.

At each underground coal mine producing three hundred tons of coal or more per shift there shall be readily available the following materials at locations not exceeding two miles from each working section: one thousand board feet of brattice boards, two rolls of brattice cloth, two hand saws, twenty-five pounds of eightpenny nails, twenty-five pounds of ~~ten penny~~ tenpenny nails, twenty-five pounds of sixteenpenny nails, three claw hammers, twenty-five bags of wood fiber plaster or ten bags of cement or equivalent material for stoppings, and five tons of rock dust. These materials shall be available at each mine producing less than three hundred tons of coal per shift, except that if the active working sections are located at a distance of two miles or less from the surface, the emergency materials for one or more mines may be stored at a central warehouse or building supply company, and such supply ~~must~~ shall be the equivalent of that required for all mines involved and within one hour's delivery time from each mine.

All fire fighting equipment shall be maintained in a usable

and operative condition. Chemical extinguishers shall be examined 11733
every six months and the date of the examination shall be written 11734
on a permanent tag attached to the extinguisher. 11735

The operator shall give each miner a self-rescue device that 11736
is adequate to protect the miner for one hour or longer and is 11737
approved by the chief. Such self-rescue devices shall be worn or 11738
carried on the person of each miner. However, where the wearing or 11739
carrying of self-rescue devices is hazardous to a miner, such 11740
devices shall be located at a distance no greater than twenty-five 11741
feet from the miner. Where a miner works on or around mobile 11742
equipment, self-rescue devices, if not carried by the miner, shall 11743
be placed in a readily accessible location on such equipment. 11744

No operator of a mine shall refuse or neglect to comply with 11745
this section. 11746

Sec. 1567.55. The operator of any coal mine or the owner of 11747
land bearing natural coal deposits immediately upon learning of a 11748
fire in any coal seam upon ~~his~~ the operator's or owner's property 11749
shall report the fire to the chief of the division of ~~mines and~~ 11750
~~reclamation~~ mineral resources management. 11751

When a coal seam fire is reported to ~~said~~ the chief ~~he, the~~ 11752
chief shall immediately investigate such fire. In the event of a 11753
fire in any outcrop of a coal seam or in an abandoned mine, the 11754
chief shall extinguish such fire, and ~~he~~ the chief may employ such 11755
persons and purchase such materials as are necessary to extinguish 11756
such fire. Persons so employed shall serve at the pleasure of the 11757
chief and their employment shall not be governed by civil service 11758
laws, rules, or regulations. Materials purchased for immediate use 11759
in extinguishing a fire shall be emergency purchases and shall be 11760
paid for out of state funds appropriated for such purpose upon 11761
vouchers issued by ~~said~~ the chief certifying to the emergency 11762
nature of the purchase, notwithstanding the fact that there has 11763

been no compliance with other laws governing the making of 11764
purchases by the state. 11765

Whenever, after August 26, 1949, the surface of a natural 11766
deposit of coal is exposed by mining operations, the chief may 11767
order the owner, lessee, or agent of the mine at which such 11768
exposure occurs to cover such exposed surface with earth or other 11769
noncombustible material if, in the judgment of the chief, such 11770
covering is necessary to prevent a fire in ~~said the~~ coal ~~which~~ 11771
that would endanger life or property. Such order shall be in 11772
writing and shall fix a reasonable time for compliance therewith. 11773
No operator of a mine shall refuse or neglect to comply with such 11774
order for a period of fifteen days after the expiration of the 11775
time fixed in such order for compliance therewith. Each period of 11776
fifteen days after the expiration of the time fixed in such order 11777
for compliance therewith, during which any such operator refuses 11778
or neglects to comply with such order, constitutes a separate 11779
offense. 11780

Sec. 1567.57. Every operator of a mine shall install and 11781
maintain in efficient working condition a system of two-way 11782
communications approved by the chief of the division of ~~mines and~~ 11783
~~reclamation~~ mineral resources management connecting the surface 11784
and each landing of main shafts and slopes between the surface and 11785
each working section of any coal mine that is more than one 11786
hundred feet from a portal. 11787

No operator of a mine shall refuse or neglect to comply with 11788
this section. 11789

Sec. 1567.61. As used in this section, "emergency medical 11790
service organization" has the same meaning as in section 4765.01 11791
of the Revised Code. 11792

The operator at all mines and quarries shall keep first aid 11793

and emergency medical equipment in a dry and sanitary condition in 11794
accessible places. 11795

Each operator shall report to the chief of the division of 11796
~~mines and reclamation~~ mineral resources management, the name, 11797
title, and address of each emergency medical service organization 11798
with which arrangements have been made or otherwise provided. Each 11799
operator shall, within ten days after any change of the 11800
arrangements, report such changes to the chief. If such changes 11801
involve a substitution of persons, the operator shall report the 11802
name, title, and address of the person substituted together with 11803
the name and address of the emergency medical service organization 11804
with which such person is associated. Each operator shall, 11805
immediately after making such an arrangement or any change of such 11806
arrangement, post at appropriate places at the mine the names, 11807
titles, addresses, and telephone numbers of all persons or 11808
organizations currently available under such arrangements to 11809
provide medical assistance and transportation at the mine. The 11810
operator of an underground mine shall provide a vehicular mode of 11811
transportation that is equipped to handle stretchers to transport 11812
injured miners underground in a manner that minimizes shock. Such 11813
vehicle shall be accessible within the lesser of thirty minutes or 11814
the time needed to render first aid and medical attention, secure 11815
the injured person to a stretcher or broken-back board or other 11816
device, and transport the injured person to the vehicle. 11817

No operator of a mine shall refuse or neglect to comply with 11818
this section. 11819

Sec. 1567.69. (A) On and after ~~the effective date of this~~ 11820
~~section~~ July 20, 1984, no operator shall begin longwall mining in 11821
any coal mine until plans for the longwall mining have been filed 11822
with and approved by the chief of the division of ~~mines and~~ 11823
~~reclamation~~ mineral resources management All revisions to approved 11824

plans shall also be submitted for approval to the chief. The chief 11825
shall not approve any plan or revision unless it meets the 11826
requirements of this section and shall approve all plans and 11827
revisions that meet those requirements. 11828

Approval of a plan or revision, or portion thereof, under 11829
comparable provisions of the "Federal Coal Mine Safety and Health 11830
Act of 1969," 83 Stat. 742, 30 U.S.C.A. 801, as amended or 11831
reenacted, or regulations ~~promulgated~~ adopted thereunder, shall be 11832
a sufficient basis for approval of the plan or revision, or 11833
portion thereof, by the chief unless the chief makes a specific 11834
written explanation and findings as to why the federally approved 11835
plan, revision, or portion thereof does not meet the requirements 11836
of the mining laws of this state and as to why a variance from the 11837
federally approved plan is reasonably necessary to meet the 11838
requirements of this state's mining laws. 11839

The chief shall make a final decision on a plan or revision, 11840
including review of any additional information ~~he~~ the chief 11841
requests, no later than fourteen days after the operator's initial 11842
submission of the plan or revision. Approval of completed plans or 11843
revisions shall not be unreasonably withheld. 11844

(B) Longwall mining plans submitted to the chief for approval 11845
shall include all of the following: 11846

(1) Company name; 11847

(2) Mine name; 11848

(3) Mine location; 11849

(4) Mine address; 11850

(5) Mine telephone number; 11851

(6) Name, title, and telephone number of the person 11852
submitting the plan; 11853

(7) Mine identification number; 11854

(8) Longwall mining roof control plan, which shall include a 11855
plan indicating the roof support to be used and the working 11856
procedures to be followed when a cavity is encountered over chocks 11857
or shields; 11858

(9) Ventilation plan, which shall include the complete 11859
section and face ventilation controls and bleeder systems; 11860

(10) Methane and dust control plan; 11861

(11) Any other information required by the chief. 11862

(C) After the chief has approved plans submitted under this 11863
section, an operator shall not be required to obtain additional 11864
approvals for new longwall working sections if plans initially 11865
approved or revised are complied with. 11866

(D) In coal mines where longwall working section operations 11867
are in progress prior to ~~the effective date of this section~~ July 11868
20, 1984, no operator shall begin new longwall working sections 11869
until required plans for longwall mining have been filed with and 11870
approved by the chief. 11871

Sec. 1567.70. An operator conducting longwall mining shall 11872
develop a plan for recovery of chocks and shields or other 11873
longwall roof support and shall not initiate recovery until the 11874
recovery plan is approved by the chief of the division of ~~mines~~ 11875
~~and reclamation~~ mineral resources management. An operator shall 11876
also submit all revisions of an approved recovery plan for 11877
approval to the chief. 11878

Approval of a plan or revision, or portion thereof, under 11879
comparable provisions of the "Federal Coal Mine Safety and Health 11880
Act of 1969," 83 Stat. 742, 30 U.S.C.A. 801, as amended or 11881
reenacted, or regulations ~~promulgated~~ adopted thereunder, shall be 11882
a sufficient basis for approval of the plan or revision, or 11883

portion thereof, by the chief unless the chief makes a specific 11884
written explanation and findings as to why the federally approved 11885
plan or revision, or portion thereof, does not meet the 11886
requirements of the mining laws of this state and as to why a 11887
variance from the federally approved plan, revision, or portion 11888
thereof is reasonably necessary to meet the requirements of this 11889
state's mining laws. 11890

The chief shall make a final decision on a plan or revision, 11891
including review of any additional information ~~he~~ that the chief 11892
requests, no later than fourteen days after the operator's initial 11893
submission of the plan or revision. The chief shall not 11894
unreasonably withhold approvals of completed plans or revisions. 11895

Sec. 1567.71. (A) An operator conducting longwall mining 11896
shall provide two-way communication facilities, approved by the 11897
chief of the division of ~~mines and reclamation~~ mineral resources 11898
management, at the headgate and tailgate and across each longwall 11899
working face that, during the production of coal, are a separate 11900
system from the mine communication facilities. Longwall working 11901
section communication facilities shall be located at points not 11902
more than one hundred feet apart across the longwall working face. 11903

(B) An operator conducting longwall mining shall also provide 11904
two-way communication facilities on each longwall working section. 11905
During production of coal, a designated person shall, as part of 11906
that person's other assigned duties, be available with the 11907
longwall working section communication and longwall working face 11908
communication facilities. 11909

Sec. 1567.73. (A) The chief of the division of ~~mines and~~ 11910
~~reclamation~~ mineral resources management or ~~his~~ the chief's 11911
representative shall require installation on a longwall working 11912
section of a federally approved methane monitor capable of giving 11913

warning automatically when the concentration of methane reaches a 11914
maximum percentage of not more than 1.0 volume per cent of 11915
methane. The sensing unit indicating the atmospheric conditions 11916
on the methane monitor shall be installed at a location specified 11917
in the approved plan or revision required by section 1567.69 of 11918
the Revised Code. 11919

The operator shall ensure that the methane monitor is kept 11920
operative and properly maintained and tested weekly for 11921
functioning. 11922

The operator of any mine in which longwall mining is 11923
performed shall establish and adopt a definite maintenance program 11924
designed to keep methane monitors operative, and a written 11925
description of the program shall be available for inspection by 11926
the division of ~~mines and reclamation~~ mineral resources 11927
management. At least once each month, the operator shall have the 11928
methane monitor checked for operating accuracy with a known 11929
methane air mixture and shall have the monitor calibrated as 11930
necessary. The operator shall keep a record of calibration tests 11931
in a book on the surface, which may be the same book used to 11932
comply with requirements established under regulations of the mine 11933
safety and health administration in the United ~~States~~ States 11934
department of labor. 11935

If the methane monitor on a longwall working section 11936
malfunctions, the operator shall have the monitor repaired within 11937
twelve hours. During the period of time the methane monitor is 11938
inoperative, the operator shall not permit electric equipment to 11939
be operated for longer than ten minutes without an examination for 11940
methane gas, shall require that the examinations required in 11941
division (B) of this section be conducted on one-hour intervals, 11942
and shall require an air reading on the intake side of the 11943
longwall working face to be collected on one-hour intervals. 11944

If parts are unavailable to correct the malfunction of the methane monitor or the malfunction cannot be repaired within twelve hours, the operator shall immediately notify the division of ~~mines and reclamation~~, which shall evaluate the circumstances and may allow continued operation under the procedures of the preceding paragraph if the operator is proceeding with good faith efforts to correct the malfunction.

If a malfunction of the methane monitor occurs on a longwall working section, the supervisor on duty shall indicate in ~~his~~ the supervisor's own shift examination report, in the fire boss report books, the date and time the methane monitor malfunctioned.

(B) A certified person designated by the mine ~~foreman~~ foreperson to supervise a longwall working section shall examine the longwall working face for hazards as a part of the pre-shift and on-shift examinations for each coal producing shift and more often if necessary for safety or required by division (A) of this section. The examination shall include a test for methane gas and oxygen deficiency. The methane and oxygen deficiency examinations shall be made at reasonable intervals along the coal face between the headgate and tailgate. The person's initials, date, and time shall be recorded at the headgate and tailgate. If one per cent or more of methane gas is detected along the coal face, the electrical equipment shall be immediately de-energized and the electrical power circuit then disconnected from the power supply until a certified person pronounces the place safe.

Sec. 1567.74. (A) No person shall cross the longwall working face conveyor while it is in operation unless a safe crossover is provided.

(B) The operator shall provide telephone pager communications or other means of providing an effective warning signal in a longwall working section. Prior to starting a longwall working

face conveyor, the person who is going to activate the conveyor 11976
shall sound the telephone pager communications or other effective 11977
warning signal to alert all persons across the longwall working 11978
face. 11979

(C) No person shall ride the longwall working face conveyor. 11980
However, an operator may submit a plan to the chief of the 11981
division of ~~mines and reclamation~~ mineral resources management, as 11982
part of the plan required by section 1567.69 of the Revised Code 11983
or later, for approval for the removal of injured persons on the 11984
longwall working face conveyor if it is necessary to transport 11985
injured persons on a stretcher or backboard. 11986

(D) On and after ~~the effective date of this section~~ July 20, 11987
1984, an operator shall equip all newly installed face roof 11988
support units with adjacent unit controls unless the units have a 11989
wide single canopy over each unit that protects the ~~workman~~ 11990
workers from falling material when operating unit controls from 11991
within the support of the shield unit being removed. 11992

(E) On and after ~~the effective date of this section~~ July 20, 11993
1984, all newly installed face roof support units shall be 11994
equipped with an outlet to facilitate measurement of the interior 11995
prop pressure and an outlet to facilitate measurement of the yield 11996
pressure. Any yield valves of face roof support units that do not 11997
maintain at least eighty-five per cent of the yield pressure 11998
specified in the approved roof control plan shall be promptly 11999
repaired or replaced. The valves of face roof support units shall 12000
be tested at least annually, and a legible record of the date of 12001
the test, the person performing the test, and the valves repaired 12002
or replaced shall be kept in an appropriate mine record. 12003

Sec. 1567.78. An operator shall maintain an accessible travel 12004
route at all times off the tailgate end of the longwall working 12005
face unless the operator develops and the chief of the division of 12006

~~mines and reclamation~~ mineral resources management approves a plan 12007
to continue operation of the longwall working section in the event 12008
the tailgate route becomes impassable. Such a plan shall include 12009
necessary provisions to be taken to provide additional protective 12010
devices for longwall working section personnel. 12011

12012
When the tailgate travel route becomes impassable, the 12013
operator shall cease the longwall mining operation immediately, 12014
familiarize all persons working on the longwall working section 12015
with the procedures to follow for escape from the section, and 12016
implement immediately the plan approved by the division of ~~mines~~ 12017
~~and reclamation~~ mineral resources management before recommencing 12018
mining. 12019

The operator shall immediately notify the division when the 12020
accessible travel route becomes impassable and the approved plan 12021
has been implemented. 12022

The division's representative shall immediately, upon 12023
notification, establish a scheduled meeting with the operator and 12024
representatives of the miners at the mine. 12025

Sec. 1571.01. As used in this chapter, unless other meaning 12026
is clearly indicated in the context: 12027

(A) "Gas storage reservoir" or "storage reservoir" or 12028
"reservoir" means a continuous area of a subterranean porous sand 12029
or rock stratum or strata, any part of which or of the protective 12030
area of which, is within a coal bearing township, into which gas 12031
is or may be injected for the purpose of storing it therein and 12032
removing it therefrom, or for the purpose of testing whether such 12033
stratum is suitable for such storage purposes. 12034

(B) "Gas" means any natural, manufactured, or by-product gas 12035
or any mixture thereof. 12036

(C) "Reservoir operator" or "operator," when used in referring to the operator of a gas storage reservoir, means a person who is engaged in the work of preparing to inject, or who injects gas into, or who stores gas in, or who removes gas from, a gas storage reservoir, and who owns the right to do so.

(D)(1) "Boundary," when used in referring to the boundary of a gas storage reservoir, means the boundary of such reservoir as shown on the map or maps thereof on file in the division of ~~mines and reclamation~~ mineral resources management as required by this chapter.

(2) "Boundary," when used in referring to the boundary of a reservoir protective area, means the boundary of such reservoir protective area as shown on the map or maps thereof on file in the division as required by this chapter.

(E) "Reservoir protective area" or "reservoir's protective area" means the area of land outside ~~of~~ the boundary of a gas storage reservoir shown as such on the map or maps thereof on file in the division as required by this chapter. The area of land shown on such map or maps as such reservoir protective area shall be outside ~~of~~ the boundary of such reservoir, and shall encircle such reservoir and touch all parts of the boundary of such reservoir, and no part of the outside boundary of such protective area shall be less than two thousand nor more than five thousand linear feet distant from the boundary of such reservoir.

(F) "Coal bearing township" means a township designated as a coal bearing township by the chief of the division of ~~mines and reclamation~~ mineral resources management as required by section 1561.06 of the Revised Code.

~~(G) "Division of mines and reclamation" or "division," when used in referring to the division of mines and reclamation, means the division of mines and reclamation of the state of Ohio.~~

~~(H)~~ "Coal mine" means the underground excavations of a mine 12068
which ~~that~~ are being used or are usable or are being developed for 12069
use in connection with the extraction of coal from its natural 12070
deposit in the earth. "Underground excavations," when used in 12071
referring to the underground excavations of a coal mine, includes 12072
the abandoned underground excavations of such mine. It also 12073
includes the underground excavations of an abandoned coal mine if 12074
such abandoned mine is connected with underground excavations of a 12075
coal mine. "Coal mine" does not mean or include: 12076

(1) A mine in which coal is extracted from its natural 12077
deposit in the earth by strip or open pit mining methods or by 12078
other methods by which individuals are not required to go 12079
underground in connection with the extraction of coal from its 12080
natural deposit in the earth; 12081

(2) A mine in which not more than fourteen individuals are 12082
regularly employed underground. 12083

~~(I)~~(H) "Operator," when used in referring to the operator of 12084
a coal mine, means a person who engages in the work of developing 12085
such mine for use in extracting coal from its natural deposit in 12086
the earth, or who so uses such mine, and who owns the right to do 12087
so. 12088

~~(J)~~(I) "Boundary," when used in referring to the boundary of 12089
a coal mine, means the boundary of the underground excavations of 12090
such mine as shown on the maps of such mine on file in the 12091
division ~~of mines and reclamation~~ as required by sections 1563.03 12092
to 1563.05~~7~~ and ~~section~~ 1571.03 of the Revised Code. 12093

~~(K)~~(J) "Mine protective area" or "mine's protective area" 12094
means the area of land which ~~that~~ the operator of a coal mine 12095
designates and shows as such on the map or maps of such coal mine 12096
filed with the division as required by sections 1563.03 to 12097
1563.05~~7~~ and ~~section~~ 1571.03 of the Revised Code. Such area of 12098

land shall be outside of the boundary of such coal mine, but some 12099
part of the boundary of such area of land shall abut upon a part 12100
of the boundary of such coal mine. Such area of land shall be 12101
comprised of such tracts of land in which such coal mine operator 12102
owns the right to extract coal therefrom by underground mining 12103
methods and in which underground excavations of such coal mine are 12104
likely to be made within the ensuing year for use in connection 12105
with the extraction of coal therefrom. 12106

~~(L)~~(K) "Pillar" means a solid block of coal or other material 12107
left unmined to support the overlying strata in a coal mine, or to 12108
protect a well. 12109

~~(M)~~(L) "Retreat mining" means the removal of pillars and ribs 12110
and stumps and other coal remaining in a section of a coal mine 12111
after the development mining has been completed in such section. 12112
12113

~~(N)~~(M) "Linear feet," when used to indicate distance between 12114
two points ~~which~~ that are not in the same plane, means the length 12115
in feet of the shortest horizontal line ~~which~~ that connects two 12116
lines projected vertically upward or downward from ~~said~~ the two 12117
points. 12118

~~(O)~~(N) "Map" means a graphic representation of the location 12119
and size of the existing or proposed items it is made to 12120
represent, accurately drawn according to a given scale. 12121

~~(P)~~(O) "Well" means any hole, drilled or bored, or being 12122
drilled or bored, into the earth, whether for the purpose of, or 12123
whether used for: 12124

(1) Producing or extracting any gas or liquid mineral, or 12125
natural or artificial brines, or oil field waters; 12126

(2) Injecting gas into or removing gas from an underground 12127
gas storage reservoir; 12128

(3) Introducing water or other liquid pressure into an oil 12129
bearing sand to recover oil contained in such sand, provided, 12130
that "well" does not mean a hole drilled or bored, or being 12131
drilled or bored, into the earth, whether for the purpose of, or 12132
whether used for, producing or extracting potable water to be used 12133
as such. 12134

~~(Q)~~(P) "Testing" means injecting gas into, or storing gas in 12135
or removing gas from, a gas storage reservoir for the sole purpose 12136
of determining whether such reservoir is suitable for use as a gas 12137
storage reservoir. 12138

~~(R)~~(O) "Casing" means a string or strings of pipe commonly 12139
placed in a well. 12140

~~(S)~~(R) "Inactivate" means to shut off temporarily all flow of 12141
gas from a well at a point below the horizon of the coal mine 12142
~~which that~~ might be affected by such flow of gas, by means of a 12143
plug or other suitable device or by injecting water, bentonite, or 12144
some other equally nonporous material into the well, or any other 12145
method approved by the ~~oil and gas well~~ mineral resources 12146
inspector. 12147

~~(T)~~(S) "Gas storage well inspector" means the gas storage 12148
well inspector in the division. 12149

~~(U)~~(T) The verb "open" or the noun "opening," when used in 12150
clauses relating to the time when a coal mine operator intends to 12151
open a new coal mine, or the time when a new coal mine is opened, 12152
or the time of the opening of a new coal mine, or when used in 12153
other similar clauses to convey like meanings, means that time and 12154
condition in the initial development of a new coal mine when the 12155
second opening required by section 1563.14 of the Revised Code is 12156
completed in such mine. 12157

Sec. 1571.02. (A) Any reservoir operator who, on September 9, 12158

1957, is injecting gas into, storing gas in, or removing gas from 12159
a reservoir shall within sixty days after such date file with the 12160
division of ~~mines and reclamation~~ mineral resources management a 12161
map thereof as described in division (C) of this section~~;~~, 12162
provided that~~;~~ if a reservoir operator is, on September 9, 1957, 12163
injecting gas into or storing gas in a reservoir solely for 12164
testing, ~~he~~ the reservoir operator shall at once file such map 12165
with the division of ~~mines and reclamation~~. 12166

(B) If the injection of gas into or storage of gas in a gas 12167
storage reservoir is begun after September 9, 1957, the operator 12168
of such reservoir shall file with the division of ~~mines and~~ 12169
~~reclamation and the division of oil and gas of the department of~~ 12170
~~natural resources identical maps~~ a map thereof as described in 12171
division (C) of this section, on the same day and not less than 12172
three months prior to beginning such injection or storage. 12173

(C) Each map filed with the division of ~~mines and reclamation~~ 12174
~~and the division of oil and gas~~ pursuant to this section shall be 12175
prepared by a registered surveyor, registered engineer, or 12176
competent geologist. It shall show both of the following: 12177

(1) The location of the boundary of such reservoir and the 12178
boundary of such reservoir's protective area, and the known fixed 12179
monuments, corner stones, or other permanent markers in such 12180
boundary lines; 12181
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(2) The boundary lines of the counties, townships, and 12183
sections or lots, ~~which~~ that are within the limits of such map, 12184
and the name of each such county and township and the number of 12185
each such section or lot clearly indicated thereon. The legend of 12186
the map shall indicate the stratum or strata in which the gas 12187
storage reservoir is located. 12188

The location of the boundary of the gas storage reservoir as 12189

shown on the map shall be defined by the location of those wells 12190
around the periphery of such reservoir ~~which~~ that had no gas 12191
production when drilled into the storage stratum of such 12192
reservoir; ~~and~~ provided that, if the operator of such reservoir, upon 12193
taking into consideration the number and nature of such wells, the 12194
geological and production knowledge of the storage stratum, its 12195
character, permeability, and distribution, and operating 12196
experience, determines that the location of the boundary of such 12197
reservoir should be differently defined, ~~he~~ the reservoir operator 12198
may, on such map, show the boundary of such reservoir to be 12199
located at a location different than the location defined by the 12200
location of those wells around the periphery of such reservoir 12201
~~which~~ that had no gas production when drilled into ~~said~~ the 12202
storage stratum. 12203

Whenever the operator of a gas storage reservoir determines 12204
that the location of the boundary of such reservoir as shown on 12205
the most recent ~~maps~~ map thereof on file in the division ~~of mines~~ 12206
~~and reclamation and the division of oil and gas~~ pursuant to this 12207
section is incorrect, ~~he~~ the reservoir operator shall file with 12208
~~each~~ the division ~~identical~~ an amended ~~maps~~ map showing the 12209
boundary of such reservoir to be located at the location ~~which~~ ~~he~~ 12210
that the reservoir operator then considers to be correct. 12211

(D) Each operator of a gas storage reservoir who files with 12212
the division ~~of mines and reclamation and the division of oil and~~ 12213
~~gas~~ ~~maps~~ a map as required by this section shall, at the end of 12214
each six-month period following the date of such filing, file with 12215
~~each~~ the division ~~identical~~ an amended ~~maps~~ map showing changes, 12216
if any, in the boundary line of such reservoir or of such 12217
reservoir's protective area, ~~which~~ that have occurred in the 12218
six-month period. Nothing in this division shall be construed to 12219
require such a reservoir operator to file an amended map at the 12220
end of any such six-month period if no such boundary changes have 12221

occurred in such period. 12222

An operator of a gas storage reservoir who is required by 12223
this section to file an amended ~~maps~~ map with the division of 12224
~~mines and reclamation and division of oil and gas~~ shall not be 12225
required to so file such an amended ~~maps~~ map after such time when 12226
~~he~~ the reservoir operator files with each the division ~~maps~~ a map 12227
pertaining to such reservoir, as provided in section 1571.04 of 12228
the Revised Code. 12229

~~(E) A reservoir operator shall file with the division of oil 12230
and gas, within sixty days after March 17, 1989, a map identical 12231
to any map then on file with the division of mines and 12232
reclamation. 12233~~

~~(F) The division of oil and gas shall keep all maps filed 12234
with it pursuant to this section and section 1571.04 of the 12235
Revised Code in a safe place and shall not allow the maps to be 12236
open to public inspection or be removed from its office. The 12237
division shall not furnish copies of the maps to any person and 12238
shall maintain the confidentiality of the maps, except to the 12239
extent the chief of the division determines to be reasonably 12240
necessary to explain denial of a request for expedited review of a 12241
permit application under section 1509.06 of the Revised Code. 12242~~

Sec. 1571.03. (A) Every operator of a coal mine who is 12243
required by sections 1563.03 to 1563.05 of the Revised Code, to 12244
file maps of such mine, shall cause to be shown on each of such 12245
maps, in addition to the boundary lines of each tract under which 12246
excavations are likely to be made during the ensuing year, as 12247
referred to in section 1563.03 of the Revised Code: 12248

(1) The boundary of such coal mine in accordance with the 12249
meaning of the term "boundary" when used in referring to the 12250
boundary of a coal mine, and the term "coal mine" as those terms 12251
are defined in section 1571.01 of the Revised Code; 12252

(2) The boundary of the mine protective area of such mine. 12253
~~The provisions of this~~ 12254

~~This~~ division ~~of this section~~ shall not be construed to amend 12255
or repeal any provisions of sections 1563.03 to 1563.05 of the 12256
Revised Code, either by implication or otherwise. 12257

~~The provisions of this~~ This division ~~are~~ is intended only to 12258
add to existing statutory requirements pertaining to the filing of 12259
coal mine maps with the division of ~~mines and reclamation~~ mineral 12260
resources management, the requirements established in this 12261
division ~~contained~~. 12262

(B) Every operator of a coal mine who believes that any part 12263
of the boundary of such mine is within two thousand linear feet of 12264
a well ~~which~~ that is drilled through the horizon of such coal mine 12265
and into or through the storage stratum or strata of a gas storage 12266
reservoir within the boundary of such reservoir or within its 12267
protective area, shall at once send notice to that effect by 12268
registered mail to the operator of such reservoir and to the 12269
division. 12270

(C) Every operator of a coal mine who expects that any part 12271
of the boundary of such mine will, on a date after September 9, 12272
1957, be extended beyond its location on such date to a point 12273
within two thousand linear feet of a well ~~which~~ that is drilled 12274
through the horizon of such mine and into or through the stratum 12275
or strata of a gas storage reservoir within the boundary of such 12276
reservoir or within its protective area, shall send at least nine 12277
months' notice of such date and of the location of such well by 12278
registered mail to the operator of such reservoir and to the 12279
division. If at the end of three years after the date stated in 12280
the notice by an operator of a coal mine to an operator of a 12281
storage reservoir as the date upon which part of the boundary of 12282
such coal mine is expected to be extended to a point within two 12283

thousand linear feet of such well, no part of such coal mine is so 12284
extended, the operator of such coal mine shall be liable to the 12285
operator of such storage reservoir for all expenses incurred by 12286
such reservoir operator in doing the plugging or reconditioning of 12287
such well as ~~he~~ the reservoir operator is required to do in such 12288
cases as provided in section 1571.05 of the Revised Code. Such 12289
mine operator shall in no event be liable to such reservoir 12290
operator: 12291

(1) For expenses of plugging or reconditioning such well 12292
incurred prior to receipt by such reservoir operator from such 12293
mine operator of a notice as provided for in this division; 12294

(2) For any expenses of plugging or reconditioning such well 12295
if any part of the work of plugging or reconditioning was 12296
commenced prior to receipt by such reservoir operator from such 12297
mine operator of a notice as provided for in this division. 12298

(D) If a person intends to open a new coal mine after 12299
September 9, 1957, and if at the time of its opening any part of 12300
the boundary of such mine will be within two thousand linear feet 12301
of a well ~~which~~ that is drilled through the horizon of such mine 12302
and into or through the storage stratum or strata of a gas storage 12303
reservoir within the boundary of such reservoir or within its 12304
protective area, such person shall send by registered mail to the 12305
operator of such storage reservoir and to the division at least 12306
nine months' notice of the date upon which ~~he~~ the person intends 12307
to open such mine, and of the location of such well. If at the end 12308
of nine months after the date stated in the notice by an operator 12309
of a coal mine to an operator of a storage reservoir and to the 12310
division, as the date upon which such coal mine operator intends 12311
to open such new mine, such new mine is not opened, the operator 12312
of such coal mine shall be liable to the operator of such storage 12313
reservoir for all expenses incurred by such reservoir operator in 12314
doing the plugging or reconditioning of such well as ~~he~~ the 12315

reservoir operator is required to do in such cases as provided in 12316
section 1571.05 of the Revised Code⁺, provided: 12317

(1) That such mine operator may, prior to the end of nine 12318
months after the date stated in such mine operator's notice to 12319
such reservoir operator and the division as the date upon which ~~he~~ 12320
the mine operator intended to open such new mine, notify such 12321
reservoir operator and the division in writing by registered mail, 12322
that the opening of such new mine will be delayed beyond the end 12323
of such nine-month period of time, and that ~~he~~ the mine operator 12324
requests that a conference be held as provided in section 1571.10 12325
of the Revised Code for the purpose of endeavoring to reach an 12326
agreement establishing a date subsequent to the end of such 12327
nine-month period of time, on or before which such mine operator 12328
may open such new mine without being liable to pay such reservoir 12329
operator expenses incurred by such reservoir operator in plugging 12330
or reconditioning such well as in this division provided; 12331

(2) That if such mine operator sends to such reservoir 12332
operator and to the division a notice and request for a conference 12333
as ~~in this sentence~~ provided in division (D)(1) of this section, 12334
such mine operator shall not be liable to pay such reservoir 12335
operator for expenses incurred by such reservoir operator in 12336
plugging and reconditioning such well, unless such mine operator 12337
fails to open such new mine within the period of time fixed by an 12338
approved agreement reached in such conference, or fixed by an 12339
order by the chief of the division of mineral resources management 12340
upon a hearing held in the matter in the event of failure to reach 12341
an approved agreement in the conference; 12342

(3) That such mine operator shall in no event be liable to 12343
such reservoir operator: 12344

(a) For expense of plugging or reconditioning such well 12345
incurred prior to the receipt by such reservoir operator from such 12346
mine operator of the notice of the date upon which such mine 12347

operator intends to open such new mine;

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(b) For any expense of plugging or reconditioning such well
if any part of the work of plugging or reconditioning was
commenced prior to receipt by such reservoir operator from such
mine operator of such notice.

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Sec. 1571.04. (A) Upon the filing of each map or amended map
with the division of ~~mines and reclamation~~ mineral resources
management by operators of gas storage reservoirs as required by
this chapter, and each coal mine map as required by sections
1563.03 to 1563.05 and division (A) of section 1571.03 of the
Revised Code, the gas storage well inspector shall cause an
examination to be made of all maps on file in the division as ~~he~~
the gas storage well inspector may deem necessary to ascertain
whether any part of a reservoir protective area as shown on any
such map is within ten thousand linear feet of any part of the
boundary of a coal mine as shown on any such map. If, upon making
that examination, the gas storage well inspector finds that any
part of such a reservoir protective area is within ten thousand
linear feet of any part of the boundary of such a coal mine, ~~he~~
the gas storage well inspector shall promptly send by registered
mail notice to that effect to the operator of the reservoir and to
the operator of the coal mine.

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(B) Within sixty days after receipt by an operator of a gas
storage reservoir of a notice from the gas storage well inspector
under division (A) of this section, such operator shall file on
the same day with ~~both the division of mines and reclamation and~~
~~the division of oil and gas of the department of natural resources~~
~~identical maps~~ a map prepared by a registered surveyor, registered
engineer, or competent geologist, which shall ~~include~~ do all of
the following:

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(1) Indicate the stratum or strata in which such gas storage

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reservoir is located;

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(2) Show the location of the boundary of the reservoir and the boundary of its protective area, and the known fixed monuments, corner stones, or other permanent markers in such boundary lines;

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(3) Show the boundary lines of the counties, townships, and sections or lots, ~~which~~ that are within the limits of such maps, and the name of each such county and township and the number of each such section or lot clearly indicated thereon;

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(4) Show the location of all oil or gas wells known to the operator of such reservoir ~~which~~ that have been drilled within the boundary of the reservoir or within its protective area, and indicate which of such wells, if any, have been or are to be plugged or reconditioned for use in the operation of such reservoir.

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The location of the boundary of the gas storage reservoir as shown on the maps shall be defined by the location of those wells around the periphery of the reservoir that had no gas production when drilled into the storage stratum of the reservoir, ~~+~~ provided that, if the operator of the reservoir, upon taking into consideration the number and nature of such wells, the geological and production knowledge of the storage stratum, its character, permeability, and distribution, and operating experience, determines that the location of the boundary of the reservoir should be differently defined, ~~he~~ the reservoir operator may, on the maps, show the boundary of the reservoir to be located at a location different ~~than~~ from the location defined by the location of those wells around the periphery of the reservoir that had no gas production when drilled into the storage stratum.

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(C) Any coal mine operator who receives from the gas storage well inspector a copy of a map as provided by division (E) of this

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section may request the gas storage well inspector to furnish ~~him~~ 12410
the coal mine operator with: 12411

(1) The name of the original operator of any well shown on 12412
such map; 12413

(2) The date drilling of such well was completed; 12414

(3) The total depth of such well; 12415

(4) The depth at which oil or gas was encountered in such 12416
well if it was productive of oil or gas; 12417

(5) The initial rock pressure of such well; 12418

(6) A copy of the log of the driller of such well or other 12419
similar data; 12420

(7) The location of such well in respect to the property 12421
lines of the tract of land on which it is located; 12422

(8) A statement as to whether the well is inactive or active: 12423
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(a) If inactive, the date of plugging and other pertinent 12425
data; 12426

(b) If active, whether it is being used for test purposes or 12427
storage purposes; 12428

(9) A statement of the maximum injection pressure 12429
contemplated by the operator of the reservoir shown on such map. 12430

Upon receipt of such a request, the gas storage well 12431
inspector shall promptly furnish the coal mine operator the 12432
information requested. If the information is not ascertainable 12433
from the files in the division ~~of mines and reclamation~~, the gas 12434
storage well inspector shall request the reservoir operator to 12435
furnish the division ~~of mines and reclamation~~ with such 12436
information to the extent that ~~he~~ the reservoir operator has 12437
knowledge thereof. Upon receipt of such a request, the reservoir 12438

operator shall promptly furnish such information to the division 12439
~~of mines and reclamation~~. Thereupon the gas storage well inspector 12440
shall promptly transmit such information to the mine operator who 12441
requested it. 12442

Whenever the operator of a gas storage reservoir determines 12443
that the location of the boundary of the reservoir as shown on the 12444
most recent ~~maps~~ map thereof on file in the division ~~of mines and~~ 12445
~~reclamation and the division of oil and gas~~ pursuant to this 12446
section is incorrect, ~~he~~ the reservoir operator shall file with 12447
~~each~~ the division ~~identical~~ an amended ~~maps~~ map showing the 12448
boundary of the reservoir to be located at the location ~~which he~~ 12449
that the reservoir operator then considers to be correct. 12450

(D) Each operator of a gas storage reservoir who files a map 12451
with the division ~~of mines and reclamation and the division of oil~~ 12452
~~and gas maps~~ as required by this section shall, at the end of each 12453
six-month period following the date of such filing, file with ~~each~~ 12454
the division ~~identical~~ an amended ~~maps~~ map showing changes in the 12455
boundary line of the reservoir or of the reservoir's protective 12456
area that have occurred in the six-month period, and further 12457
showing or describing any other occurrences within that six-month 12458
period that cause the most recent ~~maps~~ map on file and pertaining 12459
to the reservoir to no longer be correct. Nothing in this division 12460
shall be construed to require such a reservoir operator to file an 12461
amended map at the end of any such six-month period if no boundary 12462
changes or other occurrences have occurred in that period. The 12463
operator of the reservoir shall also file with the division ~~of~~ 12464
~~mines and reclamation and the division of oil and gas~~, subsequent 12465
to the filing of ~~maps~~ a map as provided for in division (B) of 12466
this section, a statement whenever changing the maximum injection 12467
pressure is contemplated, stating for each affected well within 12468
the boundary of the reservoir or its protective area, the amount 12469
of change of injection pressure contemplated. The location or 12470

drilling of new wells or the abandonment or reconditioning of 12471
wells shall not be considered to be occurrences requiring the 12472
filing of an amended map or statement. 12473

(E) Promptly upon the filing with the division ~~of mines and~~ 12474
~~reclamation~~ of a map or an amended map pertaining to a gas storage 12475
reservoir under this section, the gas storage well inspector shall 12476
send by registered mail to the operator of the coal mine a part of 12477
the boundary of which is within ten thousand linear feet of any 12478
part of the boundary of the reservoir or of the outside boundary 12479
of the reservoir's protective area, notice of the filing together 12480
with a copy of the map. 12481

(F) When the operator of a gas storage reservoir files with 12482
the division ~~of mines and reclamation and the division of oil and~~ 12483
~~gas maps a map~~ or an amended ~~maps map~~ map under this section, ~~he~~ the 12484
reservoir operator shall file as many copies of the ~~maps map~~ as 12485
~~each~~ the division may require for its files and as are needed for 12486
sending a copy to each coal mine operator under division (E) of 12487
this section. 12488

~~(G) A reservoir operator shall file with the division of oil~~ 12489
~~and gas, within sixty days after March 17, 1989, a map identical~~ 12490
~~to any map then on file with the division of mines and~~ 12491
~~reclamation.~~ 12492

Sec. 1571.05. (A) Whenever any part of a gas storage 12493
reservoir or any part of its protective area underlies any part of 12494
a coal mine, or is, or within nine months is expected or intended 12495
to be, within two thousand linear feet of the boundary of a coal 12496
mine ~~which~~ that is operating in a coal seam any part of which 12497
extends over any part of ~~said~~ the storage reservoir or its 12498
protective area, the operator of such reservoir, if ~~he~~ the 12499
reservoir operator or some other reservoir operator has not 12500
theretofore done so, shall: 12501

(1) Use every known method ~~which~~ that is reasonable under the 12502
circumstance for discovering and locating all wells drilled within 12503
the area of such reservoir or its protective area ~~which~~ that 12504
underlie any part of such coal mine or its protective area; 12505

(2) Plug or recondition all known wells drilled within the 12506
area of such reservoir or its protective area ~~which~~ that underlie 12507
any part of such coal mine. 12508

(B) Whenever an operator of a gas storage reservoir is 12509
notified by the operator of a coal mine, as provided in division 12510
(B) of section 1571.03 of the Revised Code, that such coal mine 12511
operator believes that part of the boundary of such mine is within 12512
two thousand linear feet of a well ~~which~~ that is drilled through 12513
the horizon of such coal mine and into or through the storage 12514
stratum or strata of such reservoir within the boundary of such 12515
reservoir or within its protective area, such reservoir operator 12516
shall plug or recondition such well as in this section prescribed, 12517
unless it is agreed in a conference or is ordered by the chief of 12518
the division of ~~mines and reclamation~~ mineral resources management 12519
after a hearing, as provided in section 1571.10 of the Revised 12520
Code, that the well referred to in the notice is not such a well 12521
as is described in division (B) of section 1571.03 of the Revised 12522
Code. 12523

Whenever an operator of a gas storage reservoir is notified 12524
by the operator of a coal mine as provided in division (C) or (D) 12525
of section 1571.03 of the Revised Code, that part of the boundary 12526
of such mine is, or within nine months is intended or expected to 12527
be, within two thousand linear feet of a well ~~which~~ that is 12528
drilled through the horizon of such mine and into or through the 12529
storage stratum or strata of such reservoir within the boundary of 12530
such reservoir or within its protective area, such reservoir 12531
operator shall plug or recondition such well as in this section 12532
prescribed. 12533

Whenever the operator of a coal mine considers that the use 12534
of a well such as in this section described, if used for injecting 12535
gas into, or storing gas in, or removing gas from, a gas storage 12536
reservoir, would be hazardous to the safety of persons or property 12537
on or in the vicinity of the premises of such coal mine or such 12538
reservoir or well, ~~he~~ the coal mine operator may file with the 12539
division ~~of mines and reclamation~~ objections to the use of such 12540
well for such purposes, and a request that a conference be held as 12541
provided in section 1571.10 of the Revised Code, to discuss and 12542
endeavor to resolve by mutual agreement whether or not such well 12543
shall or shall not be used for such purposes, and whether or not 12544
such well shall be reconditioned, inactivated, or plugged. Such 12545
request shall set forth the mine operator's reasons for such 12546
objections. If no approved agreement is reached in such 12547
conference, the gas storage well inspector shall within ten days 12548
after the termination of such conference, file with the chief a 12549
request that ~~he~~ the chief hear and determine the matters 12550
considered at the conference as provided in section 1571.10 of the 12551
Revised Code. Upon conclusion of the hearing, the chief shall find 12552
and determine whether or not the safety of persons or of the 12553
property on or in the vicinity of the premises of such coal mine, 12554
or such reservoir, or such well requires that such well be 12555
reconditioned, inactivated, or plugged, and shall make an order 12556
consistent with such determination, provided that the chief shall 12557
not order a well plugged unless ~~he~~ the chief first finds that 12558
there is underground leakage of gas therefrom. 12559

The plugging or reconditioning of each well described in a 12560
notice from a coal mine operator to a reservoir operator as 12561
provided in division (B) of section 1571.03 of the Revised Code, 12562
which must be plugged or reconditioned, shall be completed within 12563
such time as the gas storage well inspector may fix in the case of 12564
each such well. The plugging or reconditioning of each well 12565

described in a notice from a coal mine operator to a reservoir operator as provided in division (C) of section 1571.03 of the Revised Code, which must be plugged or reconditioned, shall be completed by the time such well, by reason of the extension of the boundary of such coal mine, is within two thousand linear feet of any part of the boundary of such mine. The plugging or reconditioning of each well described in a notice from a coal mine operator to a reservoir operator, as provided in division (D) of section 1571.03 of the Revised Code, which must be plugged or reconditioned, shall be completed by the time such well by reason of the opening of such new mine, is within two thousand linear feet of any part of the boundary of such new mine. A reservoir operator who is required to complete the plugging or reconditioning of a well within a period of time fixed as in this ~~paragraph~~ division prescribed, may prior to the end of such period of time, notify the division and the mine operator from whom ~~he~~ the reservoir operator received a notice as provided in division (B), (C), or (D) of section 1571.03 of the Revised Code, in writing by registered mail, that the completion of the plugging or reconditioning of the well referred to in such notice will be delayed beyond the end of the period of time fixed therefor as in this section provided, and that ~~he~~ the reservoir operator requests that a conference be held for the purpose of endeavoring to reach an agreement establishing a date subsequent to the end of such period of time, on or before which such reservoir operator may complete such plugging or reconditioning without incurring any penalties for failure to do so as provided in this chapter. If such a reservoir operator sends to such a mine operator and to the division a notice and request for a conference as in this ~~paragraph~~ division provided, such reservoir operator shall not incur any penalties for failure to complete the plugging or reconditioning of such well within the period of time fixed as in this ~~paragraph~~ division prescribed, unless such reservoir operator

fails to complete the plugging or reconditioning of such well 12599
within the period of time fixed by an approved agreement reached 12600
in such conference, or fixed by an order by the chief upon a 12601
hearing held in the matter in the event of failure to reach an 12602
approved agreement in the conference. 12603

Whenever, in compliance with this division, a well is to be 12604
plugged by a reservoir operator, such operator shall give to the 12605
division notice thereof, as many days in advance as will be 12606
necessary for the gas storage well inspector or a deputy mine 12607
inspector to be present at such plugging. Such notification shall 12608
be made on blanks furnished by the division and shall show the 12609
following information: 12610

(1) Name and address of the applicant; 12611

(2) The location of the well identified by section or lot 12612
number, city or village, and township and county; 12613

(3) The well name and number of each well to be plugged. 12614

(C) The operator shall give written notice at the same time 12615
to the owner of the land upon which the well is located, the 12616
owners or agents of the adjoining land, and adjoining well owners 12617
or agents of ~~his~~ the operator's intention to abandon the well, and 12618
of the time when ~~he~~ the operator will be prepared to commence 12619
plugging and filling the same. In addition to giving such notices, 12620
such reservoir operator shall also at the same time send a copy of 12621
such notice by registered mail to the coal mine operator, if any, 12622
who sent to ~~said~~ the reservoir operator the notice as provided in 12623
division (B), (C), or (D) of section 1571.03 of the Revised Code, 12624
in order that such coal mine operator or ~~his~~ the coal mine
operator's designated representative ~~whom he may designate as~~ 12626
~~such~~, may attend and observe the manner in which such plugging of 12627
such well is done. 12628

If ~~said~~ the reservoir operator plugs such well without an 12629

inspector from the division being present to supervise the 12630
plugging, ~~said~~ the reservoir operator shall send to the division 12631
and to the coal mine operator a copy of the report of the plugging 12632
of such well, including in such report: 12633

(1) The date of abandonment; 12634

(2) The name of the owner or operator of such well at the 12635
time of abandonment and ~~his~~ the well owner's or operator's post 12636
office address; 12637

(3) The location of such well as to township and county and 12638
the name of the owner of the surface upon which such well is 12639
drilled, with the address thereof; 12640

(4) The date of the permit to drill; 12641

(5) The date when drilled; 12642

(6) Whether such well has been mapped; 12643

(7) The depth of the well; 12644

(8) The depth of the top of the sand to which the well was 12645
drilled; 12646

(9) The depth of each seam of coal drilled through; 12647

(10) A detailed report as to how such well was plugged, 12648
giving in particular the manner in which the coal and various 12649
sands were plugged, and the date of the plugging of such well, 12650
including therein the names of those who witnessed the plugging of 12651
the well. 12652

Such report shall be signed by the operator or ~~his~~ the 12653
operator's agent who plugged such well and verified by the oath of 12654
the party so signing. For the purposes of this section, a deputy 12655
mine inspector may take acknowledgements and administer oaths to 12656
the parties signing such report. 12657

Whenever, in compliance with this division, a well is to be 12658

reconditioned by a reservoir operator, such operator shall give to 12659
the division notice thereof as many days before such 12660
reconditioning is begun as will be necessary for the gas storage 12661
well inspector, or a deputy mine inspector, to be present at such 12662
reconditioning. No well shall be reconditioned if an inspector of 12663
the division is not present unless permission to do so has been 12664
granted by the chief. The reservoir operator, at the time of 12665
giving notice to the division as in this section required, also 12666
shall send a copy of such notice by registered mail to the coal 12667
mine operator, if any, who sent to the reservoir operator the 12668
notice as provided in division (B), (C), or (D) of section 1571.03 12669
of the Revised Code, in order that such coal mine operator or ~~his~~ 12670
the coal mine operator's designated representative ~~whom he may~~ 12671
~~designate as such~~, may attend and observe the manner in which such 12672
reconditioning of such well is done. 12673

If ~~said~~ the reservoir operator reconditions such well when no 12674
inspector of the division is present to supervise the 12675
reconditioning, the reservoir operator shall make written report 12676
to the division describing the manner in which such reconditioning 12677
was done, and shall send to the coal mine operator a copy of such 12678
report by registered mail. 12679

(D) Wells ~~which~~ that are required by this section to be 12680
plugged shall be plugged in the manner specified in sections 12681
1509.13 to 1509.19 of the Revised Code, and the operator shall 12682
give the notifications and reports required by divisions (B) and 12683
(C) of this section. No such well shall be plugged or abandoned 12684
without the written approval of the division, and no such well 12685
shall be mudded, plugged, or abandoned without the gas storage 12686
well inspector or a deputy mine inspector present unless written 12687
permission has been granted by the chief ~~of the division~~ or the 12688
gas storage well inspector. ~~For the purposes of this section, the~~ 12689
~~chief of the division of mines and reclamation has the authority~~ 12690

~~given the chief of the division of oil and gas in sections 1509.15~~ 12691
~~and 1509.17 of the Revised Code.~~ If such a well has been plugged 12692
prior to the time plugging thereof is required by this section, 12693
and, on the basis of the data, information, and other evidence 12694
available it is determined that such plugging was done in the 12695
manner required by this section, or was done in accordance with 12696
statutes prescribing the manner of plugging wells in effect at the 12697
time such plugging was done, and that there is no evidence of 12698
leakage of gas from such well either at or below the surface, and 12699
that such plugging is sufficiently effective to prevent the 12700
leakage of gas from such well, the obligations imposed upon such 12701
reservoir operator by this section as to plugging ~~said~~ the well, 12702
shall be considered fully satisfied. The operator of a coal mine 12703
any part of the boundary of which is, or within nine months is 12704
expected or intended to be, within two thousand linear feet of 12705
such well, may at any time raise a question as to whether the 12706
plugging of such well is sufficiently effective to prevent the 12707
leakage of gas therefrom, and the issue so made shall be 12708
determined by a conference or hearing as provided in section 12709
1571.10 of the Revised Code. 12710

(E) Wells ~~which~~ that are to be reconditioned as required by 12711
this section shall be, or shall be made to be: 12712

(1) Cased in accordance with ~~the provisions of~~ the statutes 12713
of ~~Ohio~~ this state in effect at the time such wells were drilled, 12714
with such casing being, or made to be, sufficiently effective in 12715
that there is no evidence of any leakage of gas therefrom; 12716

(2) Equipped with a producing string and well head composed 12717
of new pipe, or pipe as good as new, and fittings designed to 12718
operate with safety and to contain the stored gas at maximum 12719
pressures contemplated. 12720

When a well ~~which~~ that is to be reconditioned as required by 12721
this section, has been reconditioned for use in the operation of 12722

such reservoir prior to the time prescribed in this section, and 12723
on the basis of the data, information, and other evidence 12724
available it is determined that at the time such well was so 12725
reconditioned the requirements prescribed in this division were 12726
met, and that there is no evidence of underground leakage of gas 12727
from such well, and that such reconditioning is sufficiently 12728
effective to prevent underground leakage from ~~said~~ the well, the 12729
obligations imposed upon such reservoir operator by this section 12730
as to reconditioning such well shall be considered fully 12731
satisfied. Any operator of a coal mine any part of the boundary of 12732
which is, or within nine months is expected or intended to be, 12733
within two thousand linear feet of such well, may at any time 12734
raise a question as to whether the reconditioning of such well is 12735
sufficiently effective to prevent underground leakage of gas 12736
therefrom, and the issue so made shall be determined by a 12737
conference or hearing as provided in section 1571.10 of the 12738
Revised Code. 12739

If the gas storage well inspector at any time finds that a 12740
well ~~which~~ that is drilled through the horizon of a coal mine and 12741
into or through the storage stratum or strata of a reservoir 12742
within the boundary of such reservoir or within its protective 12743
area, is located within the boundary of such coal mine or within 12744
two thousand linear feet of such mine boundary, and was drilled 12745
prior to the time ~~Ohio~~ the statutes of this state required that 12746
wells be cased, and that such well fails to meet the casing and 12747
equipping requirements prescribed in this division ~~of this~~ 12748
~~section~~, the gas storage well inspector shall promptly notify the 12749
operator of such reservoir thereof in writing, and such reservoir 12750
operator upon receipt of such notice, shall promptly recondition 12751
such well in the manner prescribed in this division for 12752
reconditioning wells, unless, in a conference or hearing as 12753
provided in section 1571.10 of the Revised Code, a different 12754
course of action is agreed upon or ordered. 12755

(F)(1) When a well within the boundary of a gas storage reservoir or within such reservoir's protective area penetrates the storage stratum or strata of such reservoir, but does not penetrate the coal seam within the boundary of a coal mine, the gas storage well inspector may, upon application of the operator of such storage reservoir, exempt such well from the requirements of this section. Either party affected by such action of the gas storage well inspector may request a conference and hearing with respect to such exemption.

(2) When a well located within the boundary of a storage reservoir or a reservoir's protective area is a producing well in a stratum above or below the storage stratum, the obligations imposed by this section shall not begin until such well ceases to be a producing well.

(G) When retreat mining reaches a point in a coal mine when the operator of such mine expects that within ninety days retreat work will be at the location of a pillar surrounding an active storage reservoir well, the operator of such mine shall promptly send by registered mail notice to that effect to the operator of such reservoir. Thereupon the operators may by agreement determine whether it is necessary or advisable to temporarily inactivate the well. If inactivated, the well shall not be reactivated until a reasonable period of time has elapsed, such period of time to be determined by agreement by the operators. In the event that the parties cannot agree upon either of the foregoing matters, such question shall be submitted to the gas storage well inspector for a conference in accordance with section 1571.10 of the Revised Code.

(H)(1) The provisions of this section that require the plugging or reconditioning of wells shall not apply to such wells as are used to inject gas into, store gas in, or remove gas from, a gas storage reservoir when the sole purpose of such injection,

storage, or removal, is "testing." The operator of a gas storage 12788
reservoir who injects gas into, stores gas in, or removes gas 12789
from, a reservoir for the sole purpose of testing, shall be 12790
subject to all other provisions of this chapter that are 12791
applicable to operators of reservoirs. 12792

(2) If the injection of gas into, or storage of gas in, a gas 12793
storage reservoir any part of which, or of the protective area of 12794
which, is within the boundary of a coal mine, is begun after 12795
September 9, 1957, and if such injection or storage of gas is for 12796
the sole purpose of testing, the operator of such reservoir shall 12797
send by registered mail to the operator of such coal mine and to 12798
the division at least sixty days' notice of the date upon which 12799
such testing will be begun. 12800

If at any time within the period of time during which testing 12801
of a reservoir is in progress, any part of such reservoir or of 12802
its protective area comes within any part of the boundary of a 12803
coal mine, the operator of such reservoir shall promptly send 12804
notice to that effect by registered mail to the operator of such 12805
mine and to the division. 12806

(3) Any coal mine operator who receives a notice as provided 12807
for in ~~this~~ division (H)(2) of this section, may within thirty 12808
days of the receipt thereof, file with the division objections to 12809
such testing. The gas storage well inspector also may, within the 12810
time within which a coal mine operator may file such objection, 12811
place in the files of the division objections to such testing. The 12812
reservoir operator shall comply throughout the period of the 12813
testing operations with all conditions and requirements agreed 12814
upon and approved in the conference on such objections conducted 12815
as provided in section 1571.10 of the Revised Code, or in an order 12816
made by the chief following a hearing in the matter as provided in 12817
section 1571.10 of the Revised Code. If in complying with such 12818
agreement or order either the reservoir operator or the coal mine 12819

operator encounters or discovers conditions ~~which~~ that were not 12820
known to exist at the time of such conference or hearing and ~~which~~ 12821
that materially affect such agreement or order, or the ability of 12822
the reservoir operator to comply therewith, either operator may 12823
apply for a rehearing or modification of ~~said~~ the order. 12824

(I) In addition to complying with all other provisions of 12825
this chapter and any lawful orders issued thereunder, the operator 12826
of each gas storage reservoir shall keep all wells drilled into or 12827
through the storage stratum or strata within the boundary of ~~his~~ 12828
the operator's reservoir or within ~~his~~ the reservoir's protective 12829
area in such condition, and operate the same in such manner, as to 12830
prevent the escape of gas therefrom into any coal mine, and shall 12831
operate and maintain such storage reservoir and its facilities in 12832
such manner and at such pressures as will prevent gas from 12833
escaping from such reservoir or its facilities into any coal mine. 12834

Sec. 1571.06. (A) Distances between boundaries of gas storage 12835
reservoirs, reservoir protective areas, coal mines, coal mine 12836
protective areas, and wells, as shown on the most recent maps of 12837
storage reservoirs and of coal mines filed with the division of 12838
~~mines and reclamation~~ mineral resources management as required by 12839
this chapter and sections 1563.03 to 1563.05 of the Revised Code, 12840
may be accepted and relied upon as being accurate and correct, by 12841
operators of coal mines and operators of reservoirs. Data, 12842
statements, and reports filed with the division as required by 12843
this chapter and sections 1563.03 to 1563.05 of the Revised Code 12844
may be likewise accepted and relied upon. However, the gas storage 12845
well inspector or any reservoir operator or coal mine operator, or 12846
any other person having a direct interest in the matter, may at 12847
any time question the accuracy or correctness of any map, data, 12848
statement, or report so filed, with the division by notifying the 12849
division thereof in writing. Such notice shall state the reasons 12850
why the question is raised. When any such notice is so filed, the 12851

gas storage well inspector shall proceed promptly to hold a 12852
conference on the question thus raised, as provided in section 12853
1571.10 of the Revised Code. 12854

(B) If, in any proceeding under this chapter, the accuracy or 12855
correctness of any map, data, statement, or report, filed by any 12856
person pursuant to the requirements of this chapter is in 12857
question, the person so filing the same shall have the burden of 12858
proving the accuracy or correctness thereof. 12859

(C) The operator of a gas storage reservoir shall, at all 12860
reasonable times, be permitted to inspect the premises and 12861
facilities of any coal mine any part of the boundary of which is 12862
within any part of the boundary of such gas storage reservoir or 12863
within its protective area, and the operator of a coal mine shall, 12864
at all reasonable times, be permitted to inspect the premises and 12865
facilities of any gas storage reservoir any part of the boundary 12866
of which or any part of the protective area of which is within the 12867
boundary of such coal mine. In the event that either such 12868
reservoir operator or such coal mine operator denies permission to 12869
make any such inspection, the chief of the division of ~~mines and~~ 12870
~~reclamation~~ mineral resources management on ~~his~~ the chief's own 12871
motion, or on an application by the operator desiring to make such 12872
inspection, upon a hearing thereon if requested by either 12873
operator, after reasonable notice of such hearing, may make an 12874
order providing for such inspection. 12875

Sec. 1571.08. (A) Whenever in this chapter, the method or 12876
material to be used in discharging any obligations imposed by this 12877
chapter is specified, an alternative method or material may be 12878
used if approved by the gas storage well inspector or the chief of 12879
the division of ~~mines and reclamation~~ mineral resources 12880
management. A person desiring to use such alternative method or 12881
material shall file with the division of ~~mines and reclamation~~ 12882

mineral resources management an application for permission to do 12883
so. Such application shall describe such alternative method or 12884
material in reasonable detail. The gas storage well inspector 12885
shall promptly send by registered mail notice of the filing of 12886
such application to any coal mine operator or reservoir operator 12887
whose mine or reservoir may be directly affected thereby. Any such 12888
coal mine operator or reservoir operator may within ten days 12889
following receipt of such notice, file with the division 12890
objections to such application. The gas storage well inspector may 12891
also file with the division an objection to such application at 12892
any time during which coal mine operators or reservoir operators 12893
are permitted to file objections. If no objections are filed 12894
within ~~said~~ the ten-day period of time, the gas storage well 12895
inspector shall thereupon issue a permit approving the use of such 12896
alternative method or material. If any such objections are filed 12897
by any coal mine operator or reservoir operator, or by the gas 12898
storage well inspector, the question as to whether or not the use 12899
of such alternative method or material, or a modification thereof 12900
is approved, shall be determined by a conference or hearing as 12901
provided in section 1571.10 of the Revised Code. 12902

(B) Whenever in this chapter, provision is made for the 12903
filing of objections with the division, such objections shall be 12904
in writing and shall state as definitely as is reasonably possible 12905
the reasons for such objections. Upon the filing of any such 12906
objection the gas storage well inspector shall promptly fix the 12907
time and place for holding a conference for the purpose of 12908
discussing and endeavoring to resolve by mutual agreement the 12909
issue raised by such objection. The gas storage well inspector 12910
shall send written notice thereof by registered mail to each 12911
person having a direct interest therein. Thereupon the issue made 12912
by such objection shall be determined by a conference or hearing 12913
in accordance with the procedures for conferences and hearings as 12914

provided in section 1571.10 of the Revised Code.

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Sec. 1571.09. (A) The chief of the division of ~~mines and~~
~~reclamation~~ mineral resources management or any officer or
employee of the division thereunto duly authorized by the chief
may investigate, inspect, or examine records and facilities of any
coal mine operator or reservoir operator, for the purpose of
determining the accuracy or correctness of any map, data,
statement, report, or other item or article, filed with or
otherwise received by the division pursuant to this chapter. When
a material question is raised by any reservoir operator or coal
mine operator as to the accuracy or correctness of any such map,
data, statement, report, or other item or article, which may
directly affect ~~him~~ the reservoir operator or coal mine operator,
the matter shall be determined by a conference or hearing as
provided in section 1571.10 of the Revised Code.

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(B) The division of ~~mines and reclamation~~ mineral resources
management shall keep all maps, data, statements, reports, well
logs, notices, or other items or articles filed with or otherwise
received by it pursuant to ~~the provisions of~~ this chapter in a
safe place and conveniently accessible to persons entitled to
examine them. It shall maintain indexes of all such items and
articles so that any of them may be promptly located. None of such
items or articles shall be open to public inspection, but: (1) any
of such items or articles pertaining to a mine may be examined by:
the operator, owner, lessee, or agent of such mine; persons
financially interested in such mine; owners of land adjoining such
mine; the operator, owner, lessee, or agent of a mine adjoining
such mine; authorized representatives of the persons employed to
work in such mine; the operator of a gas storage reservoir any
part of the boundary of which or of the boundary of its protective
area is within ten thousand linear feet of the boundary of such

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mine, or the agent of such reservoir operator thereunto authorized 12946
by such reservoir operator; or any employee of the division of 12947
geological survey ~~of~~ in the state department of Ohio natural 12948
resources thereunto duly authorized by the chief of ~~said that~~ 12949
division; and (2) any of such items or articles pertaining to a 12950
gas storage reservoir may be examined by: the operator of such 12951
reservoir; the operator of a coal mine any part of the boundary of 12952
which is within ten thousand linear feet of the boundary of a gas 12953
storage reservoir or of the boundary of its protective area, or 12954
the agent of such mine operator thereunto authorized by such mine 12955
operator, or the authorized representatives of the persons 12956
employed to work in such mine; or any employee of the division of 12957
geological survey ~~of the state of Ohio~~ thereunto duly authorized 12958
by the chief of ~~said that~~ division. The division of ~~mines and~~ 12959
~~reclamation~~ mineral resources management shall not permit any of 12960
such items or articles to be removed from its office, and it shall 12961
not furnish copies of any such items or articles to any person 12962
other than as provided in this chapter. 12963

The division shall keep a docket of all proceedings arising 12964
under this chapter, in which shall be entered the dates of any 12965
notice received or issued, the names of all persons to whom it 12966
sends a notice, and the address of each, the dates of conferences 12967
and hearings, and all findings, determinations, decisions, 12968
rulings, and orders, or other actions by the division. 12969

(C) Whenever any provision of this chapter requires the 12970
division to give notice to the operator of a coal mine of any 12971
proceeding to be held pursuant to ~~any provision of said sections~~ 12972
this chapter, the division shall simultaneously give a copy of 12973
such notice to the authorized representatives of the persons 12974
employed to work in such mine. 12975

Sec. 1571.10. (A) The gas storage well inspector or any 12976

person having a direct interest in the administration of this 12977
chapter may at any time file with the division of ~~mines and~~ 12978
~~reclamation~~ mineral resources management a written request that a 12979
conference be held for the purpose of discussing and endeavoring 12980
to resolve by mutual agreement any question or issue relating to 12981
the administration of ~~said sections~~ this chapter, or to compliance 12982
with ~~their~~ its provisions, or to any violation thereof. Such 12983
request shall describe the matter concerning which the conference 12984
is requested. Thereupon the gas storage well inspector shall 12985
promptly fix the time and place for the holding of such conference 12986
and shall send written notice thereof to each person having a 12987
direct interest therein. At such conference the gas storage well 12988
inspector or a representative of the division designated by ~~him~~ 12989
the gas storage well inspector shall be in attendance, and shall 12990
preside at the conference, and ~~he~~ the gas storage well inspector 12991
or designated representative may make such recommendations as ~~he~~ 12992
the gas storage well inspector or designated representative deems 12993
proper. Any agreement reached at such conference shall be 12994
consistent with the requirements of this chapter and, if approved 12995
by the gas storage well inspector, it shall be reduced to writing 12996
and shall be effective. Any such agreement approved by the gas 12997
storage well inspector shall be kept on file in the division and a 12998
copy thereof shall be furnished to each of the persons having a 12999
direct interest therein. The conference shall be deemed terminated 13000
as of the date an approved agreement is reached or when any person 13001
having a direct interest therein refuses to confer thereafter. 13002
Such a conference shall be held in all cases prior to the holding 13003
of a hearing as provided in this section. 13004

(B) Within ten days after the termination of a conference at 13005
which no approved agreement is reached, any person who 13006
participated in such conference and who has a direct interest in 13007
the subject matter thereof, or the gas storage well inspector, may 13008

file with the chief of the division of ~~mines and reclamation~~ 13009
mineral resources management a request that ~~he~~ the chief hear and 13010
determine the matter or matters, or any part thereof considered at 13011
the conference. Thereupon the chief shall promptly fix the time 13012
and place for the holding of such hearing and shall send written 13013
notice thereof to each person having a direct interest therein. 13014
The form of the request for such hearing and the conduct of the 13015
hearing shall be in accordance with ~~regulations which~~ rules that 13016
the chief adopts and promulgates as provided in ~~division (C) of~~ 13017
~~this~~ under section 1571.11 of the Revised Code Consistent with the 13018
requirement for reasonable notice each such hearing shall be held 13019
promptly after the filing of the request therefor. Any person 13020
having a direct interest in the matter to be heard shall be 13021
entitled to appear and be heard in person or by attorney. The 13022
division may present at such hearing any evidence ~~which~~ that is 13023
material to the matter being heard and ~~which~~ that has come to the 13024
division's attention in any investigation or inspection made 13025
pursuant to ~~provisions of~~ this chapter. 13026

(C) For the purpose of conducting such a hearing the chief 13027
may require the attendance of witnesses and the production of 13028
books, records, and papers, and ~~he~~ the chief may, and at the 13029
request of any person having a direct interest in the matter being 13030
heard, ~~he~~ the chief shall, issue subpoenas for witnesses or 13031
subpoenas duces tecum to compel the production of any books, 13032
records, or papers, directed to the ~~sheriff~~ sheriffs of the 13033
counties where such witnesses are found, which subpoenas shall be 13034
served and returned in the same manner as subpoenas in criminal 13035
cases are served and returned. The fees and mileage of sheriffs 13036
and witnesses shall be the same as those allowed by the court of 13037
common pleas in criminal cases. Such fee and mileage expenses 13038
shall be paid in advance by the persons at whose request they are 13039
incurred, and the remainder of such expenses shall be paid out of 13040

funds appropriated for the expenses of the division. 13041

In case of disobedience or neglect of any subpoena served on 13042
any person, or the refusal of any witness to testify to any matter 13043
regarding which ~~he~~ the witness may be lawfully interrogated, the 13044
court of common pleas of the county in which such disobedience, 13045
neglect, or refusal occurs, or any judge thereof, on application 13046
of the chief, shall compel obedience by attachment proceedings for 13047
contempt as in the case of disobedience of the requirements of a 13048
subpoena issued from such court or a refusal to testify therein. 13049
Witnesses at such hearings shall testify under oath, and the chief 13050
may administer oaths or affirmations to persons who so testify. 13051

(D) With the consent of the chief, the testimony of any 13052
witness may be taken by deposition at the instance of a party to 13053
any hearing before the chief at any time after hearing has been 13054
formally commenced. The chief may, of ~~his~~ the chief's own motion, 13055
order testimony to be taken by deposition at any stage in any 13056
hearing, proceeding, or investigation pending before ~~him~~ the chief. 13057
Such deposition shall be taken in the manner prescribed by the 13058
laws of ~~Ohio~~ this state for taking depositions in civil cases in 13059
courts of record. 13060

(E) After the conclusion of a hearing the chief shall make a 13061
determination and finding of facts. Every adjudication, 13062
determination, or finding by the chief shall be made by written 13063
order and shall contain a written finding by the chief of the 13064
facts upon which the adjudication, determination, or finding is 13065
based. Notice of the making of such order shall be given to the 13066
persons whose rights, duties, or privileges are affected thereby, 13067
by sending a certified copy thereof by registered mail to each of 13068
such persons. 13069

Adjudications, determinations, findings, and orders made by 13070
the chief shall not be governed by, or be subject to, ~~sections~~ 13071
~~119.01 to 119.13~~ Chapter 119. of the Revised Code. 13072

Sec. 1571.11. The chief of the division of ~~mines and~~ 13073
~~reclamation~~ mineral resources management shall adopt ~~regulations~~ 13074
rules governing administrative procedures to be followed in the 13075
administration of this chapter, which shall be of general 13076
application in all matters and to all persons affected by this 13077
chapter. 13078

No ~~regulation rule~~ adopted by ~~said~~ the chief pursuant to this 13079
section shall be effective until the tenth day after ~~it has been~~ 13080
~~promulgated by the filing of~~ a certified copy thereof has been 13081
filed in the office of the secretary of state. 13082

All ~~regulations~~ rules filed in the office of the secretary of 13083
state pursuant to this section shall be recorded by the secretary 13084
of state under a heading entitled "Regulations relating to the 13085
storage of gas in underground gas storage reservoirs", and shall 13086
be numbered consecutively under such heading and shall bear the 13087
date of filing. Such ~~regulations~~ rules shall be public records 13088
open to public inspection. 13089

No ~~regulation rule~~ filed in the office of the secretary of 13090
state pursuant to this section shall be amended except by a 13091
~~regulation which rule that~~ contains the entire ~~regulation rule~~ as 13092
amended and ~~which that~~ repeals the ~~regulation rule~~ amended. Each 13093
~~regulation which rule that~~ amends a ~~regulation rule~~ shall bear the 13094
same consecutive ~~regulation rule~~ number as the number of the 13095
~~regulation which rule that~~ it amends, and it shall bear the date 13096
of filing. 13097

No ~~regulation rule~~ filed in the office of the secretary of 13098
state pursuant to this section shall be repealed except by a 13099
~~regulation rule~~. Each ~~regulation which rule that~~ repeals a 13100
~~regulation rule~~ shall bear the same consecutive ~~regulation rule~~ 13101
number as the number of the ~~regulation which rule that~~ it repeals, 13102
and it shall bear the date of filing. 13103

The authority and the duty of the chief to adopt ~~and~~ 13104
~~promulgate regulations~~ rules as provided in this section shall not 13105
be governed by, or be subject to ~~sections 119.01 to 119.13~~ Chapter 13106
119. of the Revised Code. 13107

The chief shall have available at all times copies of all 13108
~~regulations~~ rules adopted ~~and promulgated~~ pursuant to this 13109
section, and shall furnish same free of charge to any person 13110
requesting same. 13111

Sec. 1571.14. Any person claiming to be aggrieved or 13112
adversely affected by an order of the chief of the division of 13113
~~mines and reclamation~~ mineral resources management made as 13114
provided in section 1571.10 or 1571.16 of the Revised Code may 13115
appeal to the director of natural resources for an order vacating 13116
or modifying such order. Upon receipt of the appeal, the director 13117
shall appoint an individual who has knowledge of the laws and 13118
rules regarding the underground storage of gas and who shall act 13119
as a hearing officer in accordance with Chapter 119. of the 13120
Revised Code in hearing the appeal. 13121

The person appealing to the director shall be known as 13122
appellant and the chief shall be known as appellee. The appellant 13123
and the appellee shall be deemed parties to the appeal. 13124

The appeal shall be in writing and shall set forth the order 13125
complained of and the grounds upon which the appeal is based. The 13126
appeal shall be filed with the director within thirty days after 13127
the date upon which appellant received notice by registered mail 13128
of the making of the order complained of, as required by section 13129
1571.10 of the Revised Code. Notice of the filing of such appeal 13130
shall be delivered by appellant to the chief within three days 13131
after the appeal is filed with the director. 13132

Within seven days after receipt of the notice of appeal the 13133

chief shall prepare and certify to the director at the expense of 13134
appellant a complete transcript of the proceedings out of which 13135
the appeal arises, including a ~~transcript~~ transcript of the 13136
testimony submitted to the chief. 13137

Upon the filing of the appeal the director shall fix the time 13138
and place at which the hearing on the appeal will be held, and 13139
shall give appellant and the chief at least ten days' written 13140
notice thereof by mail. The director may postpone or continue any 13141
hearing upon ~~his~~ the director's own motion or upon application of 13142
appellant or of the chief. 13143

The filing of an appeal provided for in this section does not 13144
automatically suspend or stay execution of the order appealed 13145
from, but upon application by the appellant the director may 13146
suspend or stay such execution pending determination of the appeal 13147
upon such terms as ~~he~~ the director deems proper. 13148

The hearing officer appointed by the director shall hear the 13149
appeal de novo, and either party to the appeal may submit such 13150
evidence as the hearing officer deems admissible. 13151

For the purpose of conducting a hearing on an appeal, the 13152
hearing officer may require the attendance of witnesses and the 13153
production of books, records, and papers, and may, and at the 13154
request of any party shall, issue subpoenas for witnesses or 13155
subpoenas duces tecum to compel the production of any books, 13156
records, or papers, directed to the ~~sheriff~~ sheriffs of the 13157
counties where such witnesses are found, which subpoenas shall be 13158
served and returned in the same manner as subpoenas in criminal 13159
cases are served and returned. The fees and mileage of sheriffs 13160
and witnesses shall be the same as those allowed by the court of 13161
common pleas in criminal cases. Such fee and mileage expenses 13162
incurred at the request of appellant shall be paid in advance by 13163
appellant, and the remainder of such expenses shall be paid out of 13164

funds appropriated for the expenses of the division of ~~mines and~~ 13165
~~reclamation~~ mineral resources management. 13166

In case of disobedience or neglect of any subpoena served on 13167
any person, or the refusal of any witness to testify to any matter 13168
regarding which ~~he~~ the witness may be lawfully interrogated, the 13169
court of common pleas of the county in which such disobedience, 13170
neglect, or refusal occurs, or any judge thereof, on application 13171
of the director, shall compel obedience by attachment proceedings 13172
for contempt as in the case of disobedience of the requirements of 13173
a subpoena issued from such court or a refusal to testify therein. 13174
Witnesses at such hearings shall testify under oath, and the 13175
hearing officer may administer oaths or affirmations to persons 13176
who so testify. 13177

At the request of any party to the appeal, a stenographic 13178
record of the testimony and other evidence submitted shall be 13179
taken by an official court shorthand reporter at the expense of 13180
the party making the request therefor. The record shall include 13181
all of the testimony and other evidence and the rulings on the 13182
admissibility thereof presented at the hearing. The hearing 13183
officer shall pass upon the admissibility of evidence, but any 13184
party may at the time object to the admission of any evidence and 13185
except to the ruling of the hearing officer thereon, and if the 13186
hearing officer refuses to admit evidence, the party offering same 13187
may make a proffer thereof, and such proffer shall be made a part 13188
of the record of such hearing. 13189

If upon completion of the hearing the hearing officer finds 13190
that the order appealed from was lawful and reasonable, ~~he~~ the 13191
hearing officer shall make a written order affirming the order 13192
appealed from. If the hearing officer finds that such order was 13193
unreasonable or unlawful, ~~he~~ the hearing officer shall make a 13194
written order vacating the order appealed from and making the 13195
order ~~which~~ that it finds the chief should have made. Every order 13196

made by the hearing officer shall contain a written finding by ~~him~~ 13197
the hearing officer of the facts upon which the order is based. 13198
Notice of the making of such order shall be given forthwith to 13199
each party to the appeal by mailing a certified copy thereof to 13200
each such party by registered mail. 13201

Sec. 1571.16. (A) The gas storage well inspector or any 13202
person having a direct interest in the subject matter of this 13203
chapter may file with the division of ~~mines and reclamation~~ 13204
mineral resources management a complaint in writing stating that a 13205
person is violating, or is about to violate, a provision or 13206
provisions of ~~these sections~~ this chapter, or has done, or is 13207
about to do, an act, matter, or thing therein prohibited or 13208
declared to be unlawful, or has failed, omitted, neglected, or 13209
refused, or is about to fail, omit, neglect, or refuse, to perform 13210
a duty enjoined upon ~~him~~ the person by this chapter. Upon the 13211
filing of such a complaint, the chief of the division of ~~mines and~~ 13212
~~reclamation~~ mineral resources management shall promptly fix the 13213
time for the holding of a hearing on such complaint and shall send 13214
by registered mail to the person so complained of, a copy of such 13215
complaint together with at least five days' notice of the time and 13216
place at which such hearing will be held. Such notice of such 13217
hearing shall also be given to all persons having a direct 13218
interest in the matters complained of in such complaint. Such 13219
hearing shall be conducted in the same manner, and the chief and 13220
persons having a direct interest in the matter being heard, shall 13221
have the same powers, rights, and duties as provided in divisions 13222
(B), (C), (D), and (E) of section 1571.10 of the Revised Code, in 13223
connection with hearings by the chief⁺, provided that if after 13224
conclusion of the hearing the chief finds that the charges against 13225
the person complained of, as stated in such complaint, have not 13226
been sustained by a preponderance of evidence, ~~he~~ the chief shall 13227
make an order dismissing the complaint, and if the chief finds 13228

that the charges have been so sustained, ~~he~~ the chief shall by 13229
appropriate order require compliance with those ~~sections~~ 13230
provisions. 13231

(B) Whenever the chief is of the opinion that any person is 13232
violating, or is about to violate, any provision of this chapter, 13233
or has done, or is about to do, any act, matter, or thing therein 13234
prohibited or declared to be unlawful, or has failed, omitted, 13235
neglected, or refused, or is about to fail, omit, neglect, or 13236
refuse, to perform any duty enjoined upon ~~him~~ the person by this 13237
chapter, or has failed, omitted, neglected, or refused, or is 13238
about to fail, omit, neglect, or refuse, to obey any lawful 13239
requirement or order made by the chief, or any final judgment, 13240
order, or decree made by any court pursuant to this chapter, then 13241
and in every such case, the chief may institute in a court of 13242
competent jurisdiction of the county or counties wherein the 13243
operation is situated, an action to enjoin or restrain such 13244
violations or to enforce obedience with law or the orders of the 13245
chief. No injunction bond shall be required to be filed in any 13246
such proceeding. Such persons or corporations as the court may 13247
deem necessary or proper to be joined as parties in order to make 13248
its judgment, order, or writ effective may be joined as parties. 13249
An appeal may be taken as in other civil actions. 13250

(C) In addition to the other remedies as provided in 13251
divisions (A) and (B) of this section, any reservoir operator or 13252
coal mine operator affected by this chapter may proceed by 13253
injunction or other appropriate remedy to restrain violations or 13254
threatened violations of this chapter or of orders of the chief, 13255
or of the hearing officer appointed under section 1571.14 of the 13256
Revised Code, or the judgments, orders, or decrees of any court or 13257
to enforce obedience therewith. 13258

(D) Each remedy prescribed in divisions (A), (B), and (C) of 13259

this section is deemed concurrent or contemporaneous with each 13260
other remedy prescribed therein, and the existence or exercise of 13261
any one such remedy shall not prevent the exercise of any other 13262
such remedy. 13263

(E) The provisions of this chapter providing for conferences, 13264
hearings by the chief, appeals to the hearing officer from orders 13265
of the chief, and appeals to the court of common pleas from orders 13266
of the hearing officer, and the remedies prescribed in divisions 13267
(A), (B), (C), and (D) of this section, do not constitute the 13268
exclusive procedure ~~which~~ that a person, who deems ~~his~~ the 13269
person's rights to be unlawfully affected by any official action 13270
taken thereunder, must pursue in order to protect and preserve 13271
such rights, nor does this chapter constitute a procedure ~~which~~ 13272
that such a person must pursue before ~~he~~ the person may lawfully 13273
proceed by other actions, legal or equitable, to protect and 13274
preserve such rights. 13275

Sec. 1571.99. Any person who ~~shall willfully violate~~ 13276
purposely violates any order of the chief of the division of ~~mines~~ 13277
~~and reclamation~~ mineral resources management, of a hearing officer 13278
appointed by the director of natural resources under section 13279
1571.14 of the Revised Code, or of the director, made pursuant to 13280
this chapter shall be punished by a fine not exceeding two 13281
thousand dollars, or imprisoned in jail for a period not exceeding 13282
twelve months, or both, in the discretion of the court. 13283

Sec. 5749.02. (A) For the purpose of providing revenue to 13284
administer the state's coal mining and reclamation regulatory 13285
program, to meet the environmental and resource management needs 13286
of this state, and to reclaim land affected by mining, an excise 13287
tax is hereby levied on the privilege of engaging in the severance 13288
of natural resources from the soil or water of this state. The tax 13289

shall be imposed upon the severer and shall be:	13290
(1) Seven cents per ton of coal;	13291
(2) Four cents per ton of salt;	13292
(3) Two cents per ton of limestone or dolomite;	13293
(4) Two cents per ton of sand and gravel;	13294
(5) Ten cents per barrel of oil;	13295
(6) Two and one-half cents per thousand cubic feet of natural gas;	13296 13297
(7) One cent per ton of clay, sandstone or conglomerate, shale, gypsum, or quartzite.	13298 13299
(B) Of the moneys received by the treasurer of state from the tax levied in division (A)(1) of this section, six and three-tenths per cent shall be credited to the geological mapping fund created in section 1505.09 of the Revised Code, fourteen and two-tenths per cent shall be credited to the reclamation supplemental forfeiture fund created in division (B) of section 1513.18 of the Revised Code, fifty-seven and nine-tenths per cent shall be credited to the coal mining administration and reclamation reserve fund created in section 1513.181 of the Revised Code, and the remainder shall be credited to the unreclaimed lands fund created in section 1513.30 of the Revised Code. When, within ten days before or after the beginning of <u>at</u> <u>any time during</u> a fiscal year, the chief of the division of mines and reclamation <u>mineral resources management</u> finds that the balance of the coal mining administration and reclamation reserve fund is below two million dollars, the chief shall certify that fact to the director of budget and management. Upon receipt of the chief's certification, the director shall direct the treasurer of state to instead credit to the coal mining administration and reclamation reserve fund during the <u>remainder of the</u> fiscal year	13300 13301 13302 13303 13304 13305 13306 13307 13308 13309 13310 13311 13312 13313 13314 13315 13316 13317 13318 13319

for which the certification is made the fourteen and two-tenths 13320
per cent of the moneys collected from the tax levied in division 13321
(A)(1) of this section and otherwise required by this division to 13322
be credited to the reclamation ~~supplemental~~ forfeiture fund. 13323

Fifteen per cent of the moneys received by the treasurer of 13324
state from the tax levied in division (A)(2) of this section shall 13325
be credited to the geological mapping fund and the remainder shall 13326
be credited to the unreclaimed lands fund. 13327

Of the moneys received by the treasurer of state from the tax 13328
levied in divisions (A)(3) and (4) of this section, seven and 13329
five-tenths per cent shall be credited to the geological mapping 13330
fund, forty-two and five-tenths per cent shall be credited to the 13331
unreclaimed lands fund, and the remainder shall be credited to the 13332
surface mining ~~administration~~ fund created in section ~~1514.11~~ 13333
1514.06 of the Revised Code. 13334

Of the moneys received by the treasurer of state from the tax 13335
levied in divisions (A)(5) and (6) of this section, ninety per 13336
cent shall be credited to the oil and gas well fund created in 13337
section 1509.02 of the Revised Code and ten per cent shall be 13338
credited to the geological mapping fund. All of the moneys 13339
received by the treasurer of state from the tax levied in division 13340
(A)(7) of this section shall be credited to the surface mining 13341
~~administration~~ fund. 13342

(C) For the purpose of paying the state's expenses for 13343
reclaiming mined lands that the operator failed to reclaim under a 13344
coal mining and reclamation permit issued under Chapter 1513. of 13345
the Revised Code, or under a surface mining permit issued under 13346
Chapter 1514. of the Revised Code, for which the operator's bond 13347
is not sufficient to pay the state's expense for reclamation, 13348
there is hereby levied an excise tax on the privilege of engaging 13349
in the severance of coal from the soil or water of this state in 13350
addition to the taxes levied by divisions (A)(1) and (D) of this 13351

section. The tax shall be imposed at the rate of one cent per ton 13352
of coal. Moneys received by the treasurer of state from the tax 13353
levied under this division shall be credited to the reclamation 13354
~~supplemental~~ forfeiture fund created in ~~division (B)~~ of section 13355
1513.18 of the Revised Code. 13356

(D) For the purpose of paying the state's expenses for 13357
reclaiming coal mined lands that the operator failed to reclaim in 13358
accordance with Chapter 1513. of the Revised Code under a coal 13359
mining and reclamation permit issued after April 10, 1972, but 13360
before September 1, 1981, for which the operator's bond is not 13361
sufficient to pay the state's expense for reclamation and paying 13362
the expenses for administering the state's coal mining and 13363
reclamation regulatory program, there is hereby levied an excise 13364
tax on the privilege of engaging in the severance of coal from the 13365
soil or water of this state in addition to the taxes levied by 13366
divisions (A)(1) and (C) of this section. The tax shall be imposed 13367
at the rate of one cent per ton of coal as prescribed in this 13368
division. Moneys received by the treasurer of state from the tax 13369
levied by this division shall be credited to the reclamation 13370
~~supplemental~~ forfeiture fund created in ~~division (B)~~ of section 13371
1513.18 of the Revised Code. 13372

When, at the close of any fiscal year, the chief finds that 13373
the balance of the reclamation ~~supplemental~~ forfeiture fund, plus 13374
estimated transfers to it from the coal mining and reclamation 13375
reserve fund under section 1513.181 of the Revised Code, plus the 13376
estimated revenues from the tax levied by this division for the 13377
remainder of the calendar year that includes the close of the 13378
fiscal year, are sufficient to complete the reclamation of such 13379
lands, the purposes for which the tax under this division is 13380
levied shall be deemed accomplished at the end of that calendar 13381
year. The chief, within thirty days after the close of the fiscal 13382
year, shall certify those findings to the tax commissioner, and 13383

the tax shall cease to be imposed after the last day of that 13384
calendar year. 13385

(E) On the day fixed for the payment of the severance taxes 13386
required to be paid by this section, the taxes with any penalties 13387
or interest on them shall become a lien on all property of the 13388
taxpayer in this state whether the property is employed by the 13389
taxpayer in the prosecution of its business or is in the hands of 13390
an assignee, trustee, or receiver for the benefit of creditors or 13391
stockholders. The lien shall continue until the taxes and any 13392
penalties or interest thereon are paid. 13393

Upon failure of the taxpayer to pay a tax on the day fixed 13394
for payment, the tax commissioner may file, for which no filing 13395
fee shall be charged, in the office of the county recorder in each 13396
county in this state in which the taxpayer owns or has a 13397
beneficial interest in real estate, notice of the lien containing 13398
a brief description of the real estate. The lien shall not be 13399
valid as against any mortgagee, purchaser, or judgment creditor 13400
whose rights have attached prior to the time the notice is filed 13401
in the county in which the real estate that is the subject of the 13402
mortgage, purchase, or judgment lien is located. The notice shall 13403
be recorded in a book kept by the recorder called the "severance 13404
tax lien record" and indexed under the name of the taxpayer 13405
charged with the tax. When the tax has been paid, the tax 13406
commissioner shall furnish to the taxpayer an acknowledgement of 13407
payment, which the taxpayer may record with the recorder of each 13408
county in which notice of the lien has been filed. 13409

Sec. 6111.044. Upon receipt of an application for an 13410
injection well drilling permit, an injection well operating 13411
permit, a renewal of an injection well operating permit, or a 13412
modification of an injection well drilling permit, operating 13413
permit, or renewal of an operating permit, the director of 13414

environmental protection shall determine whether the application 13415
is complete and demonstrates that the activities for which the 13416
permit, renewal permit, or modification is requested will comply 13417
with the Federal Water Pollution Control Act and regulations 13418
adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 13419
(1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted 13420
under it; and this chapter and the rules adopted under it. If the 13421
application demonstrates that the proposed activities will not 13422
comply or will pose an unreasonable risk of inducing seismic 13423
activity, inducing geologic fracturing, or contamination of an 13424
underground source of drinking water, the director shall deny the 13425
application. If the application does not make the required 13426
demonstrations, the director shall return it to the applicant with 13427
an indication of those matters about which a required 13428
demonstration was not made. If the director determines that the 13429
application makes the required demonstrations, the director shall 13430
transmit copies of the application and all of the accompanying 13431
maps, data, samples, and information to the chief of the division 13432
of ~~oil and gas~~ mineral resources management, the chief of the 13433
division of geological survey, and the chief of the division of 13434
water, ~~and, if the well is or is to be located in a coal bearing~~ 13435
~~township, the chief of the division of mines and reclamation in~~ 13436
the department of natural resources. 13437

The chief of the division of geological survey shall comment 13438
upon the application if the chief determines that the proposed 13439
well or injection will present an unreasonable risk of loss or 13440
damage to valuable mineral resources. If the chief submits 13441
comments on the application, those comments shall be accompanied 13442
by an evaluation of the geological factors upon which the comments 13443
are based, including fractures, faults, earthquake potential, and 13444
the porosity and permeability of the injection zone and confining 13445
zone, and by the documentation supporting the evaluation. The 13446

director shall take into consideration the chief's comments, and 13447
the accompanying evaluation of geologic factors and supporting 13448
documentation, when considering the application. The director 13449
shall provide written notice to the chief of the director's 13450
decision on the application and, if the chief's comments are not 13451
included in the permit, renewal permit, or modification, of the 13452
director's rationale for not including them. 13453

The chief of the division of ~~oil and gas~~ mineral resources 13454
management shall comment upon the application if the chief 13455
determines that the proposed well or injection will present an 13456
unreasonable risk that waste or contamination of recoverable oil 13457
or gas in the earth will occur. If the chief submits comments on 13458
the application, those comments shall be accompanied by an 13459
evaluation of the oil or gas reserves that, in the best 13460
professional judgment of the chief, are recoverable and will be 13461
adversely affected by the proposed well or injection, and by the 13462
documentation supporting the evaluation. The director shall take 13463
into consideration the chief's comments, and the accompanying 13464
evaluation and supporting documentation, when considering the 13465
application. The director shall provide written notice to the 13466
chief of the director's decision on the application and, if the 13467
chief's comments are not included in the permit, renewal permit, 13468
or modification, of the director's rationale for not including 13469
them. 13470

The chief of the division of water shall assist the director 13471
in determining whether all underground sources of drinking water 13472
in the area of review of the proposed well or injection have been 13473
identified and correctly delineated in the application. If the 13474
application fails to identify or correctly delineate an 13475
underground source of drinking water, the chief shall provide 13476
written notice of that fact to the director. 13477

The chief of the division of ~~mines and reclamation~~ mineral 13478

resources management also shall review the application as follows: 13479

If the application concerns the drilling or conversion of a 13480
well or the injection into a well that is not or is not to be 13481
located within five thousand feet of the excavation and workings 13482
of a mine, the chief of the division of ~~mines and reclamation~~ 13483
mineral resources management shall note upon the application that 13484
it has been examined by the division of ~~mines and reclamation~~ 13485
mineral resources management, retain a copy of the application and 13486
map, and immediately return a copy of the application to the 13487
director. 13488

If the application concerns the drilling or conversion of a 13489
well or the injection into a well that is or is to be located 13490
within five thousand feet, but more than five hundred feet from 13491
the surface excavations and workings of a mine, the chief of the 13492
division of ~~mines and reclamation~~ mineral resources management 13493
immediately shall notify the owner or lessee of the mine that the 13494
application has been filed and send to the owner or lessee a copy 13495
of the map accompanying the application setting forth the location 13496
of the well. The chief of the division of ~~mines and reclamation~~ 13497
mineral resources management shall note on the application that 13498
the notice has been sent to the owner or lessee of the mine, 13499
retain a copy of the application and map, and immediately return a 13500
copy of the application to the director with the chief's notation 13501
on it. 13502

If the application concerns the drilling or conversion of a 13503
well or the injection into a well that is or is to be located 13504
within five thousand feet of the underground excavations and 13505
workings of a mine or within five hundred feet of the surface 13506
excavations and workings of a mine, the chief of the division of 13507
~~mines and reclamation~~ mineral resources management immediately 13508
shall notify the owner or lessee of the mine that the application 13509
has been filed and send to the owner or lessee a copy of the map 13510

accompanying the application setting forth the location of the 13511
well. If the owner or lessee objects to the application, the owner 13512
or lessee shall notify the chief of the division of ~~mines and~~ 13513
~~reclamation~~ mineral resources management of the objection, giving 13514
the reasons, within six days after the receipt of the notice. If 13515
the chief of the division of ~~mines and reclamation~~ mineral 13516
resources management receives no objections from the owner or 13517
lessee of the mine within ten days after the receipt of the notice 13518
by the owner or lessee, or if in the opinion of the chief of the 13519
division of ~~mines and reclamation~~ mineral resources management the 13520
objections offered by the owner or lessee are not sufficiently 13521
well-founded, the chief shall retain a copy of the application and 13522
map and return a copy of the application to the director with any 13523
applicable notes concerning it. 13524

If the chief of the division of ~~mines and reclamation~~ mineral 13525
resources management receives an objection from the owner or 13526
lessee of the mine as to the application, within ten days after 13527
receipt of the notice by the owner or lessee, and if in the 13528
opinion of the chief the objection is well-founded, the chief 13529
shall disapprove the application and immediately return it to the 13530
director together with the chief's reasons for the disapproval. 13531
The director promptly shall notify the applicant for the permit, 13532
renewal permit, or modification of the disapproval. The applicant 13533
may appeal the disapproval of the application by the chief of the 13534
division of ~~mines and reclamation~~ mineral resources management to 13535
the mine examining board created under section 1561.10 of the 13536
Revised Code, and the board shall hear the appeal in accordance 13537
with section 1561.53 of the Revised Code. The appeal shall be 13538
filed within thirty days from the date the applicant receives 13539
notice of the disapproval. No comments concerning or disapproval 13540
of an application shall be delayed by the chief of the division of 13541
~~mines and reclamation~~ mineral resources management for more than 13542
fifteen days from the date of sending of notice to the mine owner 13543

or lessee as required by this section. 13544

The director shall not approve an application for an 13545
injection well drilling permit, an injection well operating 13546
permit, a renewal of an injection well operating permit, or a 13547
modification of an injection well drilling permit, operating 13548
permit, or renewal of an operating permit for a well that is or is 13549
to be located within three hundred feet of any opening of any mine 13550
used as a means of ingress, egress, or ventilation for persons 13551
employed in the mine, nor within one hundred feet of any building 13552
or flammable structure connected with the mine and actually used 13553
as a part of the operating equipment of the mine, unless the chief 13554
of the division of ~~mines and reclamation~~ mineral resources 13555
management determines that life or property will not be endangered 13556
by drilling and operating the well in that location. 13557

Upon review by the chief of the division of ~~oil and gas~~ 13558
mineral resources management, the chief of the division of 13559
geological survey, and the chief of the division of water, and if 13560
the chief of the division of ~~mines and reclamation~~ mineral 13561
resources management has not disapproved the application, the 13562
director shall issue a permit, renewal permit, or modification 13563
with any terms and conditions that may be necessary to comply with 13564
the Federal Water Pollution Control Act and regulations adopted 13565
under it; the "Safe Drinking Water Act," 88 Stat. 1661 (1974), 42 13566
U.S.C.A. 300(f) as amended, and regulations adopted under it; and 13567
this chapter and the rules adopted under it. The director shall 13568
not issue a permit, renewal permit, or modification to an 13569
applicant if the applicant or persons associated with the 13570
applicant have engaged in or are engaging in a substantial 13571
violation of this chapter that is endangering or may endanger 13572
human health or the environment or if, in the case of an applicant 13573
for an injection well drilling permit, the applicant, at the time 13574
of applying for the permit, did not hold an injection well 13575

operating permit or renewal of an injection well drilling permit 13576
and failed to demonstrate sufficient expertise and competency to 13577
operate the well in compliance with the applicable provisions of 13578
this chapter. 13579

If the director receives a disapproval from the chief of the 13580
division of ~~mines and reclamation~~ mineral resources management 13581
regarding an application for an injection well drilling or 13582
operating permit, renewal permit, or modification, if required, 13583
the director shall issue an order denying the application. 13584

The director need not issue a proposed action under section 13585
3745.07 of the Revised Code or hold an adjudication hearing under 13586
that section and Chapter 119. of the Revised Code before issuing 13587
or denying a permit, renewal permit, or modification of a permit 13588
or renewal permit. Before issuing or renewing a permit to drill or 13589
operate a class I injection well or a modification of it, the 13590
director shall propose the permit, renewal permit, or modification 13591
in draft form and shall hold a public hearing to receive public 13592
comment on the draft permit, renewal permit, or modification. At 13593
least fifteen days before the public hearing on a draft permit, 13594
renewal permit, or modification, the director shall publish notice 13595
of the date, time, and location of the public hearing in at least 13596
one newspaper of general circulation serving the area where the 13597
well is or is to be located. The proposing of such a draft permit, 13598
renewal permit, or modification does not constitute the issuance 13599
of a proposed action under section 3745.07 of the Revised Code, 13600
and the holding of the public hearing on such a draft permit, 13601
renewal permit, or modification does not constitute the holding of 13602
an adjudication hearing under that section and Chapter 119. of the 13603
Revised Code. Appeals of orders other than orders of the chief of 13604
the division of ~~mines and reclamation~~ mineral resources management 13605
shall be taken under sections 3745.04 to 3745.08 of the Revised 13606
Code. 13607

The director may order that an injection well drilling permit 13608
or an injection well operating permit or renewal permit be 13609
suspended and that activities under it cease after determining 13610
that those activities are occurring in violation of law, rule, 13611
order, or term or condition of the permit. Upon service of a copy 13612
of the order upon the permit holder or the permit holder's 13613
authorized agent or assignee, the permit and activities under it 13614
shall be suspended immediately without prior hearing and shall 13615
remain suspended until the violation is corrected and the order of 13616
suspension is lifted. If a violation is the second within a 13617
one-year period, the director, after a hearing, may revoke the 13618
permit. 13619

The director may order that an injection well drilling permit 13620
or an injection well operating permit or renewal permit be 13621
suspended and that activities under it cease if the director has 13622
reasonable cause to believe that the permit would not have been 13623
issued if the information available at the time of suspension had 13624
been available at the time a determination was made by one of the 13625
agencies acting under authority of this section. Upon service of a 13626
copy of the order upon the permit holder or the permit holder's 13627
authorized agent or assignee, the permit and activities under it 13628
shall be suspended immediately without prior hearing, but a permit 13629
may not be suspended for that reason without prior hearing unless 13630
immediate suspension is necessary to prevent waste or 13631
contamination of oil or gas, comply with the Federal Water 13632
Pollution Control Act and regulations adopted under it; the "Safe 13633
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 13634
amended, and regulations adopted under it; and this chapter and 13635
the rules adopted under it, or prevent damage to valuable mineral 13636
resources, prevent contamination of an underground source of 13637
drinking water, or prevent danger to human life or health. If 13638
after a hearing the director determines that the permit would not 13639

have been issued if the information available at the time of the 13640
hearing had been available at the time a determination was made by 13641
one of the agencies acting under authority of this section, the 13642
director shall revoke the permit. 13643

When a permit has been revoked, the permit holder or other 13644
person responsible for it immediately shall plug the well in the 13645
manner required by the director. 13646

The director may issue orders to prevent or require cessation 13647
of violations of this section, section 6111.043, 6111.045, 13648
6111.046, or 6111.047 of the Revised Code, rules adopted under any 13649
of those sections, and terms or conditions of permits issued under 13650
any of them. The orders may require the elimination of conditions 13651
caused by the violation. 13652

Sec. 6121.04. The Ohio water development authority may do any 13653
or all of the following: 13654

(A) Adopt bylaws for the regulation of its affairs and the 13655
conduct of its business; 13656

(B) Adopt an official seal; 13657

(C) Maintain a principal office and suboffices at places 13658
within the state that it designates; 13659

(D) Sue and plead in its own name and be sued and impleaded 13660
in its own name with respect to its contracts or torts of its 13661
members, employees, or agents acting within the scope of their 13662
employment, or to enforce its obligations and covenants made under 13663
sections 6121.06, 6121.08, and 6121.13 of the Revised Code. Any 13664
such actions against the authority shall be brought in the court 13665
of common pleas of the county in which the principal office of the 13666
authority is located or in the court of common pleas of the county 13667
in which the cause of action arose, provided that the county is 13668
located within this state, and all summonses, exceptions, and 13669

notices of every kind shall be served on the authority by leaving
a copy thereof at the principal office with the person in charge
thereof or with the secretary-treasurer of the authority.

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(E) Make loans and grants to governmental agencies for the
acquisition or construction of water development projects by any
such governmental agency and adopt rules and procedures for making
such loans and grants;

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(F) Acquire, construct, reconstruct, enlarge, improve,
furnish, equip, maintain, repair, operate, or lease or rent to, or
contract for operation by, a governmental agency or person, water
development projects, and establish rules for the use of those
projects;

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(G) Make available the use or services of any water
development project to one or more persons, one or more
governmental agencies, or any combination thereof;

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(H) Issue water development revenue bonds and notes and water
development revenue refunding bonds of the state, payable solely
from revenues as provided in section 6121.06 of the Revised Code,
unless the bonds are refunded by refunding bonds, for the purpose
of paying any part of the cost of one or more water development
projects or parts thereof;

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(I) Acquire by gift or purchase, hold, and dispose of real
and personal property in the exercise of its powers and the
performance of its duties under this chapter;

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(J) Acquire, in the name of the state, by purchase or
otherwise, on terms and in the manner that it considers proper, or
by the exercise of the right of condemnation in the manner
provided by section 6121.18 of the Revised Code, public or private
lands, including public parks, playgrounds, or reservations, or
parts thereof or rights therein, rights-of-way, property, rights,
easements, and interests that it considers necessary for carrying

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out this chapter, but excluding the acquisition by the exercise of 13701
the right of condemnation of any waste water facility or water 13702
management facility owned by any person or governmental agency, 13703
and compensation shall be paid for public or private lands so 13704
taken, except that a government-owned waste water facility may be 13705
appropriated in accordance with section 6121.041 of the Revised 13706
Code; 13707

(K) Adopt rules to protect augmented flow in waters of the 13708
state, to the extent augmented by a water development project, 13709
from depletion so it will be available for beneficial use, and to 13710
provide standards for the withdrawal from waters of the state of 13711
the augmented flow created by a water development project that is 13712
not returned to the waters of the state so augmented and to 13713
establish reasonable charges therefor if considered necessary by 13714
the authority; 13715

(L) Make and enter into all contracts and agreements and 13716
execute all instruments necessary or incidental to the performance 13717
of its duties and the execution of its powers under this chapter 13718
in accordance with the following requirements: 13719

(1) When the cost under any such contract or agreement, other 13720
than compensation for personal services, involves an expenditure 13721
of more than ten thousand dollars, the authority shall make a 13722
written contract with the lowest responsive and responsible 13723
bidder, in accordance with section 9.312 of the Revised Code, 13724
after advertisement for not less than two consecutive weeks in a 13725
newspaper of general circulation in Franklin county, and in other 13726
publications that the authority determines, which shall state the 13727
general character of the work and the general character of the 13728
materials to be furnished, the place where plans and 13729
specifications therefor may be examined, and the time and place of 13730
receiving bids, provided that a contract or lease for the 13731
operation of a water development project constructed and owned by 13732

the authority or an agreement for cooperation in the acquisition 13733
or construction of a water development project pursuant to section 13734
6121.13 of the Revised Code or any contract for the construction 13735
of a water development project that is to be leased by the 13736
authority to, and operated by, persons who are not governmental 13737
agencies and the cost of the project is to be amortized 13738
exclusively from rentals or other charges paid to the authority by 13739
persons who are not governmental agencies is not subject to the 13740
foregoing requirements and the authority may enter into such a 13741
contract or lease or such an agreement pursuant to negotiation and 13742
upon terms and conditions and for the period that it finds to be 13743
reasonable and proper in the circumstances and in the best 13744
interests of proper operation or of efficient acquisition or 13745
construction of the project. 13746

(2) Each bid for a contract for the construction, demolition, 13747
alteration, repair, or reconstruction of an improvement shall 13748
contain the full name of every person interested in it and shall 13749
meet the requirements of section 153.54 of the Revised Code. 13750

(3) Each bid for a contract except as provided in division 13752
(L)(2) of this section shall contain the full name of every person 13753
or company interested in it and shall be accompanied by a 13754
sufficient bond or certified check on a solvent bank that if the 13755
bid is accepted, a contract will be entered into and the 13756
performance thereof secured. 13757

(4) The authority may reject any and all bids. 13758

(5) A bond with good and sufficient surety, approved by the 13759
authority, shall be required of every contractor awarded a 13760
contract except as provided in division (L)(2) of this section, in 13761
an amount equal to at least fifty per cent of the contract price, 13762
conditioned upon the faithful performance of the contract. 13763

(M) Employ managers, superintendents, and other employees and 13764
retain or contract with consulting engineers, financial 13765
consultants, accounting experts, architects, attorneys, and other 13766
consultants and independent contractors that are necessary in its 13767
judgment to carry out this chapter, and fix the compensation 13768
thereof. All expenses thereof shall be payable solely from the 13769
proceeds of water development revenue bonds or notes issued under 13770
this chapter, from revenues, or from funds appropriated for that 13771
purpose by the general assembly. 13772

(N) Receive and accept from any federal agency, subject to 13773
the approval of the governor, grants for or in aid of the 13774
construction of any water development project or for research and 13775
development with respect to waste water or water management 13776
facilities, and receive and accept aid or contributions from any 13777
source of money, property, labor, or other things of value, to be 13778
held, used, and applied only for the purposes for which the grants 13779
and contributions are made; 13780

(O) Engage in research and development with respect to waste 13781
water or water management facilities; 13782

(P) Purchase fire and extended coverage and liability 13783
insurance for any water development project and for the principal 13784
office and suboffices of the authority, insurance protecting the 13785
authority and its officers and employees against liability for 13786
damage to property or injury to or death of persons arising from 13787
its operations, and any other insurance the authority may agree to 13788
provide under any resolution authorizing its water development 13789
revenue bonds or in any trust agreement securing the same; 13790

(Q) Charge, alter, and collect rentals and other charges for 13791
the use or services of any water development project as provided 13792
in section 6121.13 of the Revised Code; 13793

(R) Provide coverage for its employees under sections 145.01 13794

to 145.58 and Chapters 4123. and 4141. of the Revised Code; 13795

(S) Assist in the implementation and administration of the 13796
drinking water assistance fund and program created in section 13797
6109.22 of the Revised Code and the water pollution control loan 13798
fund and program created in section 6111.036 of the Revised Code, 13799
including, without limitation, performing or providing fiscal 13800
management for the funds and investing and disbursing moneys in 13801
the funds, and enter into all necessary and appropriate agreements 13802
with the director of environmental protection for those purposes; 13803

(T) Issue water development revenue bonds and notes of the 13804
state in principal amounts that are necessary for the purpose of 13805
raising moneys for the sole benefit of the water pollution control 13806
loan fund created in section 6111.036 of the Revised Code, 13807
including moneys to meet the requirement for providing matching 13808
moneys under division (D) of that section. The bonds and notes may 13809
be secured by appropriate trust agreements and repaid from moneys 13810
credited to the fund from payments of principal and interest on 13811
loans made from the fund, as provided in division (F) of section 13812
6111.036 of the Revised Code. 13813

(U) Issue water development revenue bonds and notes of the 13814
state in principal amounts that are necessary for the purpose of 13815
raising moneys for the sole benefit of the drinking water 13816
assistance fund created in section 6109.22 of the Revised Code, 13817
including moneys to meet the requirement for providing matching 13818
moneys under divisions (B) and (F) of that section. The bonds and 13819
notes may be secured by appropriate trust agreements and repaid 13820
from moneys credited to the fund from payments of principal and 13821
interest on loans made from the fund, as provided in division (F) 13822
of section 6109.22 of the Revised Code. 13823

(V) Make loans to and enter into agreements with boards of 13824
county commissioners for the purposes of section ~~1507.071~~ 1521.26 13825

of the Revised Code and adopt rules establishing requirements and 13826
procedures for making the loans and entering into the agreements; 13827

(W) Do all acts necessary or proper to carry out the powers 13828
expressly granted in this chapter. 13829

Any instrument by which real property is acquired pursuant to 13830
this section shall identify the agency of the state that has the 13831
use and benefit of the real property as specified in section 13832
5301.012 of the Revised Code. 13833

Section 2. That existing sections 121.04, 124.24, 127.16, 13834
317.08, 1501.01, 1501.022, 1505.10, 1507.02, 1507.03, 1507.04, 13835
1507.05, 1507.06, 1507.07, 1507.071, 1507.08, 1507.09, 1507.10, 13836
1507.11, 1509.01, 1509.02, 1509.03, 1509.04, 1509.05, 1509.06, 13837
1509.061, 1509.07, 1509.071, 1509.072, 1509.08, 1509.09, 1509.10, 13838
1509.11, 1509.12, 1509.13, 1509.14, 1509.15, 1509.17, 1509.18, 13839
1509.21, 1509.22, 1509.221, 1509.222, 1509.223, 1509.224, 13840
1509.225, 1509.226, 1509.23, 1509.24, 1509.25, 1509.26, 1509.27, 13841
1509.28, 1509.29, 1509.31, 1509.32, 1509.33, 1509.36, 1509.38, 13842
1509.39, 1509.40, 1510.01, 1510.08, 1513.01, 1513.02, 1513.03, 13843
1513.07, 1513.072, 1513.073, 1513.08, 1513.09, 1513.11, 1513.13, 13844
1513.15, 1513.16, 1513.161, 1513.17, 1513.18, 1513.181, 1513.20, 13845
1513.21, 1513.22, 1513.23, 1513.24, 1513.25, 1513.26, 1513.27, 13846
1513.28, 1513.29, 1513.30, 1513.31, 1513.32, 1513.33, 1513.34, 13847
1513.35, 1513.36, 1513.37, 1513.39, 1513.40, 1513.41, 1514.02, 13848
1514.021, 1514.03, 1514.04, 1514.05, 1514.06, 1514.07, 1514.08, 13849
1514.10, 1514.11, 1521.01, 1521.03, 1521.99, 1561.01, 1561.02, 13850
1561.03, 1561.04, 1561.05, 1561.06, 1561.07, 1561.10, 1561.13, 13851
1561.26, 1561.27, 1561.28, 1561.31, 1561.32, 1561.33, 1561.34, 13852
1561.35, 1561.351, 1561.36, 1561.37, 1561.38, 1561.45, 1561.47, 13853
1561.48, 1561.49, 1561.50, 1561.51, 1561.53, 1561.54, 1561.99, 13854
1563.04, 1563.05, 1563.06, 1563.11, 1563.111, 1563.12, 1563.13, 13855
1563.17, 1563.20, 1563.24, 1563.26, 1563.33, 1563.34, 1563.35, 13856

1563.37, 1563.40, 1563.41, 1563.42, 1563.43, 1563.46, 1565.05, 13857
 1565.06, 1565.07, 1565.08, 1565.11, 1565.12, 1565.15, 1567.02, 13858
 1567.08, 1567.09, 1567.10, 1567.11, 1567.13, 1567.17, 1567.18, 13859
 1567.19, 1567.23, 1567.34, 1567.35, 1567.39, 1567.45, 1567.52, 13860
 1567.54, 1567.55, 1567.57, 1567.61, 1567.69, 1567.70, 1567.71, 13861
 1567.73, 1567.74, 1567.78, 1571.01, 1571.02, 1571.03, 1571.04, 13862
 1571.05, 1571.06, 1571.08, 1571.09, 1571.10, 1571.11, 1571.14, 13863
 1571.16, 1571.99, 5749.02, 6111.044, and 6121.04 and section 13864
 1507.99 of the Revised Code are hereby repealed. 13865

Section 3. That Section 72 of Am. Sub. H.B. 283 of the 123rd 13866
 General Assembly be amended to read as follows: 13867

"Sec. 72. DNR DEPARTMENT OF NATURAL RESOURCES 13868

General Revenue Fund				13869	
GRF 725-401 Wildlife - GRF Central	\$	1,221,229	\$	1,268,315	13870
Support					
GRF 725-404 Fountain Square Rental	\$	1,087,000	\$	1,093,000	13871
Payments - OBA					
GRF 725-408 Reclamation and Mining	\$	2,406,020	\$	2,408,999	13872
				<u>0</u>	13873
GRF 725-412 Reclamation Commission	\$	66,475	\$	68,165	13874
				<u>0</u>	13875
GRF 725-413 OPFC Rental Payments	\$	15,660,000	\$	12,750,000	13876
GRF 725-415 Mine Examining Board	\$	121,083	\$	123,963	13877
				<u>0</u>	13878
GRF 725-423 Stream and Ground	\$	422,863	\$	459,387	13879
Water Gauging					
GRF 725-425 Wildlife License	\$	1,000,000	\$	1,000,000	13880
Reimbursement					
GRF 725-456 Canal Lands	\$	414,783	\$	423,203	13881
GRF 725-502 Soil and Water	\$	11,414,494	\$	12,140,831	13882

		Districts		
GRF 725-507	Conservation Reserve Enhancement Program	\$ 2,000,000	\$ 2,000,000	13883
		<u>1,900,400</u>	<u>1,920,400</u>	13884
GRF 727-321	Division of Forestry	\$ 10,203,524	\$ 10,081,427	13885
GRF 728-321	Division of Geological Survey	\$ 2,164,135	\$ 2,270,778	13886
GRF 729-321	Computer Information Services & Communications	\$ 1,172,567	\$ 1,214,464	13887
GRF 730-321	Division of Parks and Recreation	\$ 35,255,224	\$ 34,951,655	13888
GRF 733-321	Division of Water	\$ 3,944,652	\$ 3,998,080	13889
GRF 734-321	Division of Oil and Gas	\$ 725,366	1,614,957	13890
			<u>0</u>	13891
GRF 736-321	Division of Chief Engineer	\$ 4,371,204	\$ 3,773,672	13892
GRF 737-321	Division of Soil and Water	\$ 4,092,866	4,382,166	13893
		<u>4,192,466</u>	<u>4,461,766</u>	13894
GRF 738-321	Office of Real Estate and Land Management	\$ 3,099,898	\$ 2,650,457	13895
GRF 741-321	Division of Natural Areas	\$ 3,415,305	\$ 3,396,390	13896
GRF 743-321	Division of Civilian Conservation	\$ 5,100,636	\$ 5,225,382	13897
<u>GRF 744-321</u>	<u>Division of Mineral Resources Management</u>	\$ <u>0</u>	\$ <u>4,216,084</u>	13898
TOTAL GRF	General Revenue Fund	\$ 109,359,324	\$ 107,295,291	13899
	General Services Fund Group			13900
155 725-601	Departmental Projects	\$ 1,491,770	\$ 1,468,051	13901
157 725-651	Central Support	\$ 7,302,432	\$ 7,273,923	13902

		Indirect					
158	725-604	Natural Resources	\$	79,170	\$	80,154	13903
		Publication Center					
		Intrastate					
161	725-635	Parks Facilities	\$	2,666,395	\$	2,737,935	13904
		Maintenance					
162	725-625	CCC Operations	\$	2,261,993	\$	2,156,861	13905
204	725-687	Information Services	\$	2,217,392	\$	2,145,631	13906
206	725-689	REALM Support Services	\$	447,811	\$	473,152	13907
207	725-690	Real Estate	\$	53,924	\$	55,320	13908
4D5	725-618	Recycled Materials	\$	103,429	\$	106,272	13909
4S9	725-622	NatureWorks Personnel	\$	687,136	\$	690,700	13910
4X8	725-662	Water Planning Council	\$	262,900	\$	269,700	13911
430	725-671	Canal Lands	\$	1,029,302	\$	998,044	13912
5F9	725-663	Flood Reimbursement	\$	99,109	\$	0	13913
508	725-684	Natural Resources	\$	393,166	\$	361,877	13914
		Publication Center					
		Interstate					
510	725-631	Maintenance -	\$	230,669	\$	220,771	13915
		state-owned residences					
516	725-620	Water Management	\$	2,407,372	\$	2,404,055	13916
519	725-623	Burr Oak Water Plant	\$	1,149,523	\$	1,750,680	13917
635	725-664	Fountain Square	\$	2,595,957	\$	2,699,355	13918
		Facilities Management					
697	725-670	Submerged Lands	\$	547,762	\$	567,920	13919
		TOTAL GSF General Services					13920
		Fund Group	\$	26,027,212	\$	26,460,401	13921
		Federal Special Revenue Fund Group					13922
3B3	725-640	Federal Forest	\$	55,000	\$	55,000	13923
		Pass-Thru					
3B4	725-641	Federal Flood	\$	185,000	\$	190,000	13924
		Pass-Thru					
3B5	725-645	Federal Abandoned Mine	\$	7,418,833	\$	7,630,403	13925

		Lands					
3B6	725-653	Federal Land and Water	\$	130,000	\$	120,000	13926
		Conservation					
3B7	725-654	Reclamation-Regulatory	\$	2,214,846	\$	2,265,932	13927
3P0	725-630	Natural Areas and	\$	262,400	\$	185,000	13928
		Preserves-Federal					
3P1	725-632	Geological	\$	350,000	\$	350,000	13929
		Survey-Federal					
3P2	725-642	Oil and Gas-Federal	\$	223,700	\$	111,850	13930
3P3	725-650	Real Estate and Land	\$	2,857,755	\$	3,185,120	13931
		Management-Federal					
3P4	725-660	Water-Federal	\$	180,000	\$	180,000	13932
3R5	725-673	Acid Mine Drainage	\$	600,000	\$	600,000	13933
		Abatement/Treatment					
328	725-603	Forestry Federal	\$	1,017,600	\$	1,017,600	13934
332	725-669	Federal Mine Safety	\$	133,095	\$	137,056	13935
		Grant					
TOTAL FED		Federal Special Revenue					13936
Fund Group			\$	15,628,229	\$	16,027,961	13937
State Special Revenue Fund Group							13938
4B8	725-617	Forestry Development	\$	25,000	\$	25,000	13939
4J2	725-628	Injection Well Review	\$	68,428	\$	54,440	13940
4M7	725-631	Wildfire Suppression	\$	100,000	\$	100,000	13941
4U6	725-668	Scenic Rivers	\$	261,307	\$	268,431	13942
		Protection					
5B3	725-674	Mining Regulation	\$	49,757	\$	49,805	13943
509	725-602	State Forest	\$	1,520,379	\$	1,440,326	13944
511	725-646	Ohio Geologic Mapping	\$	839,340	\$	763,717	13945
512	725-605	State Parks Operations	\$	27,150,223	\$	27,048,732	13946
514	725-606	Lake Erie Shoreline	\$	828,311	\$	729,492	13947
518	725-643	Oil and Gas Permit	\$	3,118,829	\$	2,378,496	13948
		Fees					
518	725-677	Oil and Gas Well	\$	800,000	\$	800,000	13949

		Plugging					
521	725-627	Off-Road Vehicle	\$	62,036	\$	63,790	13950
		Trails					
522	725-656	Natural Areas Checkoff	\$	745,301	\$	766,169	13951
		Funds					
525	725-608	Reclamation Forfeiture	\$	597,082	\$	597,664	13952
						<u>0</u>	13953
526	725-610	Strip Mining	\$	1,956,599	\$	2,006,000	13954
		Administration Fees				<u>2,356,000</u>	13955
527	725-637	Surface Mining	\$	1,964,078	\$	2,016,050	13956
		Administration				<u>2,107,001</u>	13957
529	725-639	Unreclaimed Land Fund	\$	1,335,879	\$	1,349,327	13958
530	725-647	Surface Mining	\$	76,725	\$	78,951	13959
		Reclamation				<u>0</u>	13960
531	725-648	Reclamation	\$	1,352,208	\$	1,389,401	13961
		Supplemental Forfeiture				<u>1,987,065</u>	13962
532	725-644	Litter Control and Recycling	\$	10,965,210	\$	11,264,587	13963
615	725-661	Dam Safety	\$	136,633	\$	139,237	13964
		TOTAL SSR State Special Revenue					13965
		Fund Group	\$	53,953,325	\$	53,329,615	13966
						<u>53,691,615</u>	13967
		Wildlife Fund Group					13968
015	725-509	Fish/Wildlife Subsidy	\$	154,199	\$	158,517	13969
015	740-321	Division of Wildlife	\$	40,345,888	\$	41,400,117	13970
		Conservation					
81A	725-612	Wildlife Education	\$	1,496,360	\$	1,537,063	13971
815	725-636	Cooperative Management	\$	148,850	\$	153,166	13972

		Projects					
816	725-649	Wetlands Habitat	\$	897,663	\$	922,997	13973
817	725-655	Wildlife Conservation	\$	1,301,143	\$	1,327,577	13974
		Checkoff Fund					
818	725-629	Cooperative Fisheries	\$	918,004	\$	943,708	13975
		Research					
819	725-685	Ohio River Management	\$	119,302	\$	122,748	13976
TOTAL	WLF	Wildlife Fund Group	\$	45,381,409	\$	46,565,893	13977
		Waterways Safety Fund Group					13978
086	725-414	Waterways Improvement	\$	3,091,402	\$	3,091,035	13979
086	725-416	Natural Areas Marine	\$	25,000	\$	25,000	13980
		Patrol					
086	725-417	Parks Marine Patrol	\$	25,000	\$	25,000	13981
086	725-418	Buoy Placement	\$	39,298	\$	40,267	13982
086	725-501	Waterway Safety Grants	\$	128,024	\$	131,609	13983
086	725-506	Watercraft Marine	\$	359,800	\$	369,875	13984
		Patrol					
086	725-513	Watercraft Educational	\$	128,500	\$	132,098	13985
		Grants					
086	739-321	Division of Watercraft	\$	14,865,111	\$	15,142,223	13986
880	725-614	Cooperative Boat	\$	108,637	\$	111,679	13987
		Harbor Projects					
TOTAL	WSF	Waterways Safety Fund					13988
Group			\$	18,770,772	\$	19,068,786	13989
		Holding Account Redistribution Fund Group					13990
R17	725-659	Performance Cash Bond	\$	265,000	\$	265,500	13991
		Refunds					
R29	725-607	Reclamation Fee Refund	\$	350,000	\$	350,000	13992
						<u>0</u>	13993
R30	725-638	Surface Mining	\$	12,000	\$	12,000	13994
		Reclamation Fees				<u>0</u>	13995

R43 725-624 Forestry	\$	1,750,000	\$	1,750,000	13996
TOTAL 090 Holding Account					13997
Redistribution Fund Group	\$	2,377,000	\$	2,377,500	13998
				<u>2,015,500</u>	13999
Accrued Leave Liability Fund Group					14000
4M8 725-675 FOP Contract	\$	17,551	\$	17,990	14001
TOTAL ALF Accrued Leave					14002
Liability Fund Group	\$	17,551	\$	17,990	14003
TOTAL ALL BUDGET FUND GROUPS	\$	271,514,822	\$	271,143,437"	14004

Section 4. That existing Section 72 of Am. Sub. H.B. 283 of 14006
the 123rd General Assembly is hereby repealed. 14007

Section 5. 14008

Division of Mineral Resources Management Fund Consolidations

On July 1, 2000, or as soon thereafter as possible, the 14009
Director of Budget and Management shall transfer to appropriation 14010
item 744-321, division of Mineral Resources Management, any 14011
amounts that accrue as of June 30, 2000, from appropriation items 14012
725-408, Reclamation and Mining, and 734-321, Division of Oil and 14013
Gas. The Director of Budget and Management shall cancel any 14014
remaining outstanding encumbrances against appropriation items 14015
725-408 and 734-321, and reestablish them against appropriation 14016
item 744-321, Division of Mineral Resources Management. 14017

On July 1, 2000, or as soon thereafter as possible, the 14018
Director of Budget and Management shall transfer the cash balances 14019
of the Reclamation Forfeiture Fund (Fund 525) and the Reclamation 14020
Supplemental Forfeiture Fund (Fund 531) as of June 30, 2000, and 14021
any amounts that accrue to those funds after that date, to the 14022
Reclamation Forfeiture Fund (Fund 531). The Director shall cancel 14023
any remaining outstanding encumbrances against appropriation items 14024
725-608, Reclamation Forfeiture, and 725-648, Reclamation 14025

Supplemental Forfeiture, and reestablish them against 14026
appropriation number 725-648, Reclamation Forfeiture. 14027

On July 1, 2000, or as soon thereafter as possible, the 14028
Director of Budget and Management shall transfer the cash balances 14029
of the Surface Mining Reclamation Fund (Fund 530) and the Surface 14030
Mining Administration Fund (Fund 527) as of June 30, 2000, and any 14031
amounts that accrue to those funds after that date, to the Surface 14032
Mining Fund (Fund 527). The Director shall cancel any remaining 14033
outstanding encumbrances against appropriation items 725-647, 14034
Surface Mining Reclamation, and 725-637, Surface Mining 14035
Administration, and reestablish them against appropriation item 14036
725-637, Surface Mining. 14037

On July 1, 2000, or as soon thereafter as possible, the 14038
Director of Budget and Management shall transfer the cash balances 14039
of the Reclamation Fee Refund Fund (Fund R29) to the Coal Mining 14040
Administration and Reclamation Reserve Fund (Fund 526). 14041

On July 1, 2000, or as soon thereafter as possible, the 14042
Director of Budget and Management shall transfer the cash balances 14043
of the Surface Mining Reclamation Fund (Fund R30) to the Surface 14044
Mining Fund (Fund 527). 14045

Section 6. On the effective date of this section, all of the 14046
staff, records, files, and effects of the Division of Engineering 14047
in the Department of Natural Resources pertaining to the 14048
functions, powers, duties, and obligations of that Division under 14049
former sections 1507.02, 1507.03, 1507.04, 1507.05, 1507.06, 14050
1507.07, 1507.071, 1507.08, 1507.09, 1507.10, 1507.11, and 1507.99 14051
of the Revised Code shall be transferred and assigned to the 14052
Division of Water in the Department of Natural Resources for the 14053
purposes of sections 1521.20 to 1521.30 and 1521.99 of the Revised 14054
Code, as amended by this act. The Division of Water also shall 14055
assume custody and control of funds and other assets in the 14056

possession of the Division of Engineering that are appropriate and 14057
necessary to carry out the transferred functions, powers, duties, 14058
and obligations. 14059

Any business or other matter undertaken or commenced by the 14060
Division of Engineering pertaining to or connected with the 14061
functions, powers, duties, and obligations hereby transferred or 14062
assigned and pending on the effective date of this act shall be 14063
conducted and completed by the Division of Water in the same 14064
manner and under the same terms and conditions and with the same 14065
effect as if conducted by the Division of Engineering. 14066

All powers of the Chief Engineer of the Division of 14067
Engineering transferred by this act shall be performed by the 14068
Chief of the Division of Water. 14069

All criteria, acts, determinations, certifications, and 14070
decisions of the Division of Engineering pertaining to the 14071
functions transferred and assigned to the Division of Water at the 14072
time of the transfer and assignment shall continue in force as 14073
criteria, acts, determinations, certifications, and decisions of 14074
the Division of Water until duly modified or terminated by that 14075
Division. 14076

Wherever the functions, powers, duties, and obligations of 14077
the Division of Engineering that are transferred and assigned by 14078
this act to the Division of Water are referred to or designated in 14079
any law, contract, or other document pertaining to those 14080
functions, powers, duties, and obligations, the reference or 14081
designation shall be deemed to refer to the Division of Water. 14082

No existing right or remedy of any person shall be lost, 14083
impaired, or affected by reason of this act, except insofar as the 14084
rights and remedies shall be administered by the Division of Water 14085
instead of the Division of Engineering. 14086

No action or proceeding pending on the effective date of this act brought by the Division of Engineering pertaining to the functions, powers, duties, and obligations that are transferred by this act shall be affected by any provision of this act, but may be prosecuted or defended in the name of the Division of Water. In all such actions and proceedings, the Division of Water, upon application to the court, shall be substituted as a party.

Section 7. Section 127.16 of the Revised Code is amended by this act and also by Am. Sub. H.B. 470 of the 123rd General Assembly (effective July 1, 2000). The amendments of Am. Sub. H.B. 470 are included in this act in lower case to confirm the intention to retain them, but are not intended to be effective until July 1, 2000.

Section 8. Section 121.04 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 215 and Am. Sub. S.B. 87 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. Section 1501.01 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 19 and Am. Sub. H.B. 283 of the 123rd General Assembly, with the new language of neither of the acts shown in capital letters. Section 1513.17 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. S.B. 2 and Am. Sub. S.B. 162 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. Section 1561.26 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. S.B. 162 and Am. Sub. S.B. 150 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. Section 6121.04 of the Revised Code is presented in this act as a composite of the section as amended by both Sub H.B. 19 and Am S.B. 43 of the 123rd General Assembly,

with the new language of neither of the acts shown in capital 14118
letters. This is in recognition of the principle stated in 14119
division (B) of section 1.52 of the Revised Code that such 14120
amendments are to be harmonized where not substantively 14121
irreconcilable and constitutes a legislative finding that such are 14122
the resulting versions in effect prior to the effective date of 14123
this act. 14124

Section 9. This act is hereby declared to be an emergency 14125
measure necessary for the immediate preservation of the public 14126
peace, health, and safety. The reason for such necessity is that 14127
the merger of the Division of Oil and Gas with the Division of 14128
Mines and Reclamation is needed during the current fiscal year in 14129
order to facilitate efficiency in the operation of the Department 14130
of Natural Resources. Therefore, this act shall go into immediate 14131
effect. 14132