

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**S. B. No. 181**

**Senator Wilkin**

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To amend sections 1514.01, 1514.02, 1514.021, 1  
1514.022, 1514.023, 1514.024, 1514.03, 1514.04, 2  
1514.05, 1514.07, 1514.071, 1514.08, 1514.09, 3  
1514.11, 1514.40, 1514.41, 1514.42, 1514.43, 4  
1514.44, 1514.45, 1514.46, 1514.50, 1514.99, 5  
1563.11, and 5749.02 and to enact sections 6  
1514.091, 1514.092, 1514.093, 1514.48, 1514.60, 7  
1514.61, 1514.62, 1514.63, 1514.64, 1514.65, 8  
1514.66, 1514.67, 1514.68, 1514.69, 1514.70, 9  
1514.71, and 1514.72 of the Revised Code to 10  
establish regulations for the underground mining 11  
of limestone and dolomite and to increase 12  
certain severance tax rates. 13

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

**Section 1.** That sections 1514.01, 1514.02, 1514.021, 14  
1514.022, 1514.023, 1514.024, 1514.03, 1514.04, 1514.05, 15  
1514.07, 1514.071, 1514.08, 1514.09, 1514.11, 1514.40, 1514.41, 16  
1514.42, 1514.43, 1514.44, 1514.45, 1514.46, 1514.50, 1514.99, 17  
1563.11, and 5749.02 be amended and sections 1514.091, 1514.092, 18  
1514.093, 1514.48, 1514.60, 1514.61, 1514.62, 1514.63, 1514.64, 19  
1514.65, 1514.66, 1514.67, 1514.68, 1514.69, 1514.70, 1514.71, 20  
and 1514.72 of the Revised Code be enacted to read as follows: 21

**Sec. 1514.01.** As used in ~~this chapter~~ sections 1514.01 to 1514.50 of the Revised Code: 22 23

(A) "Surface mining" means all or any part of a process 24  
followed in the production of minerals from the earth or from 25  
the surface of the land by surface excavation methods, such as 26  
open pit mining, dredging, placering, or quarrying, and includes 27  
the removal of overburden for the purpose of determining the 28  
location, quantity, or quality of mineral deposits, and the 29  
incidental removal of coal at a rate less than one-sixth the 30  
total weight of minerals and coal removed during the year, but 31  
does not include: test or exploration boring; mining operations 32  
carried out beneath the surface by means of shafts, tunnels, or 33  
similar mine openings; the extraction of minerals, other than 34  
coal, by a landowner for the landowner's own noncommercial use 35  
where such material is extracted and used in an unprocessed form 36  
on the same tract of land; the extraction of minerals, other 37  
than coal, from borrow pits for highway construction purposes, 38  
provided that the extraction is performed under a bond, a 39  
contract, and specifications that substantially provide for and 40  
require reclamation practices consistent with the requirements 41  
of this chapter; the removal of minerals incidental to 42  
construction work, provided that the owner or person having 43  
control of the land upon which the construction occurs, the 44  
contractor, or the construction firm possesses a valid building 45  
permit; the removal of minerals to a depth of not more than five 46  
feet, measured from the highest original surface elevation of 47  
the area to be excavated, where not more than one acre of land 48  
is excavated during twelve successive calendar months; routine 49  
dredging of a watercourse for purely navigational or flood 50  
control purposes during which materials are removed for 51  
noncommercial purposes, including activities conducted by or on 52

behalf of a conservancy district, organized under Chapter 6101. 53  
of the Revised Code, for flood control purposes that are exempt 54  
from permitting requirements under section 10 of the "Rivers and 55  
Harbors Act of 1899," 30 Stat. 1151, 33 U.S.C. 403, as amended; 56  
or the extraction or movement of soil or minerals within a solid 57  
waste facility, as defined in section 3734.01 of the Revised 58  
Code, that is a sanitary landfill when the soil or minerals are 59  
used exclusively for the construction, operation, closure, and 60  
post-closure care of the facility or for maintenance activities 61  
at the facility. 62

(B) "Minerals" means sand, gravel, clay, shale, gypsum, 63  
halite, limestone, dolomite, sandstone, other stone, 64  
metalliferous or nonmetalliferous ore, or other material or 65  
substance of commercial value excavated in a solid state from 66  
natural deposits on or in the earth, but does not include coal 67  
or peat. 68

(C) "Overburden" means all of the earth and other 69  
materials that cover a natural deposit of minerals and also 70  
means such earth and other materials after removal from their 71  
natural state in the process of surface mining. 72

(D) "Spoil bank" means a pile of removed overburden. 73

(E) "Area of land affected" means the area of land that 74  
has been excavated, or upon which a spoil bank exists, or both. 75

(F) (1) "Operation" or "surface mining operation" means all 76  
of the premises, facilities, and equipment used in the process 77  
of removing minerals, or minerals and incidental coal, by 78  
surface mining from a mining area in the creation of which 79  
mining area overburden or minerals, or minerals and incidental 80  
coal, are disturbed or removed, ~~such surface mining area being~~ 81

~~located upon a single tract of land or upon two or more~~ 82  
~~contiguous tracts of land. Separation by a stream or roadway~~ 83  
~~shall not preclude the tracts from being considered contiguous.~~ 84

(2) When the context indicates, "operation" or "in-stream  
mining operation" means all of the premises, facilities, and 85  
equipment used in the process of removing minerals by in-stream 86  
mining from a mining area. 87  
88

(3) When the context indicates, "operation" or 89  
"underground minerals mining operation" has the same meaning as 90  
in section 1514.60 of the Revised Code. 91

(G) "Operator" means any person engaged in surface mining 92  
who removes minerals, or minerals and incidental coal, from the 93  
earth by surface mining or who removes overburden for the 94  
purpose of determining the location, quality, or quantity of a 95  
mineral deposit. "Operator" also means any person engaged in in- 96  
stream mining who removes minerals from the bottom of the 97  
channel of a watercourse by in-stream mining. "Operator" also 98  
includes an underground minerals mining operator as defined in 99  
section 1514.60 of the Revised Code when the context so 100  
indicates. 101

(H) "Performance bond" means the surety bond required to 102  
be filed under section 1514.04 of the Revised Code and includes 103  
cash, an irrevocable letter of credit, and negotiable 104  
certificates of deposit authorized to be deposited in lieu of 105  
the surety bond under that section. 106

(I) "Dewatering" means the withdrawal of ground water from 107  
an aquifer or saturated zone that may result in the lowering of 108  
the water level within the aquifer or saturated zone or a 109  
decline of the potentiometric surface within that aquifer or 110

saturated zone.	111
(J) "Ground water" means all water occurring in an aquifer.	112 113
(K) "Cone of depression" means a depression or low point in the water table or potentiometric surface of a body of ground water that develops around a location from which ground water is being withdrawn.	114 115 116 117
(L) "High water mark" means the line on the shore that is established by the fluctuations of water and indicated by physical characteristics such as a natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding area.	118 119 120 121 122 123 124
(M) "In-stream mining" means all or any part of a process followed in the production of minerals from the bottom of the channel of a watercourse that drains a surface area of more than one hundred square miles. "In-stream mining" may be accomplished by using any technique or by using surface excavation methods, such as open pit mining, dredging, placering, or quarrying, and includes the removal of overburden for the purpose of determining the location, quantity, or quality of mineral deposits. "In-stream mining" does not include either of the following:	125 126 127 128 129 130 131 132 133 134
(1) Routine dredging for purely navigational or flood control purposes during which materials are removed for noncommercial purposes;	135 136 137
(2) The extraction of minerals, other than coal, by a landowner for the landowner's own noncommercial use when the	138 139

material is extracted and used in an unprocessed form on the 140  
same tract of land. 141

For purposes of division (M) of this section, the number 142  
of square miles of surface area that a watercourse drains shall 143  
be determined by consulting the "gazetteer of Ohio streams," 144  
which is a portion of the Ohio water plan inventory published in 145  
1960 by the division of water in the department of natural 146  
resources, or its successor, if any. 147

(N) In provisions concerning in-stream mining, when the 148  
context is appropriate, "land" is deemed to include an area of a 149  
watercourse. 150

(O) "Watercourse" means any naturally occurring perennial 151  
or intermittent stream, river, or creek flowing within a defined 152  
stream bed and banks. 153

(P) "Certified mine foreperson" means the person whom the 154  
operator of a surface mining operation places in charge of the 155  
conditions and practices at the mine, who is responsible for 156  
conducting workplace examinations under 30 C.F.R. part 56 or 30 157  
C.F.R. part 57, as amended, and who has passed an examination 158  
for the position administered by the division of mineral 159  
resources management. 160

(Q) "Underground minerals mining" has the same meaning as 161  
in section 1514.60 of the Revised Code. 162

(R) "Activities related to making finished aggregate 163  
products" includes the processing, loading, crushing, conveying, 164  
screening, storing, washing, batching, mixing, heating, bagging, 165  
or drying necessary to make a product comprised of at least 166  
seventy-five per cent of an extracted industrial mineral. 167

**Sec. 1514.02.** (A) After the dates the chief of the 168

division of mineral resources management prescribes by rule 169  
pursuant to section 1514.08 of the Revised Code, but not later 170  
than July 1, 1977, nor earlier than July 1, 1975, no operator 171  
shall engage in surface mining or conduct a surface mining 172  
operation without a surface mining permit issued by the chief. 173

No person shall engage in in-stream mining or conduct an 174  
in-stream mining operation without an in-stream mining permit 175  
issued by the chief. However, a person who, on March 15, 2002, 176  
holds a valid permit to conduct in-stream mining that is issued 177  
under section 10 of the "Rivers and Harbors Appropriation Act of 178  
1899," 30 Stat. 1151, 33 U.S.C. 403, as amended, shall not be 179  
required to obtain an in-stream mining permit from the chief 180  
under this section until the existing permit expires. 181

An application for a surface or in-stream mining permit 182  
shall be upon the form that the chief prescribes and provides 183  
and shall contain all of the following: 184

(1) The name and address of the applicant, of all partners 185  
if the applicant is a partnership, or of all officers and 186  
directors if the applicant is a corporation, and any other 187  
person who has a right to control or in fact controls the 188  
management of the applicant or the selection of officers, 189  
directors, or managers of the applicant; 190

(2) A list of the minerals and coal, if any coal, sought 191  
to be extracted, an estimate of the annual production rates for 192  
each mineral and coal, and a description of the land upon which 193  
the applicant proposes to engage in a surface or in-stream 194  
mining operation, which description shall set forth the names of 195  
the counties, townships, and municipal corporations, if any, in 196  
which the land is located; the location of its boundaries; and a 197  
description of the land of sufficient certainty that it may be 198

located and distinguished from other lands;	199
(3) The name of each county, township, or municipal corporation, if any, that has in effect a zoning resolution or ordinance that would affect the proposed surface or in-stream mining operation or, if no such zoning resolution or ordinance is in effect, a statement attesting to that fact. The application also shall contain an explanation of how the applicant intends to comply with any applicable <del>provisions of a</del> zoning resolution or ordinance.	200 201 202 203 204 205 206 207
(4) An estimate of the number of acres of land that will comprise the total area of land to be affected and an estimate of the number of acres of land to be affected during the first year of operation under the permit;	208 209 210 211
(5) The name and address of the owner of surface rights in the land upon which the applicant proposes to engage in surface or in-stream mining;	212 213 214
(6) A copy of the deed, lease, or other instrument that authorizes entry upon the land by the applicant or the applicant's agents if surface rights in the land are not owned by the applicant;	215 216 217 218
(7) A statement of whether any surface or in-stream mining permits or coal mining and reclamation permits are now held by the applicant in this state and, if so, the numbers of the permits;	219 220 221 222
(8) A statement of whether 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	223 224 225 226 227



applicant has ever had a surface or in-stream mining permit or 228  
coal mining and reclamation permit issued by this or any other 229  
state suspended or revoked or has ever forfeited a surface or 230  
in-stream mining or coal mining and reclamation bond or cash, an 231  
irrevocable letter of credit, or a security deposited in lieu of 232  
a bond; 233

(9) A report of the results of test borings that the 234  
operator has conducted on the area or otherwise has readily 235  
available, including, to the extent that the information is 236  
readily available to the operator, the nature and depth of 237  
overburden and material underlying each mineral or coal deposit, 238  
and the thickness and extent of each mineral or coal deposit. In 239  
the case of an application for an in-stream mining permit, the 240  
report additionally shall include sufficient information to show 241  
the approximate depth to bedrock. All information relating to 242  
test boring results submitted to the chief pursuant to this 243  
section shall be kept confidential and not made a matter of 244  
public record, except that the information may be disclosed by 245  
the chief in any legal action in which the truthfulness of the 246  
information is material. 247

(10) A complete plan for surface or in-stream mining and 248  
reclamation of the area to be affected, which shall include a 249  
statement of the intended future uses of the area and show the 250  
approximate sequence in which mining and reclamation measures 251  
are to occur, the approximate intervals following mining during 252  
which the reclamation of all various parts of the area affected 253  
will be completed, and the measures the operator will perform to 254  
prevent damage to adjoining property and to achieve all of the 255  
following general performance standards for mining and 256  
reclamation: 257

(a) Prepare the site adequately for its intended future 258  
uses upon completion of mining; 259

~~(b) Where a plan of zoning or other comprehensive plan has 260  
been adopted that governs land uses or the construction of 261  
public improvements and utilities for an area that includes the 262  
area sought to be mined, ensure that future land uses within the 263  
site will not conflict with the plan. On and after March 15, 264  
2002, division (A) (10) (b) of this section does not apply to any 265  
surface or in-stream mining permit or applications for a surface 266  
or in-stream mining permit, any renewal of an existing surface 267  
or in-stream mining permit or application for a renewal of an 268  
existing surface or in-stream mining permit, any amendment or 269  
application for an amendment to an existing surface or in-stream 270  
mining permit, or any modification or application for a 271  
modification of a mining and reclamation plan of an existing 272  
surface or in-stream mining permit unless the application for 273  
such a permit, renewal, amendment, or modification is a 274  
resubmission, revision, or reconsideration of an application 275  
that was pending before the chief or was first approved prior to 276  
March 15, 2002. 277~~

~~(c) Grade, contour, or terrace final slopes, wherever 278  
needed, sufficient to achieve soil stability and control 279  
landslides, erosion, and sedimentation. Highwalls will be 280  
permitted if they are compatible with the future uses specified 281  
in the plan and measures will be taken to ensure public safety. 282  
Where ponds, impoundments, or other resulting bodies of water 283  
are intended for recreational use, establish banks and slopes 284  
that will ensure safe access to those bodies of water. Where 285  
such bodies of water are not intended for recreation, include 286  
measures to ensure public safety, but access need not be 287  
provided. 288~~

<del>(d)</del> <u>(c)</u> Resoil the area of land affected, wherever needed,	289
with topsoil or suitable subsoil, fertilizer, lime, or soil	290
amendments, as appropriate, in sufficient quantity and depth to	291
raise and maintain a diverse growth of vegetation adequate to	292
bind the soil and control soil erosion and sedimentation;	293
<del>(e)</del> <u>(d)</u> Establish a diverse vegetative cover of grass and	294
legumes or trees, grasses, and legumes capable of self-	295
regeneration and plant succession wherever required by the plan;	296
<del>(f)</del> Remove or bury any metal, lumber, equipment, or other	297
refuse resulting from mining, and remove or bury any unwanted or	298
useless structures;	299
<del>(g)</del> <u>(e)</u> Reestablish boundary, section corner, government,	300
and other survey monuments that were removed by the operator;	301
<del>(h)</del> <u>(f)</u> During mining and reclamation, ensure that	302
contamination, resulting from mining, of underground water	303
supplies is prevented. Upon completion of reclamation, ensure	304
that any watercourse, lake, or pond located within the site	305
boundaries is free of substances resulting from mining in	306
amounts or concentrations that are harmful to persons, fish,	307
waterfowl, or other beneficial species of aquatic life.	308
<del>(i)</del> <u>(g)</u> During mining and reclamation, control drainage so	309
as to prevent the causing of flooding, landslides, and flood	310
hazards to adjoining lands resulting from the mining operation.	311
Leave any ponds in such condition as to avoid their constituting	312
a hazard to adjoining lands.	313
(j) During mining and reclamation, ensure that the effect	314
of any reduction of the quantity of ground water is minimized;	315
(k) Ensure that mining and reclamation are carried out in	316
the sequence and manner set forth in the plan and that	317

reclamation measures are performed in a timely manner. All 318  
reclamation of an area of land affected shall be completed no 319  
later than three years following the mining of the area unless 320  
the operator makes a showing satisfactory to the chief that the 321  
future use of the area requires a longer period for completing 322  
reclamation. 323

(l) During mining, store topsoil or fill in quantities 324  
sufficient to complete the backfilling, grading, contouring, 325  
terracing, and resoiling that are specified in the plan. 326  
Stabilize the slopes of and plant each spoil bank to control 327  
soil erosion and sedimentation wherever substantial damage to 328  
adjoining property might occur. 329

(m) During mining, promptly remove, store, or cover any 330  
coal, pyritic shale, or other acid producing materials in a 331  
manner that will minimize acid drainage and the accumulation of 332  
acid water; 333

(n) During mining, detonate explosives in a manner that 334  
will prevent damage to adjoining property; 335

(o) In the case of in-stream mining, do all of the 336  
following: 337

(i) Limit access to the channel of a watercourse to a 338  
single point of entry on one bank of the watercourse; 339

(ii) Maintain riparian vegetation to the fullest extent 340  
possible; 341

(iii) Upon cessation of in-stream mining, stabilize and 342  
reclaim to the pre-mined condition the banks of a watercourse 343  
affected by in-stream mining. 344

(11) For any applicant, except an applicant for an in- 345

stream mining permit, who intends to extract less than ten 346  
thousand tons of minerals per year and no incidental coal, a 347  
current notarized tax map, ~~in triplicate and notarized,~~ and the 348  
appropriate United States geological survey seven and one-half 349  
minute topographic map. Each copy shall bear the applicant's 350  
name and shall identify the area of land to be affected 351  
corresponding to the application. 352

(12) For any applicant for a surface mining permit who 353  
intends to extract ten thousand tons of minerals or more per 354  
year or who intends to extract any incidental coal irrespective 355  
of the tonnage of minerals intended to be mined, a map, ~~in-~~ 356  
~~triplicate,~~ on a scale of not more than four hundred feet to the 357  
inch, or ~~three copies of an~~ enlarged United States geological 358  
survey topographic map on a scale of not more than four hundred 359  
feet to the inch. Each application for an in-stream mining 360  
permit shall include such a map regardless of the tons of 361  
minerals that the applicant intends to extract. 362

The map shall comply with all of the following: 363

(a) Be prepared and certified by a professional engineer 364  
or surveyor registered under Chapter 4733. of the Revised Code; 365

(b) Identify the area of land to be affected corresponding 366  
to the application; 367

(c) Show the probable limits of subjacent and adjacent 368  
deep, strip, surface, or in-stream mining operations, whether 369  
active, inactive, or mined out; 370

(d) Show the boundaries of the area of land to be affected 371  
during the period of the permit and the area of land estimated 372  
to be affected during the first year of operation, and name the 373  
surface and mineral owners of record of the area and the owners 374

of record of adjoining surface properties;	375
(e) Show the names and locations of all streams, creeks,	376
or other bodies of water, roads, railroads, utility lines,	377
buildings, cemeteries, and oil and gas wells on the area of land	378
to be affected and within five hundred feet of the perimeter of	379
the area;	380
(f) Show the counties, municipal corporations, townships,	381
and sections in which the area of land to be affected is	382
located;	383
(g) Show the drainage plan on, above, below, and away from	384
the area of land to be affected, indicating the directional flow	385
of water, constructed drainways, natural waterways used for	386
drainage, and the streams or tributaries receiving or to receive	387
this discharge;	388
(h) Show the location of available test boring holes that	389
the operator has conducted on the area of land to be affected or	390
otherwise has readily available;	391
(i) Show the date on which the map was prepared, the north	392
direction and the quadrangle sketch, and the exact location of	393
the operation;	394
(j) Show the type, kind, location, and references of all	395
existing boundary, section corner, government, and other survey	396
monuments within the area to be affected and within five hundred	397
feet of the perimeter of the area.	398
The certification of the maps shall read: "I, the	399
undersigned, hereby certify that this map is correct, and shows	400
to the best of my knowledge and belief all of the information	401
required by the surface or in-stream mining laws, as applicable,	402
of the state." The certification shall be signed and attested	403

before a notary public. The chief may reject any map as 404  
incomplete if its accuracy is not so certified and attested. 405

(13) A certificate of public liability insurance issued by 406  
an insurance company authorized to do business in this state or 407  
obtained pursuant to sections 3905.30 to 3905.35 of the Revised 408  
Code covering all surface or in-stream mining operations of the 409  
applicant in this state and affording bodily injury and property 410  
damage protection in amounts not less than the following: 411

(a) One hundred thousand dollars for all damages because 412  
of bodily injury sustained by one person as the result of any 413  
one occurrence, and three hundred thousand dollars for all 414  
damages because of bodily injury sustained by two or more 415  
persons as the result of any one occurrence; 416

(b) One hundred thousand dollars for all claims arising 417  
out of damage to property as the result of any one occurrence, 418  
with an aggregate limit of three hundred thousand dollars for 419  
all property damage to which the policy applies. 420

(14) A certificate of public liability insurance issued by 421  
an insurance company authorized to do business in this state or 422  
obtained pursuant to sections 3905.30 to 3905.35 of the Revised 423  
Code covering all underground minerals mining operations of the 424  
applicant in this state and affording bodily injury and property 425  
damage protection in amounts not less than one million dollars; 426

(15) A sworn statement by ~~the~~ a surface or in-stream 427  
mining permit applicant that, ~~during the term of any permit~~ 428  
~~issued under this chapter or of any renewal of such a permit,~~ 429  
the applicant will comply with all applicable zoning resolutions 430  
or ordinances that are in effect at the time the application is 431  
filed unless the resolutions or ordinances subsequently become 432

~~invalid during the term of the permit or renewal;~~ 433

~~(15)~~ (16) A copy of the advertisement that the applicant is 434  
required to have published in accordance with section 1514.022 435  
of the Revised Code, if applicable; 436

~~(16)~~ (17) For any applicant whose operation may result in 437  
dewatering, a compilation of data in a form that is prescribed 438  
by the chief and that is suitable to conduct ground water 439  
modeling in order to establish a projected cone of depression 440  
for purposes of section 1514.13 of the Revised Code. The chief 441  
shall adopt rules as provided in section 1514.08 of the Revised 442  
Code establishing the minimum requirements and standards 443  
governing the data required under this division. 444

~~(17)~~ (18) A statement by the applicant certifying that the 445  
applicant has communicated with the county engineer of the 446  
county in which the proposed surface or in-stream mining 447  
operation will be located regarding any streets and roads under 448  
the county engineer's jurisdiction that will be used by vehicles 449  
entering and leaving the proposed surface or in-stream mining 450  
operation; 451

~~(18)~~ (19) In the case of an application for an in-stream 452  
mining permit, and if required by the division of mineral 453  
resources management after review of an applicant's proposed in- 454  
stream mining plans, a hydraulic evaluation of the watercourse 455  
prepared by a professional engineer registered under Chapter 456  
4733. of the Revised Code. If the hydraulic evaluation is 457  
required, it shall include, without limitation, all of the 458  
following: 459

(a) Soundings that depict the cross-sectional views of the 460  
channel bottom of the watercourse and water elevations for the 461



watercourse; 462

(b) A profile of the channel bottom; 463

(c) An analysis of design flows and water surface profiles 464  
for the watercourse prior to in-stream mining and the proposed 465  
final mining condition; 466

(d) An analysis of the expected changes in the roughness 467  
coefficient, resistance to water flow velocity, and hydraulic 468  
gradient in the channel bottom due to the proposed mining; 469

(e) Any additional information that the chief requires in 470  
order to evaluate the potential impact of in-stream mining on 471  
the watercourse and to determine if any additional performance 472  
standards are required to protect the environment and property 473  
outside the limits of the operation as established in the 474  
permit. 475

The chief may allow an applicant to deviate from the 476  
requirements of divisions ~~(A) (18) (a)~~ (A) (19) (a) to (d) of this 477  
section if the chief determines that such a deviation is 478  
appropriate. 479

(B) No permit application or amendment shall be approved 480  
by the chief if the chief finds that the reclamation described 481  
in the application will not be performed in full compliance with 482  
this chapter or that there is not reasonable cause to believe 483  
that reclamation as required by this chapter will be 484  
accomplished. 485

The chief shall issue an order denying an application for 486  
an operating permit or an amendment if the chief determines that 487  
the measures set forth in the plan are likely to be inadequate 488  
to prevent damage to adjoining property or to achieve one or 489  
more of the performance standards required in division (A) (10) 490

of this section. 491

No permit application or amendment shall be approved if 492  
the approval would result in a violation of division (E), (F), 493  
or (G) of section 1514.10 of the Revised Code. 494

No permit application or amendment shall be approved to 495  
surface mine land adjacent to a public road in violation of 496  
section 1563.11 of the Revised Code. 497

To ensure adequate lateral support, no permit application 498  
or amendment shall be approved to engage in surface or in-stream 499  
mining on land that is closer than fifty feet of horizontal 500  
distance to any adjacent land or waters in which the operator 501  
making application does not own the surface or mineral rights 502  
unless the owners of the surface and mineral rights in and under 503  
the adjacent land or waters consent in writing to surface or in- 504  
stream mining closer than fifty feet of horizontal distance. The 505  
consent, or a certified copy thereof, shall be attached to the 506  
application as a part of the permanent record of the application 507  
for a surface or in-stream mining permit. Such consent shall run 508  
with the land. 509

The chief shall issue an order granting a permit upon the 510  
chief's approval of an application, as required by this section, 511  
filing of the performance bond required by section 1514.04 of 512  
the Revised Code, payment of an acreage fee in the amount of 513  
seventy-five dollars multiplied by the number of acres estimated 514  
in the application that will comprise the area of land to be 515  
affected within the first year of operation under the permit, 516  
and payment of a permit fee. The amount of the permit fee for a 517  
surface mining permit shall be five hundred dollars, and the 518  
amount of the permit fee for an in-stream mining permit shall be 519  
two hundred fifty dollars. 520

The chief may issue an order denying a permit if the chief 521  
finds that the applicant, any partner if the applicant is a 522  
partnership, any officer or director if the applicant is a 523  
corporation, or any other person who has a right to control or 524  
in fact controls the management of the applicant or the 525  
selection of officers, directors, or managers of the applicant 526  
has substantially or materially failed to comply or continues to 527  
fail to comply with this chapter, which failure may consist of 528  
one or more violations thereof, a rule adopted thereunder, or an 529  
order of the chief or failure to perform reclamation as required 530  
by this chapter. The chief may deny or revoke the permit of any 531  
person who so violates or fails to comply or who purposely 532  
misrepresents or omits any material fact in the application for 533  
the permit or an amendment to a permit. 534

If the chief denies the permit, the chief shall state the 535  
reasons for denial in the order denying the permit. 536

Each permit shall be issued upon condition that the 537  
operator will comply with this chapter and perform the measures 538  
set forth in the operator's plan of mining and reclamation in a 539  
timely manner. The chief, mineral resources inspectors, or other 540  
authorized representatives of the chief may enter upon the 541  
premises of the operator at reasonable times for the purposes of 542  
determining whether or not there is compliance with this 543  
chapter. 544

~~(C) If the chief approves an application for a surface-~~ 545  
~~mining permit, the order granting the permit shall authorize the~~ 546  
~~person to whom the permit is issued to engage as the operator of~~ 547  
~~a surface mining operation upon the land described in the permit~~ 548  
~~during a period that shall expire fifteen years after the date-~~ 549  
~~of issuance of the permit, or upon the date when the chief,~~ 550

~~after inspection, orders the release of any remaining~~ 551  
~~performance bond deposited to assure satisfactory performance of~~ 552  
~~the reclamation measures required pursuant to this chapter,~~ 553  
~~whichever occurs earlier.~~ 554

~~If the chief approves an application for an in-stream~~ 555  
~~mining permit, the order granting the permit shall authorize the~~ 556  
~~person to whom the permit is issued to engage as the operator of~~ 557  
~~an in-stream mining operation on the land described in the~~ 558  
~~permit during a period that shall expire five years after the~~ 559  
~~date of issuance of the permit, or on the date when the chief,~~ 560  
~~after inspection, orders the release of any remaining bond,~~ 561  
~~cash, irrevocable letters of credit, or certificates of deposit~~ 562  
~~that were deposited to ensure satisfactory performance of the~~ 563  
~~reclamation measures required under this chapter, whichever~~ 564  
~~occurs earlier.~~ 565

~~(D) Before an operator engages in a surface or in-stream~~ 566  
~~mining operation on land not described in the operator's permit,~~ 567  
~~but that is contiguous to the land described in the operator's~~ 568  
~~permit, the operator shall file with the chief an application~~ 569  
~~for an amendment to the operator's permit.~~ 570

(C) (1) The chief shall adopt rules in accordance with 571  
section 1514.08 of the Revised Code that establishes procedures 572  
and requirements regarding amendments to an operator's permit 573  
and shall define what constitutes a "significant" amendment for 574  
purposes of notice under section 1514.022 of the Revised Code. 575  
~~Before approving an amendment, the chief shall require the~~ 576  
~~information, maps, fees, and amount, except as otherwise~~ 577  
~~provided by rule, of the performance bond as required for an~~ 578  
~~original application under this section and shall apply the same~~ 579  
~~prohibitions and restrictions applicable to land described in an~~ 580

~~original application for a permit. An applicant for a~~ 581  
~~significant amendment to a permit, as "significant" is defined~~ 582  
~~by rule, shall include a copy of the advertisement that the~~ 583  
~~applicant is required to have published in accordance with~~ 584  
~~section 1514.022 of the Revised Code. If the chief disapproves~~ 585  
~~the amendment, the chief shall state the reasons for disapproval~~ 586  
~~in the order disapproving the amendment. Upon the approval of an~~ 587  
~~amendment by the chief, the operator shall be authorized to~~ 588  
~~engage in surface mining on the land or in-stream mining in the~~ 589  
~~watercourse described in the operator's original permit plus the~~ 590  
~~land or area of the watercourse described in the amendment until~~ 591  
~~the date when the permit expires, or when the chief, after~~ 592  
~~inspection, orders the release of any remaining performance bond~~ 593  
~~deposited to assure satisfactory performance of the reclamation~~ 594  
~~measures required pursuant to this chapter, whichever occurs~~ 595  
~~earlier.~~ 596

~~(E)~~ (2) ~~An operator, at any time and upon application~~ 597  
~~therefor and approval by the chief, may amend the plan of mining~~ 598  
~~and reclamation filed with the application for~~ apply to the 599  
chief for an amendment to a permit, in accordance with the 600  
rules, in order to ~~change~~ do any of the following: 601

(a) Change the reclamation measures to be performed, 602  
~~modify;~~ 603

(b) Modify the interval after mining within which 604  
~~reclamation measures will be performed,~~ change; 605

(c) Change the sequence in which mining or reclamation 606  
~~will occur at specific locations within the area affected,~~ mine 607  
; 608

(d) Mine acreage previously mined or reclaimed, ~~or for;~~ 609

(e) Add land to the permit when the land is contiguous or 610  
when the land is located in whole or in part of the same 611  
township or municipal corporation identified in the permit; 612

(f) Conduct underground minerals mining activities in 613  
accordance with sections 1514.60 to 1514.70 of the Revised Code; 614

(g) For any other purpose, provided that the plan, as 615  
amended, includes measures that the chief determines will be 616  
adequate to prevent damage to adjoining property and to achieve 617  
the performance standards set forth in ~~division (A) (10) of this~~ 618  
~~section~~chapter, as applicable. An application for a significant 619  
~~amendment to a plan, as "significant" is defined by rule, shall~~ 620  
~~include a copy of the advertisement that the applicant is~~ 621  
~~required to have published in accordance with section 1514.022~~ 622  
~~of the Revised Code.~~ 623

(3) An applicant for a significant amendment to a permit 624  
shall include a copy of the advertisement that the applicant is 625  
required to have published in accordance with section 1514.022 626  
of the Revised Code. 627

(4) Before approving an amendment, the chief shall require 628  
the information, maps, fees, and the amount, except as otherwise 629  
provided by rule, of the performance bond as required for an 630  
original application under this section and shall apply the same 631  
prohibitions and restrictions applicable to land described in an 632  
original application for a permit. 633

(D) The chief may propose one or more amendments to the 634  
plan in writing within ninety days after the fifth anniversary 635  
of the date of issuance of a surface mining permit or within 636  
ninety days after the first anniversary of the date of issuance 637  
of an in-stream mining permit. The chief's proposal may be made 638

upon a finding of any of the following conditions after a 639  
complete review of the plan and inspection of the area of land 640  
affected, and the plan shall be so amended upon written 641  
concurrence in the findings and approval of the amendments by 642  
the operator: 643

(1) An alternate measure, in lieu of one previously 644  
approved in the plan, will more economically or effectively 645  
achieve one or more of the performance standards. 646

(2) Developments in reclamation technology make an 647  
alternate measure to achieve one or more of the performance 648  
standards more economical, feasible, practical, or effective. 649

(3) Changes in the use or development of adjoining lands 650  
require changes in the intended future uses of the area of land 651  
affected in order to prevent damage to adjoining property. 652

~~(F)(E)~~ The holder of a surface, underground minerals, or 653  
in-stream mining permit who desires to transfer the rights 654  
granted under the permit to another person ~~at any time during~~ 655  
~~the term of the permit or its renewal~~ shall file with the chief 656  
an application for the transfer of the permit. The chief shall 657  
issue an order approving or disapproving the transfer of the 658  
permit in accordance with criteria and procedures established by 659  
rule. 660

(F) Except for division (E) of this section, this section 661  
does not apply to any permit issued under sections 1514.60 to 662  
1514.69 of the Revised Code. 663

**Sec. 1514.021.** ~~(A) A permit holder who wishes to continue~~ 664  
~~surface or in-stream mining operations after the expiration date~~ 665  
~~of the existing~~ Surface, underground minerals, and in-stream 666  
mining permits issued under this chapter, including any such 667

permits issued prior to the effective date of this section, do 668  
not expire. However, the chief of the division of mineral 669  
resources management shall conduct a review of the operations of 670  
each such permit or renewal permit shall file with the chief of 671  
the division of mineral resources management a notice of intent 672  
to renew for purposes of the renewal of a surface or in-stream 673  
mining permit or renewal permit at least ninety days before the 674  
expiration date of the existing permit or renewal permit. The 675  
notice of intent to renew shall be on a form that the chief 676  
prescribes and provides and shall be accompanied by a permit 677  
renewal fee. The amount of the fee for renewal of a surface 678  
mining permit or renewal permit shall be one thousand dollars, 679  
and the amount of the fee for renewal of an in-stream mining 680  
permit or renewal permit shall be five hundred dollars at least 681  
once every five years in accordance with rules adopted under 682  
section 1514.08 of the Revised Code. 683

~~(B) Upon receipt of a notice of intent to renew form and~~ 684  
~~the permit renewal fee under division (A) of this section, the~~ 685  
~~chief shall notify the permit holder to submit a renewal~~ 686  
~~application package. The permit holder shall submit a complete~~ 687  
~~renewal package to the chief at least thirty days prior to the~~ 688  
~~expiration of the existing surface or in-stream mining permit or~~ 689  
~~renewal permit. The renewal application package shall include~~ 690  
~~all of the following:~~ 691

~~(1) A map that is a composite of the information required~~ 692  
~~to be contained in the most recent annual report map under~~ 693  
~~section 1514.03 of the Revised Code and of all surface or in-~~ 694  
~~stream mining and reclamation activities conducted under the~~ 695  
~~existing permit or renewal permit;~~ 696

~~(2) The annual report required under section 1514.03 of~~ 697



~~the Revised Code;~~ 698

~~(3) In the case of an applicant proposing a significant change to the plan of mining and reclamation, as "significant" is defined by rule, a copy of the advertisement that is required to be published in accordance with section 1514.022 of the Revised Code;~~ 699  
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~~(4) Additional maps, plans, and revised or updated information that the chief determines to be necessary for permit renewal.~~ 704  
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~~For a renewal permit requiring minor or minimal updates to the existing permit, renewal permit, or accompanying information, the chief may authorize a permit holder to file updated information through a surface mining permit modification process using a surface mining permit modification form. However, the chief may require such a permit holder to submit a complete renewal application package.~~ 707  
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~~(C) (1) Upon receipt of the complete renewal application package required under division (B) of this section and except as otherwise provided in division (C) (2) of this section, the chief shall approve the application for renewal and issue an order granting a renewal permit unless the chief finds that any of the following applies:~~ 714  
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~~(a) The permit holder's operation is not in substantial or material compliance with this chapter, rules adopted and orders issued under it, and the plan of mining and reclamation under the existing permit or renewal permit.~~ 720  
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~~(b) The permit holder has not provided evidence that a performance bond filed under section 1514.04 of the Revised Code applicable to lands affected under the existing permit or~~ 724  
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~~renewal permit will remain effective until released under~~ 727  
~~section 1514.05 of the Revised Code.~~ 728

~~(c) The permit holder, any partner if the permit holder is~~ 729  
~~a partnership, any officer or director if the permit holder is a~~ 730  
~~corporation, or any other person who has a right to control or~~ 731  
~~in fact controls the management of the permit holder or the~~ 732  
~~selection of officers, directors, or managers of the permit~~ 733  
~~holder has failed substantially or materially to comply or~~ 734  
~~continues to fail to comply with this chapter as provided in~~ 735  
~~section 1514.02 of the Revised Code.~~ 736

~~(2) If the application for renewal proposes significant~~ 737  
~~changes to the plan of mining and reclamation, as "significant"~~ 738  
~~is defined by rule, the chief may, but is not required to,~~ 739  
~~approve the application for renewal.~~ 740

~~(D) (1) After receiving a complete renewal application~~ 741  
~~package and permit renewal fees required under divisions (A) and~~ 742  
~~(B) of this section, the chief shall do one of the following:~~ 743

~~(a) Approve the application for renewal and issue an order~~ 744  
~~granting a renewal permit;~~ 745

~~(b) Issue an order denying a renewal permit;~~ 746

~~(c) Notify the applicant in accordance with division (D)~~ 747  
~~(2) of this section that there are deficiencies in the renewal~~ 748  
~~application package and that an extension of the time limit for~~ 749  
~~issuing an order approving or disapproving the renewal permit~~ 750  
~~has been granted.~~ 751

~~In making a decision regarding a renewal application~~ 752  
~~package, the chief shall review the package for compliance with~~ 753  
~~this chapter and rules adopted under it.~~ 754

~~(2) The chief shall notify a permit holder and, if applicable, the permit holder's consultant, surveyor, or engineer of deficiencies or errors in a renewal application package and shall include in the notification a discussion of the deficiencies or errors.~~ 755  
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~~A permit holder shall have up to one hundred eighty days after the expiration of the permit holder's permit or renewal permit to submit a revised renewal application package. A permit holder may request, in writing, an extension of the one hundred eighty-day period for revisions to the renewal application package. The chief may approve a sixty-day extension. The chief shall notify the permit holder of the chief's decision to either grant or deny the extension.~~ 760  
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~~Upon the submission of a revised renewal application package that is determined to be complete by the chief, the chief shall proceed to approve or deny the application in accordance with division (D) (1) (a) or (b) of this section. If the revised renewal application package is not submitted within one hundred eighty days after the permit expiration date or, if an extension has been granted, within two hundred forty days after the permit expiration date, the chief shall issue an order denying the renewal permit in accordance with division (D) (1) (b) of this section.~~ 768  
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~~(E) If an applicant for a renewal permit has complied with division (A) of this section, the applicant may continue surface or in-stream mining operations under the existing permit or renewal permit after its expiration date until the time period for filing a complete renewal application package has expired under division (D) of this section or until the chief issues an order denying the renewal permit.~~ 778  
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~~(F) A permit holder who fails to submit a notice of intent to renew form and required permit renewal fees within the time prescribed by division (A) of this section and a renewal application package under division (B) of this section shall cease surface or in-stream mining operations on the expiration date of the existing permit or renewal permit. If such a permit holder then submits a notice of intent to renew form, an application for renewal, and the permit renewal fees on or before the thirtieth day after the expiration date of the expired permit or renewal permit and provides the information required by the chief under division (B) of this section within sixty days after the permit expiration date, the permit holder need not submit the final map and report required by section 1514.03 of the Revised Code until the later of thirty days after the chief issues an order denying the application for renewal or thirty days after the chief's order is affirmed upon appeal under section 1513.13 or 1513.14 of the Revised Code. An applicant under this division who fails to provide the information required by the chief under division (B) of this section within the prescribed time period shall submit the final map and report required by section 1514.03 of the Revised Code within thirty days after the expiration of that prescribed period.~~

~~(G) If the chief issues an order denying an application for renewal of a permit or renewal permit after the expiration date of the permit, the permit holder shall cease surface or in-stream mining operations immediately and, within thirty days after the issuance of the order, shall submit the final report and map required under section 1514.03 of the Revised Code. The chief shall state the reasons for denial in the order denying renewal of the permit. A permit holder may appeal the chief's~~

~~order denying the renewal under section 1513.13 of the Revised Code and may continue surface or in-stream 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.~~ 816  
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~~(H) The approval of an application for renewal under this section authorizes the continuation of an existing surface mining permit or renewal permit for a term of fifteen years from the expiration date of the existing permit.~~ 823  
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~~The approval of an application for renewal under this section authorizes the continuation of an existing in-stream mining permit or renewal permit for a term of five years from the expiration date of the existing permit.~~ 827  
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~~(I) Any renewal permit is subject to all the requirements of this chapter and rules adopted under it.~~ 831  
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**Sec. 1514.022.** (A) As used in this section: 833

(1) "Application" means any of the following: 834

(a) An application filed under division (A) of section 1514.02 of the Revised Code for ~~an initial~~ a permit for a proposed surface or in-stream mining operation; 835  
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(b) An application filed under division ~~(D)~~ (C) of section 1514.02 of the Revised Code for a significant amendment to a permit, ~~as "significant" is defined by rule;~~ 838  
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~~(c) An application filed under division (E) of section 1514.02 of the Revised Code for a significant amendment to the plan of mining and reclamation that is proposed by the operator,~~ 841  
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~~as "significant" is defined by rule;~~ 844

~~(d) An application filed under section 1514.021 of the Revised Code for the renewal of a permit if the application proposes a significant change to the plan of mining and reclamation, as "significant" is defined by rule~~ 845  
An application filed under section 1514.62 of the Revised Code for an underground minerals mining permit. 846  
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(2) "Applicant" means a person who files an application. 851

(3) "Governmental agency" means each board of county 852  
commissioners, each board of township trustees, each legislative 853  
authority of a municipal corporation, and the planning 854  
commissioners having jurisdiction over all or part of the area 855  
of a surface, underground minerals, or in-stream mining 856  
operation or a proposed surface, underground minerals, or in- 857  
stream mining operation together with any other federal, state, 858  
or local governmental entities that the chief of the division of 859  
mineral resources management reasonably believes will be 860  
interested in an application. 861

(B) (1) Except as otherwise provided in division (D) of 862  
this section, an applicant shall submit to the chief a copy of 863  
the applicant's advertisement required to be published under 864  
this division of the ownership, precise location, and boundaries 865  
of land to be affected by the surface, underground minerals, or 866  
in-stream mining operation or proposed surface, underground 867  
minerals, or in-stream mining operation that is the subject of 868  
the application. 869

Upon receiving the application and advertisement, the 870  
chief shall designate a location at which the application will 871  
be available for public inspection and shall assign to the 872

application an application identification number. When the chief 873  
determines that the application is substantially complete, the 874  
chief shall notify the applicant of the determination. At that 875  
time, the applicant shall place the advertisement, together with 876  
the application identification number and the notice of the 877  
location at which the application will be available for 878  
inspection, in a newspaper of general circulation in the 879  
locality of the operation or proposed operation at least once a 880  
week for four consecutive weeks. 881

(2) Except as otherwise provided in division (D) of this 882  
section, upon determining that an application is substantially 883  
complete, the chief shall provide written notice to governmental 884  
agencies. The notice shall include all of the information 885  
required to be published under division (B)(1) of this section 886  
together with the date by which any written comments or 887  
objections must be received by the chief for consideration in 888  
the review of the application. That date shall be the date that 889  
is thirty days following the date on which the chief sends the 890  
notice to the governmental agencies. 891

If requested by a governmental agency within thirty-five 892  
days following the date on which the governmental agency 893  
receives the written notice from the chief, the chief may hold 894  
an informal conference to aid in the public understanding of the 895  
permitting process. The informal conference shall be held within 896  
two weeks after the chief determines to hold such a conference 897  
and shall be held in the county in which the surface, 898  
underground minerals, or in-stream mining operation is or is 899  
proposed to be located. 900

(C) Except as otherwise provided in division (D) of this 901  
section, an operation or any person having an interest that is 902

or may be adversely affected by the operation or proposed 903  
operation and any governmental agency may file written comments 904  
about or objections to an application with the chief. In the 905  
case of interested persons who are not governmental agencies, 906  
the comments or objections shall be filed not later than thirty 907  
days after the last publication of the notice. In the case of 908  
governmental agencies, the comments or objections shall be filed 909  
not later than the date that the chief specified in the notice, 910  
except that at the chief's discretion, the chief may accept 911  
comments or objections from the agencies after that date if the 912  
chief considers doing so to be in the public interest. The chief 913  
immediately shall transmit comments or objections to the 914  
applicant and shall make them available to the public at the 915  
same location at which the application is available for 916  
inspection. 917

(D) Divisions (B) and (C) of this section do not apply if 918  
a plan of zoning has been adopted for the area that includes the 919  
location at which the operation is conducted or is proposed to 920  
be conducted and either of the following applies: 921

(1) The plan of zoning allows mining at the location at 922  
which the mining operation is or is proposed to be conducted. 923

(2) A zoning variance or conditional use certificate for a 924  
mining operation, for which public notice and opportunity for 925  
comment have been provided, has been received within three 926  
hundred sixty-five days prior to submittal of an application. In 927  
such a situation, an applicant shall provide the chief with a 928  
copy of the notice, certified by the publisher, that was 929  
previously published. 930

**Sec. 1514.023.** ~~Nothing~~ (A) Except as provided in division 931  
(B) of this section , nothing in this chapter or rules adopted 932



under it shall be construed to prevent any county, township, or 933  
municipal corporation from enacting, adopting, or enforcing 934  
zoning resolutions or ordinances. However, the chief of the 935  
division of mineral resources management shall not enforce such 936  
zoning resolutions or ordinances. 937

(B) Sections 519.02 to 519.25 and sections 303.01 to 938  
303.25 of the Revised Code and any other applicable provision of 939  
law governing township or county zoning authority confer no 940  
power on any township zoning commission, board of township 941  
trustees, board of zoning appeals, county rural zoning 942  
commission, board of county commissioners, or board of zoning to 943  
do either of the following: 944

(1) Require a mine operator to obtain a permit or 945  
amendment to a permit issued under this chapter prior to 946  
applying for zoning approval; 947

(2) Regulate underground minerals mining activity on any 948  
land permitted for surface mining under this chapter and rules 949  
adopted under it. 950

**Sec. 1514.024.** (A) A local authority may enter into an 951  
agreement with the operator of a surface or in-stream mining- 952  
operation or of a proposed surface or in-stream mining operation 953  
for the improvement of roads under the jurisdiction of that 954  
local authority that may be affected by the an operation or for 955  
other improvements within the jurisdiction of that local 956  
authority with either of the following: 957

(1) The operator of an existing or proposed surface, 958  
underground minerals, or in-stream mining operation; 959

(2) The operator of an existing or proposed facility 960  
conducting activities related to making finished aggregate 961

products. ~~However~~ 962

(B) ~~However~~, nothing in this section requires the operator 963  
of a surface, underground minerals, or in-stream mining operator 964  
operation or the operator of an existing or proposed facility 965  
conducting activities related to making finished aggregate 966  
products to enter into such an agreement. 967

**Sec. 1514.03.** Within thirty days after each anniversary 968  
date of issuance of a surface or in-stream mining permit, the 969  
operator shall file with the chief of the division of mineral 970  
resources management an annual report, on a form prescribed and 971  
furnished by the chief, that, for the period covered by the 972  
report, shall state the amount of and identify the types of 973  
minerals and coal, if any coal, produced and shall state the 974  
number of acres affected and the number of acres estimated to be 975  
affected during the next year of operation. An annual report is 976  
not required to be filed if a final report is filed in lieu 977  
thereof. 978

Each annual report for a surface mining operation shall 979  
include a progress map indicating the location of areas of land 980  
affected during the period of the report and the location of the 981  
area of land estimated to be affected during the next year. The 982  
map shall be prepared in accordance with division (A) (11) or 983  
(12) of section 1514.02 of the Revised Code, as appropriate, 984  
except that a map prepared in accordance with division (A) (12) 985  
of that section may be certified by the operator or authorized 986  
agent of the operator in lieu of certification by a professional 987  
engineer or surveyor registered under Chapter 4733. of the 988  
Revised Code. However, the chief may require that an annual 989  
progress map or a final map be prepared by a registered 990  
professional engineer or registered surveyor if the chief has 991

reason to believe that the operator exceeded the boundaries of 992  
the permit area or, if the operator filed the map required under 993  
division (A) (11) of section 1514.02 of the Revised Code, that 994  
the operator extracted ten thousand tons or more of minerals 995  
during the period covered by the report. 996

Each annual report for an in-stream mining operation shall 997  
include a statement of the total tonnage removed by in-stream 998  
mining for each month and of the surface acreage and depth of 999  
material removed by in-stream mining and shall include a map 1000  
that identifies the area affected by the in-stream mining if the 1001  
in-stream mining for the year addressed by the report occurred 1002  
beyond the area identified in the most recent approved map, 1003  
soundings that depict the cross-sectional views of the channel 1004  
bottom of the watercourse if the soundings depict a cross- 1005  
sectional view of the channel bottom that is different from the 1006  
most recent approved map, and water elevations for the 1007  
watercourse if water elevations are different from those 1008  
indicated on the most recent approved map. 1009

Each annual report shall be accompanied by a filing fee in 1010  
the amount of five hundred dollars, except in the case of an 1011  
annual report filed by a small operator or an in-stream mining 1012  
operator. A small operator, which is a surface mine operator who 1013  
intends to extract fewer than ten thousand tons of minerals and 1014  
no coal during the next year of operation under the permit, or 1015  
an in-stream mining operator shall include a filing fee in the 1016  
amount of two hundred fifty dollars with each annual report. The 1017  
annual report of any operator also shall be accompanied by an 1018  
acreage fee in the amount of seventy-five dollars multiplied by 1019  
the number of acres estimated in the report to be affected 1020  
during the next year of operation under the permit. The acreage 1021  
fee shall be adjusted by subtracting a credit of seventy-five 1022

dollars per excess acre paid for the preceding year if the 1023  
acreage paid for the preceding year exceeds the acreage actually 1024  
affected or by adding an additional amount of seventy-five 1025  
dollars per excess acre affected if the acreage actually 1026  
affected exceeds the acreage paid for the preceding year. 1027

With each annual report the operator shall file a 1028  
performance bond in the amount, unless otherwise provided by 1029  
rule, of five hundred dollars multiplied by the number of acres 1030  
estimated to be affected during the next year of operation under 1031  
the permit for which no performance bond previously was filed. 1032  
Unless otherwise provided by rule, the bond shall be adjusted by 1033  
subtracting a credit of five hundred dollars per excess acre for 1034  
which bond was filed for the preceding year if the acreage for 1035  
which the bond was filed for the preceding year exceeds the 1036  
acreage actually affected, or by adding an amount of five 1037  
hundred dollars per excess acre affected if the acreage actually 1038  
affected exceeds the acreage for which bond was filed for the 1039  
preceding year. 1040

Within thirty days after ~~the expiration of the surface or~~ 1041  
~~in-stream mining permit, or~~ completion or abandonment of the 1042  
operation, ~~whichever occurs earlier,~~ the operator shall submit a 1043  
final report containing the same information required in an 1044  
annual report, but covering the time from the last annual report 1045  
to the ~~expiration of the permit, or~~ completion or abandonment of 1046  
the operation, ~~whichever occurs earlier.~~ 1047

Each final report shall include a map indicating the 1048  
location of the area of land affected during the period of the 1049  
report and the location of the total area of land affected under 1050  
the permit. The map shall be prepared in accordance with 1051  
division (A) (11) or (12) of section 1514.02 of the Revised Code, 1052

as appropriate. 1053

In the case of a final report for an in-stream mining 1054  
operation, the map also shall include the information required 1055  
under division ~~(A)(18)~~ (A)(19) of section 1514.02 of the Revised 1056  
Code, as applicable. 1057

If the final report and certified map, as verified by the 1058  
chief, show that the number of acres affected under the permit 1059  
is larger than the number of acres for which the operator has 1060  
paid an acreage fee or filed a performance bond, upon 1061  
notification by the chief, the operator shall pay an additional 1062  
acreage fee in the amount of seventy-five dollars multiplied by 1063  
the difference between the number of acres affected under the 1064  
permit and the number of acres for which the operator has paid 1065  
an acreage fee and shall file an additional performance bond in 1066  
the amount, unless otherwise provided by rule, of five hundred 1067  
dollars multiplied by the difference between the number of acres 1068  
affected under the permit and the number of acres for which the 1069  
operator has filed bond. 1070

If the final report and certified map, as verified by the 1071  
chief, show that the number of acres affected under the permit 1072  
is smaller than the number of acres for which the operator has 1073  
filed a performance bond, the chief shall order release of the 1074  
excess bond. However, the chief shall retain a performance bond 1075  
in a minimum amount of ten thousand dollars irrespective of the 1076  
number of acres affected under the permit. The release of the 1077  
excess bond shall be in an amount, unless otherwise provided by 1078  
rule, equal to five hundred dollars multiplied by the difference 1079  
between the number of acres affected under the permit and the 1080  
number of acres for which the operator has filed bond. 1081

The fees collected pursuant to this section and section 1082

1514.02 of the Revised Code shall be deposited with the 1083  
treasurer of state to the credit of the mining regulation and 1084  
safety fund created under section 1513.30 of the Revised Code. 1085

If upon inspection the chief finds that any filing fee, 1086  
acreage fee, performance bond, or part thereof is not paid when 1087  
due or is paid on the basis of false or substantially inaccurate 1088  
reports, the chief may request the attorney general to recover 1089  
the unpaid amounts that are due the state, and the attorney 1090  
general shall commence appropriate legal proceedings to recover 1091  
the unpaid amounts. 1092

**Sec. 1514.04.** (A) Upon receipt of notification from the 1093  
chief of the division of mineral resources management of the 1094  
chief's intent to issue an order granting a surface or in-stream 1095  
mining permit to the applicant, the applicant shall file a 1096  
surety bond, cash, an irrevocable letter of credit, or 1097  
certificates of deposit in the amount, unless otherwise provided 1098  
by rule, of ten thousand dollars. If the amount of land to be 1099  
affected is more than twenty acres, the applicant also shall 1100  
file a surety bond, cash, an irrevocable letter of credit, or 1101  
certificates of deposit in the amount of five hundred dollars 1102  
per acre of land to be affected that exceeds twenty acres. Upon 1103  
receipt of notification from the chief of the chief's intent to 1104  
issue an order granting an amendment to a surface or in-stream 1105  
mining permit, the applicant shall file a surety bond, cash, an 1106  
irrevocable letter of credit, or certificates of deposit in the 1107  
amount required in this division. 1108

In the case of a surface mining permit, the bond shall be 1109  
filed based on the number of acres estimated to be affected 1110  
during the first year of operation under the permit. In the case 1111  
of an amendment to a surface mining permit, the bond shall be 1112

filed based on the number of acres estimated to be affected 1113  
during the balance of the period until the next anniversary date 1114  
of the permit. 1115

In the case of an in-stream mining permit, the bond shall 1116  
be filed based on the number of acres of land within the limits 1117  
of the in-stream mining permit for the entire permit period. In 1118  
the case of an amendment to an in-stream mining permit, the bond 1119  
shall be filed based on the number of any additional acres of 1120  
land to be affected within the limits of the in-stream mining 1121  
permit. 1122

(B) A surety bond filed pursuant to this section and 1123  
sections 1514.02 and 1514.03 of the Revised Code shall be upon 1124  
the form that the chief prescribes and provides and shall be 1125  
signed by the operator as principal and by a surety company 1126  
authorized to transact business in the state as surety. The bond 1127  
shall be payable to the state and shall be conditioned upon the 1128  
faithful performance by the operator of all things to be done 1129  
and performed by the operator as provided in this chapter and 1130  
the rules and orders of the chief adopted or issued pursuant 1131  
thereto. 1132

The operator may deposit with the chief, in lieu of a 1133  
surety bond, cash in an amount equal to the surety bond as 1134  
prescribed in this section or an irrevocable letter of credit or 1135  
negotiable certificates of deposit issued by any bank organized 1136  
or transacting business in this state having a cash value equal 1137  
to or greater than the amount of the surety bond as prescribed 1138  
in this section. Cash or certificates of deposit shall be 1139  
deposited upon the same terms as the terms upon which surety 1140  
bonds may be deposited. If the operator deposits cash, the cash 1141  
shall be credited to the performance cash bond refunds fund 1142

created in section 1501.16 of the Revised Code. If the operator 1143  
deposits certificates of deposit, the chief shall require the 1144  
bank that issued any such certificate to pledge securities of a 1145  
cash value equal to the amount of the certificate that is in 1146  
excess of the amount insured by the federal deposit insurance 1147  
corporation. The securities shall be security for the repayment 1148  
of the certificate of deposit. 1149

(C) Upon a deposit of cash, a letter of credit, or 1150  
certificates with the chief, the chief shall hold it in trust 1151  
for the purposes for which it has been deposited. The chief 1152  
shall be responsible for the safekeeping of such deposits. An 1153  
operator making a deposit of cash, a letter of credit, or 1154  
certificates of deposit may withdraw and receive, from the 1155  
chief, all or any part of the cash, letter of credit, or 1156  
certificates in the possession of the chief upon depositing with 1157  
the chief an irrevocable letter of credit or negotiable 1158  
certificates of deposit issued by any bank organized or 1159  
transacting business in this state, equal in value to the value 1160  
of the cash, letter of credit, or certificates withdrawn. An 1161  
operator may demand and receive from the chief all interest or 1162  
other income from any certificates as it becomes due. If 1163  
certificates deposited with and in the possession of the chief 1164  
mature or are called for payment by the issuer thereof, the 1165  
chief, at the request of the operator who deposited them, shall 1166  
convert the proceeds of the redemption or payment of the 1167  
certificates into such other negotiable certificates of deposit 1168  
issued by any bank organized or transacting business in this 1169  
state or cash, as may be designated by the operator. 1170

(D) A governmental agency, as defined in division (A) of 1171  
section 1514.022 of the Revised Code, or a board or commission 1172  
that derives its authority from a governmental agency shall not 1173



require a surface, underground minerals, or in-stream mining 1174  
operator to file a surety bond, performance bond, closure bond, 1175  
or any other form of financial assurance for the operation or 1176  
closure of a mine or reclamation of land to be affected by a 1177  
surface, underground minerals, or in-stream mining operation 1178  
authorized under this chapter. 1179

(E) Except as provided in division (D) of this section, 1180  
this section does not apply to any permit issued under sections 1181  
1514.60 to 1514.69 of the Revised Code. However, if during the 1182  
underground minerals mining operation, the land surface is 1183  
affected, the chief shall require the area of the land affected 1184  
to be reclaimed, and the permittee shall adhere to the bonding 1185  
requirements of this section. Notwithstanding any other 1186  
provision of law to the contrary, the chief shall not require a 1187  
surface mining permit to be issued to an underground minerals 1188  
mining permittee. 1189

**Sec. 1514.05.** (A) At any time within the period allowed an 1190  
operator by section 1514.02 of the Revised Code to reclaim an 1191  
area of land affected by surface or in-stream mining, the 1192  
operator may file a request, on a form provided by the chief of 1193  
the division of mineral resources management, for inspection of 1194  
the area of land upon which the reclamation, other than any 1195  
required planting, is completed. The request shall include all 1196  
of the following: 1197

(1) The location of the area and number of acres; 1198

(2) The permit number; 1199

(3) A map showing the location of the acres reclaimed, 1200  
prepared and certified in accordance with division (A) (11) or 1201  
(12) of section 1514.02 of the Revised Code, as appropriate. In 1202

the case of an in-stream mining operation, the map also shall 1203  
include, as applicable, the information required under division 1204  
~~(A) (18)~~ (A) (19) of section 1514.02 of the Revised Code. 1205

The chief shall make an inspection and evaluation of the 1206  
reclamation of the area of land for which the request was 1207  
submitted within ninety days after receipt of the request or, if 1208  
the operator fails to complete the reclamation or file the 1209  
request as required, as soon as the chief learns of the default. 1210  
Thereupon, if the chief approves the reclamation, other than any 1211  
required planting, as meeting the requirements of this chapter, 1212  
rules adopted thereunder, any orders issued during the mining or 1213  
reclamation, and the specifications of the plan for mining and 1214  
reclaiming, the chief shall issue an order to the operator and 1215  
the operator's surety releasing them from liability for one-half 1216  
of the total amount of their surety bond on deposit to ensure 1217  
reclamation for the area upon which reclamation is completed. If 1218  
the operator has deposited cash, an irrevocable letter of 1219  
credit, or certificates of deposit in lieu of a surety bond to 1220  
ensure reclamation, the chief shall deliver to the operator or 1221  
the operator's authorized agent one-half of the amount so held. 1222

If the chief does not approve the reclamation, other than 1223  
any required planting, the chief shall notify the operator by 1224  
certified mail. The notice shall be an order stating the reasons 1225  
for unacceptability, ordering further actions to be taken, and 1226  
setting a time limit for compliance. If the operator does not 1227  
comply with the order within the time limit specified, the chief 1228  
may order an extension of time for compliance after determining 1229  
that the operator's noncompliance is for good cause, resulting 1230  
from developments partially or wholly beyond the operator's 1231  
control. If the operator complies within the time limit or the 1232  
extension of time granted for compliance, the chief shall order 1233

release of the performance bond in the same manner as in the 1234  
case of approval of reclamation, other than any required 1235  
planting, by the chief, and the chief shall proceed as in that 1236  
case. If the operator does not comply within the time limit and 1237  
the chief does not order an extension, or if the chief orders an 1238  
extension of time and the operator does not comply within the 1239  
extension of time granted for compliance, the chief shall issue 1240  
another order declaring that the operator has failed to reclaim 1241  
and, if the operator's permit has not already ~~expired or been~~ 1242  
revoked, revoking the operator's permit. The chief shall 1243  
thereupon proceed under division (C) of this section. 1244

(B) At any time within the period allowed an operator by 1245  
section 1514.02 of the Revised Code to reclaim an area affected 1246  
by surface mining, the operator may file a request, on a form 1247  
provided by the chief, for inspection of the area of land on 1248  
which all reclamation, including the successful establishment of 1249  
any required planting, is completed. The request shall include 1250  
all of the following: 1251

(1) The location of the area and number of acres; 1252

(2) The permit number; 1253

(3) The type and date of any required planting of 1254  
vegetative cover and the degree of success of growth; 1255

(4) A map showing the location of the acres reclaimed, 1256  
prepared and certified in accordance with division (A) (11) or 1257  
(12) of section 1514.02 of the Revised Code, as appropriate. In 1258  
the case of an in-stream mining operation, the map also shall 1259  
include the information required under division ~~(A) (18)~~ (A) (19) 1260  
of section 1514.02 of the Revised Code. 1261

The chief shall make an inspection and evaluation of the 1262

reclamation of the area of land for which the request was 1263  
submitted within ninety days after receipt of the request or, if 1264  
the operator fails to complete the reclamation or file the 1265  
request as required, as soon as the chief learns of the default. 1266  
Thereupon, if the chief finds that the reclamation meets the 1267  
requirements of this chapter, rules adopted under it, any orders 1268  
issued during the mining and reclamation, and the specifications 1269  
of the plan for mining and reclaiming and decides to release any 1270  
remaining performance bond on deposit to ensure reclamation of 1271  
the area on which reclamation is completed, within ten days of 1272  
completing the inspection and evaluation, the chief shall order 1273  
release of the remaining performance bond in the same manner as 1274  
in the case of approval of reclamation other than required 1275  
planting, and the chief shall proceed as in that case. 1276

If the chief does not approve the reclamation performed by 1277  
the operator, the chief shall notify the operator by certified 1278  
mail within ninety days of the filing of the application for 1279  
inspection or of the date when the chief learns of the default. 1280  
The notice shall be an order stating the reasons for 1281  
unacceptability, ordering further actions to be taken, and 1282  
setting a time limit for compliance. If the operator does not 1283  
comply with the order within the time limit specified, the chief 1284  
may order an extension of time for compliance after determining 1285  
that the operator's noncompliance is for good cause, resulting 1286  
from developments partially or wholly beyond the operator's 1287  
control. If the operator complies within the time limit or the 1288  
extension of time granted for compliance, the chief shall order 1289  
release of the remaining performance bond in the same manner as 1290  
in the case of approval of reclamation by the chief, and the 1291  
chief shall proceed as in that case. If the operator does not 1292  
comply within the time limit and the chief does not order an 1293

extension, or if the chief orders an extension of time and the 1294  
operator does not comply within the extension of time granted 1295  
for compliance, the chief shall issue another order declaring 1296  
that the operator has failed to reclaim and, if the operator's 1297  
permit has not already ~~expired or~~ been revoked, revoking the 1298  
operator's permit. The chief then shall proceed under division 1299  
(C) of this section. 1300

(C) Upon issuing an order under division (A) or (B) of 1301  
this section declaring that the operator has failed to reclaim, 1302  
the chief shall make a finding as to the number and location of 1303  
the acres of land that the operator has failed to reclaim in the 1304  
manner required by this chapter. The chief shall order the 1305  
release of the performance bond in the amount of five hundred 1306  
dollars per acre for those acres that the chief finds to have 1307  
been reclaimed in the manner required by this chapter. The 1308  
release shall be ordered in the same manner as in the case of 1309  
other approval of reclamation by the chief, and the chief shall 1310  
proceed as in that case. If the operator has on deposit cash, an 1311  
irrevocable letter of credit, or certificates of deposit to 1312  
ensure reclamation of the area of the land affected, the chief 1313  
at the same time shall issue an order declaring that the 1314  
remaining cash, irrevocable letter of credit, or certificates of 1315  
deposit are the property of the state and are available for use 1316  
by the chief in performing reclamation of the area and shall 1317  
proceed in accordance with section 1514.06 of the Revised Code. 1318

If the operator has on deposit a surety bond to ensure 1319  
reclamation of the area of land affected, the chief shall notify 1320  
the surety in writing of the operator's default and shall 1321  
request the surety to perform the surety's obligation and that 1322  
of the operator. The surety, within ten days after receipt of 1323  
the notice, shall notify the chief as to whether it intends to 1324

perform those obligations. 1325

If the surety chooses to perform, it shall arrange for 1326  
work to begin within thirty days of the day on which it notifies 1327  
the chief of its decision. If the surety completes the work as 1328  
required by this chapter, the chief shall issue an order to the 1329  
surety releasing the surety from liability under the bond in the 1330  
same manner as if the surety were an operator proceeding under 1331  
this section. If, after the surety begins the work, the chief 1332  
determines that the surety is not carrying the work forward with 1333  
reasonable progress, or that it is improperly performing the 1334  
work, or that it has abandoned the work or otherwise failed to 1335  
perform its obligation and that of the operator, the chief shall 1336  
issue an order terminating the right of the surety to perform 1337  
the work and demanding payment of the amount due as required by 1338  
this chapter. 1339

If the surety chooses not to perform and so notifies the 1340  
chief, does not respond to the chief's notice within ten days of 1341  
receipt thereof, or fails to begin work within thirty days of 1342  
the day it timely notifies the chief of its decision to perform 1343  
its obligation and that of the operator, the chief shall issue 1344  
an order terminating the right of the surety to perform the work 1345  
and demanding payment of the amount due, as required by this 1346  
chapter. 1347

Upon receipt of an order of the chief demanding payment of 1348  
the amount due, the surety immediately shall deposit with the 1349  
chief cash in the full amount due under the order for deposit 1350  
with the chief. If the surety fails to make an immediate 1351  
deposit, the chief shall certify it to the attorney general for 1352  
collection. When the chief has issued an order terminating the 1353  
right of the surety and has the cash on deposit, the cash is the 1354

property of the state and is available for use by the chief, who 1355  
shall proceed in accordance with section 1514.06 of the Revised 1356  
Code. 1357

**Sec. 1514.07.** (A) Each order of the chief of the division 1358  
of mineral resources management affecting the rights, duties, or 1359  
privileges of an operator or the operator's surety or of an 1360  
applicant for a permit or an amendment to a permit or a plan 1361  
shall be in writing and contain a finding by the chief of the 1362  
facts upon which the order is based. Notice of the order shall 1363  
be given by certified mail to each person whose rights, duties, 1364  
or privileges are affected. 1365

(B) If the chief finds that an operator has violated any 1366  
requirement of this chapter, failed to perform any measure set 1367  
forth in the approved plan of mining and reclamation that is 1368  
necessary to prevent damage to adjoining property or to achieve, 1369  
or has otherwise failed to achieve, the performance standards of 1370  
division (A)(10) of section 1514.02 of the Revised Code, the 1371  
performance standards for an underground minerals mine 1372  
established by the chief under rules adopted pursuant to section 1373  
1514.61 of the Revised Code, or caused damage to adjoining 1374  
property, the chief may issue orders directing the operator to 1375  
cease violation, perform such measures, achieve such standards, 1376  
or prevent or abate off-site damage. The order shall identify 1377  
the operation where the violation occurs, the specific 1378  
requirement violated, measure not performed, standard not 1379  
achieved, or off-site damage caused, and where practicable 1380  
prescribe what action the operator may take to comply with the 1381  
order. The chief shall fix and set forth in the order a 1382  
reasonable date or time by which the operator shall comply, and 1383  
the order shall state that the chief may revoke the operator's 1384  
permit if the order is not complied with by that date or time. 1385

If upon that date or time the chief finds that the operator has 1386  
not complied with the order, the chief may issue an order 1387  
revoking the operator's permit. 1388

(C) (1) Notwithstanding any other provision of law to the 1389  
contrary, if the chief issues an order under division (B) of 1390  
this section to an operator of an underground minerals mining 1391  
operation to address subsidence, as defined in section 1514.60 1392  
of the Revised Code, the order shall not require the operator to 1393  
address, abate, repair, restore, mitigate, or remediate the 1394  
subsidence on mine property unless the subsidence presents a 1395  
danger to the general public or to property described in an 1396  
utility easement. For subsidence occurring off of mine property, 1397  
in no event shall the order require the repair, restoration, 1398  
mitigation, or remediation of any buildings or structures, 1399  
fixtures, or personal property. The chief shall not issue an 1400  
order under division (B) of this section to an operator of an 1401  
underground minerals mining operation to provide compensation to 1402  
any property owner for damages allegedly caused by the 1403  
underground mining operation. 1404

(2) As used in this division, "general public" means any 1405  
individual who has lawful access to an area open to all members 1406  
of the public. 1407

**Sec. 1514.071.** (A) In addition to any other penalties 1408  
established under this chapter, the chief of the division of 1409  
mineral resources management may assess a civil penalty against 1410  
any person who fails to comply with an order issued by the chief 1411  
under section 1514.07 of the Revised Code by the date specified 1412  
in the order or as subsequently extended by the chief. 1413

(B) Civil penalties assessed under this section shall not 1414  
exceed one thousand dollars for each occurrence of noncompliance 1415



with an order. Each day of continuing noncompliance, up to a 1416  
maximum of thirty days, may be deemed a separate occurrence for 1417  
purposes of penalty assessments. In determining the amount of 1418  
the assessment, the chief shall consider the seriousness of the 1419  
noncompliance, the effect of the noncompliance, and the 1420  
operator's history of noncompliance. 1421

(C) Upon issuance of a notice of noncompliance with an 1422  
order, the chief shall inform the person to whom the notice of 1423  
noncompliance is issued of the amount of any civil penalty to be 1424  
assessed and provide an opportunity for an adjudicatory hearing 1425  
with the reclamation commission pursuant to section ~~1514.09~~ 1426  
1514.091 of the Revised Code. The person charged with the 1427  
penalty shall have thirty days from receipt of the assessment to 1428  
pay the penalty in full or, if the person wishes to contest the 1429  
amount of the penalty, file a ~~petition for review of the~~ 1430  
~~assessment~~ notice of appeal with the commission pursuant to 1431  
section ~~1514.09~~ 1514.091 of the Revised Code and forward the 1432  
amount of the penalty to the secretary of the commission as 1433  
required by this division. Failure to forward the money to the 1434  
secretary within thirty days after the chief informs the person 1435  
of the amount of the penalty shall result in a waiver of all 1436  
legal rights to contest the amount of the penalty. 1437

If, after a hearing, the commission affirms or modifies 1438  
the amount of the penalty, the person charged with the penalty 1439  
shall have thirty days after receipt of the written decision to 1440  
file an appeal from the commission's order in accordance with 1441  
section ~~1514.09~~ 1514.092 of the Revised Code. 1442

At the time that the petition for review of the assessment 1443  
is filed with the secretary, the person shall forward the amount 1444  
of the penalty to the secretary for placement in the reclamation 1445

penalty fund created in division ~~(F) (3)~~ (E) (3) of section 1446  
1513.02 of the Revised Code. Pursuant to administrative or 1447  
judicial review of the penalty, the secretary shall do either of 1448  
the following: 1449

(1) If it is determined that the amount of the penalty 1450  
should be reduced, within thirty days, remit the appropriate 1451  
amount of the penalty to the person, with interest, and forward 1452  
any balance of the penalty, with interest, to the chief for 1453  
deposit in the mining regulation and safety fund created in 1454  
section 1513.30 of the Revised Code for reclamation of abandoned 1455  
surface, underground minerals, or in-stream mining operations in 1456  
the state; 1457

(2) If the penalty was not reduced, forward the entire 1458  
penalty, with interest, to the chief for deposit in the mining 1459  
regulation and safety fund for reclamation of abandoned surface, 1460  
underground minerals, or in-stream mining operations in the 1461  
state. 1462

(D) Civil penalties owed under this section may be 1463  
recovered in a civil action brought by the attorney general upon 1464  
the request of the chief. 1465

**Sec. 1514.08.** (A) The chief of the division of mineral 1466  
resources management may adopt, amend, and rescind rules in 1467  
accordance with Chapter 119. of the Revised Code in order to 1468  
prescribe procedures for submitting applications for permits, 1469  
amendments to permits, and amendments to plans of mining and 1470  
reclamation; filing annual reports and final reports; requesting 1471  
inspection and approval of reclamation; paying permit and filing 1472  
fees; and filing and obtaining the release of performance bonds 1473  
deposited with the state. For the purpose of preventing damage 1474  
to adjoining property or achieving one or more of the 1475

performance standards established in division (A)(10) of section 1476  
1514.02 of the Revised Code, the chief may establish classes of 1477  
mining industries, based upon industrial categories, 1478  
combinations of minerals produced, and geological conditions in 1479  
which surface or in-stream mining operations occur, and may 1480  
prescribe different rules consistent with the performance 1481  
standards for each class. For the purpose of apportioning the 1482  
workload of the division of mineral resources management among 1483  
the quarters of the year, the rules may require that 1484  
applications for permits and annual reports be filed in 1485  
different quarters of the year, depending upon the county in 1486  
which the operation is located. 1487

(B) The chief shall adopt rules under this section that do 1488  
all of the following: 1489

(1) With respect to in-stream mining, and in consultation 1490  
with the chief of the division of water resources, determine 1491  
periods of low flow, which are the only time periods during 1492  
which in-stream mining is allowed, and develop and implement any 1493  
criteria, in addition to the criteria established in section 1494  
1514.02 of the Revised Code, that the chief determines are 1495  
necessary for the permitting of in-stream mining; 1496

(2) Establish criteria and procedures for approving or 1497  
disapproving the transfer of a surface or in-stream mining 1498  
permit under division ~~(F)~~(E) of section 1514.02 of the Revised 1499  
Code; 1500

(3) Define when any of the following may be considered to 1501  
be "significant" for purposes of section 1514.022 of the Revised 1502  
Code: 1503

(a) An amendment to a permit issued under section 1514.02 1504

of the Revised Code for a surface or in-stream mining operation; 1505

(b) An amendment to the plan of mining and reclamation 1506  
that must be filed with an application for either permit under 1507  
section 1514.02 of the Revised Code; 1508

~~(c) Changes to that plan of mining and reclamation that 1509  
are proposed in a permit renewal application filed under section 1510  
1514.021 of the Revised Code. 1511~~

In defining "significant," the chief shall focus on 1512  
changes that increase the likelihood that the mining operation 1513  
may have a negative impact on the public. 1514

(4) Establish a framework and procedures under which the 1515  
amount of any bond required to be filed under this chapter to 1516  
ensure the satisfactory performance of the reclamation measures 1517  
required under this chapter may be reduced by subtracting a 1518  
credit based on the operator's past compliance with this chapter 1519  
and rules adopted and orders issued under it. The rules also 1520  
shall apply to cash, an irrevocable letter of credit, or a 1521  
certificate of deposit that is on deposit in lieu of a bond. In 1522  
establishing the amount of credit that an operator or applicant 1523  
may receive based on past compliance, the chief may consider 1524  
past compliance with respect to any permit for a surface or in- 1525  
stream mining operation that has been issued in this state to 1526  
the operator or applicant. 1527

(5) Establish criteria and procedures for granting a 1528  
variance from compliance with the prohibitions established in 1529  
divisions (E) (3) and (F) (3) of section 1514.10 of the Revised 1530  
Code. The criteria shall ensure that an operator may obtain a 1531  
variance only if compliance with the applicable prohibition is 1532  
not necessary to prevent damage to the watercourse or 1533

surrounding areas. 1534

(6) Establish procedures and requirements governing 1535  
amendments to surface, in-stream, and underground minerals 1536  
mining permits in cases where land may be added to the permit; 1537

(7) Establish procedures and requirements governing permit 1538  
reviews required under section 1514.021 of the Revised Code. 1539

**Sec. 1514.09.** The reclamation commission established 1540  
pursuant to section 1513.05 of the Revised Code shall serve as 1541  
the reclamation commission pursuant to this chapter. However, 1542  
whenever the commission is considering any appeal pertaining to 1543  
surface, underground minerals, or in-stream mining, as 1544  
distinguished from coal strip mining, the member representing 1545  
the coal strip mine operators shall be replaced by a person who, 1546  
by reason of the person's previous vocation, employment, or 1547  
affiliations, can be classed as a representative of surface, 1548  
underground minerals, or in-stream mine operators, as 1549  
applicable. The appointment of that person shall be made in 1550  
accordance with section 1513.05 of the Revised Code, and the 1551  
person's term shall be concurrent with that of the 1552  
representative of the coal strip mine operators. 1553

No party to an appeal brought under this section shall be 1554  
eligible for an award of attorney's fees, costs, or expenses 1555  
from the commission or any court. 1556

Notwithstanding section 1513.13 of the Revised Code, an 1557  
operator may appeal the determination of the chief of the 1558  
division of mineral resources management that is made under 1559  
division (D) of section 1514.43 of the Revised Code within ten 1560  
days after the operator receives a copy of the determination. 1561

~~Notwithstanding section 1513.14 of the Revised Code,~~ 1562

~~appeals from an order of the commission pertaining to surface or 1563  
in-stream mining may be taken to the court of common pleas of 1564  
the county in which the operation is located, or to the court of 1565  
common pleas of Franklin county. 1566~~

Sec. 1514.091. (A) As used in this section, "action" 1567  
includes any order or any other decision, including any 1568  
modification, vacation, or termination of such an order or 1569  
decision taken by the chief of the division of mineral resources 1570  
management concerning a surface, in-stream, or underground 1571  
minerals mining operation. 1572

(B) (1) Except as otherwise provided in this chapter, any 1573  
person having an interest that is or may be adversely affected 1574  
by an action may initiate an appeal of the action by filing a 1575  
notice of appeal with the reclamation commission within thirty 1576  
days after the action is served upon the person. 1577

(2) The person shall file a copy of the notice of appeal 1578  
with the chief within three days after filing the notice of 1579  
appeal with the commission. Additionally, if the permit holder 1580  
is not the appellant, the person shall serve a copy of the 1581  
notice of appeal on the permit holder within three days after 1582  
filing the notice of appeal with the commission. 1583

(3) The permit holder shall be entitled to intervene in 1584  
the appeal upon filing notice of intervention with the 1585  
commission within thirty days of receiving the notice under 1586  
division (B) (2) of this section. Such a permit holder shall be a 1587  
party to the action upon filing of the notice under this 1588  
division. 1589

(4) A notice of appeal shall contain a copy of the action 1590  
complained of and the grounds upon which the appeal is based. 1591

The commission has exclusive original jurisdiction to hear and 1592  
decide such appeals. The filing of a notice of appeal under 1593  
division (B) of this section does not operate as a stay of any 1594  
action of the chief. 1595

(5) The commission shall conduct an adjudication hearing 1596  
regarding each appeal. The commission shall give the applicable 1597  
permittee, the chief, and any other interested persons written 1598  
notice of the time and place of the hearing at least five days 1599  
prior to the hearing. The hearing shall be of record. The 1600  
commission shall conduct hearings and render decisions in a 1601  
timely fashion. 1602

(6) Any person authorized under this section to appeal to 1603  
the commission may request an informal review by the chief or 1604  
the chief's designee by filing a written request with the chief 1605  
within thirty days after an action is served upon the person. 1606  
Filing of the written request shall toll the time for appeal 1607  
before the commission, but shall not operate as a stay of any 1608  
action of the chief. 1609

(C) The commission shall affirm the action of the chief 1610  
unless the commission determines that it is arbitrary, 1611  
capricious, or otherwise inconsistent with law. If the 1612  
commission makes such a determination, the commission may modify 1613  
the action or vacate and remand it to the chief for further 1614  
proceedings that the commission may direct. 1615

(D) (1) The chairperson of the commission, under conditions 1616  
the chairperson prescribes, may grant any temporary relief that 1617  
the chairperson considers appropriate pending final 1618  
determination of an appeal if all of the following conditions 1619  
are met: 1620

(a) All parties to the appeal have been notified and given 1621  
an opportunity for a hearing on the request for temporary relief 1622  
and an opportunity to be heard at the hearing regarding the 1623  
request. 1624

(b) The person requesting temporary relief shows that 1625  
there is a substantial likelihood that the person will prevail 1626  
on the merits. 1627

(c) The relief will not adversely affect public health or 1628  
safety or cause significant imminent environmental harm to land, 1629  
air, or water resources. 1630

(2) The chairperson shall issue a decision regarding 1631  
temporary relief expeditiously. Any party to an appeal filed 1632  
with the commission who is aggrieved or adversely affected by a 1633  
decision of the chairperson to grant or deny temporary relief 1634  
under this section may appeal that decision to the full 1635  
commission. The commission may confine its review to the record 1636  
developed at the hearing before the chairperson. The party shall 1637  
file the appeal with the commission within thirty days after the 1638  
chairperson issues the decision on the request for temporary 1639  
relief. The commission shall issue a decision as expeditiously 1640  
as possible. The commission shall affirm the decision of the 1641  
chairperson granting or denying temporary relief unless it 1642  
determines that the decision is arbitrary, capricious, or 1643  
otherwise inconsistent with law. 1644

**Sec. 1514.092.** (A) Any party aggrieved or adversely 1645  
affected by a decision of the reclamation commission may appeal 1646  
to the court of appeals of the county in which the operation 1647  
that is the subject of the appeal is located, or to the court of 1648  
appeals of Franklin county. The court in which the appeal is 1649  
made has exclusive jurisdiction over the appeal. The party shall 1650



file the appeal within thirty days of issuance of the decision 1651  
of the commission. The court shall confine its review to the 1652  
record certified by the commission. The court may, upon motion, 1653  
grant such temporary relief as it considers appropriate pending 1654  
final disposition of the appeal if all of the following apply: 1655

(1) All parties to the appeal have been notified and given 1656  
an opportunity to be heard on a request for temporary relief. 1657

(2) The person requesting the relief shows that there is a 1658  
substantial likelihood that the person will prevail on the 1659  
merits. 1660

(3) The relief will not adversely affect public health or 1661  
safety or the health or safety of miners or cause significant 1662  
imminent environmental harm to land, air, or water resources. 1663

The court shall affirm the decision of the commission 1664  
unless the court determines that it is arbitrary, capricious, or 1665  
otherwise inconsistent with law, in which case the court shall 1666  
vacate the decision and remand to the commission for such 1667  
further proceedings as it may direct. 1668

(B) Any order of the chief of the division of mineral 1669  
resources management to adopt a rule is subject to judicial 1670  
review in the Franklin county court of appeals, which court has 1671  
exclusive original jurisdiction to review the order. A petition 1672  
for review of the order shall be filed within thirty days from 1673  
the date of such order. The petition may be made by any person 1674  
who participated in the rule-making proceedings and who is 1675  
aggrieved by the order. The court shall confine its review to 1676  
the record of the rule-making proceedings. The order shall be 1677  
affirmed unless the court concludes that the order is arbitrary, 1678  
capricious, or otherwise inconsistent with law, in which case 1679

the court shall vacate the order or portion thereof and remand 1680  
to the chief for such further proceedings as it may direct. 1681

**Sec. 1514.093.** (A) For the purpose of conducting any 1682  
public adjudicatory hearing under this chapter, the reclamation 1683  
commission or the chief may do both of the following: 1684

(1) Require the attendance of witnesses and the production 1685  
of books, records, and papers; 1686

(2) At the request of any party, issue subpoenas for 1687  
witnesses or subpoenas duces tecum to compel the production of 1688  
any books, records, papers, or other material relevant to the 1689  
inquiry, directed to the sheriff of the counties where the 1690  
witnesses or materials are found. Such subpoenas shall be served 1691  
and returned in the same manner as subpoenas issued by courts of 1692  
common pleas are served and returned. The fees of sheriffs shall 1693  
be the same as those allowed by the court of common pleas in 1694  
criminal cases. 1695

(B) Witnesses shall be paid the fees and mileage provided 1696  
for under section 119.094 of the Revised Code. 1697

(C) In cases of disobedience or neglect of any subpoena 1698  
served on any person or the refusal of any witness to testify to 1699  
any matter regarding which the witness may lawfully be 1700  
interrogated, the court of common pleas of the county in which 1701  
such disobedience, neglect, or refusal occurs, or any judge 1702  
thereof, on application of the chief or the commission or any 1703  
member thereof, shall compel obedience by attachment procedures 1704  
for contempt as in the case of disobedience of the requirements 1705  
of a subpoena issued from the court or a refusal to testify 1706  
therein. 1707

(D) A witness at any hearing shall testify under oath or 1708

affirmation, which the chief or any member of the commission may 1709  
administer. 1710

(E) (1) A hearing officer may, in accordance with 1711  
instructions from the commission, preside over all pre-hearing 1712  
matters, including hearing and deciding all pre-trial motions. A 1713  
party may, within fourteen days after receipt of the decision of 1714  
a pre-trial motion, serve and file written objections to the 1715  
hearing officer's decision with the secretary of the commission. 1716  
Objections shall be specific and state with particularity the 1717  
grounds therefor. Upon consideration of the objections, the 1718  
commission may adopt, reject, or modify the decision. When the 1719  
commission hears an appeal, the hearing officer shall act as the 1720  
legal advisor to the commission and, at the direction of the 1721  
commission, the hearing officer shall draft the decision of the 1722  
commission. The hearing officer shall, at the direction of the 1723  
commission, assume the duties and responsibilities of the 1724  
secretary of the commission. 1725

(2) Upon the unanimous consent of all parties to the 1726  
appeal, a hearing officer may hear an appeal and shall have the 1727  
same powers and authority in conducting the hearing as granted 1728  
to the commission. Whenever a hearing officer conducts a 1729  
hearing, the officer shall prepare a report setting forth the 1730  
hearing officer's findings of fact and conclusions of law and a 1731  
recommendation of the action to be taken by the commission. The 1732  
hearing officer shall file the report with the secretary of the 1733  
commission and shall mail a copy by certified mail to the 1734  
parties. A party may, within fourteen days after receipt of the 1735  
report, serve and file written objections to the hearing 1736  
officer's report with the secretary of the commission. 1737  
Objections shall be specific and state with particularity the 1738  
grounds therefor. Upon consideration of the objections, the 1739

commission may adopt, reject, or modify the report. The 1740  
commission also may hear additional evidence, return the report 1741  
to the hearing officer with instructions, or hear the matter 1742  
itself. 1743

**Sec. 1514.11.** In addition to the purposes otherwise 1744  
authorized by law, the chief of the division of mineral 1745  
resources management may use money in the mining regulation and 1746  
safety fund created under section 1513.30 of the Revised Code 1747  
for the administration and enforcement of this chapter; for the 1748  
reclamation of land affected by surface, underground minerals, 1749  
or in-stream mining under a permit issued under this chapter 1750  
that the operator failed to reclaim and for which the 1751  
performance bond filed by the operator is insufficient to 1752  
complete the reclamation; and for the reclamation of land 1753  
affected by surface, underground minerals, or in-stream mining 1754  
that was abandoned and left unreclaimed and for which no permit 1755  
was issued or bond filed under this chapter. Also, the chief may 1756  
use the portion of the mining regulation and safety fund that 1757  
consists of money collected from the severance taxes levied 1758  
under section 5749.02 of the Revised Code for mine safety and 1759  
first aid training. For purposes of reclamation under this 1760  
section, the chief shall expend money in the fund in accordance 1761  
with the procedures and requirements established in section 1762  
1514.06 of the Revised Code and may enter into contracts and 1763  
perform work in accordance with that section. 1764

Fees collected under sections 1514.02 and 1514.03 of the 1765  
Revised Code and money collected from the severance taxes levied 1766  
under section 5749.02 of the Revised Code shall be credited to 1767  
the fund in accordance with those sections. Notwithstanding any 1768  
section of the Revised Code relating to the distribution or 1769  
crediting of fines for violations of the Revised Code, all fines 1770

imposed under section 1514.99 of the Revised Code shall be 1771  
credited to the fund. 1772

**Sec. 1514.40.** (A) As used in sections 1514.41 to 1514.47 1773  
of the Revised Code, "rule" means a rule adopted under this 1774  
section unless the context indicates otherwise. 1775

(B) In accordance with Chapter 119. of the Revised Code, 1776  
the chief of the division of mineral resources management, in 1777  
consultation with a statewide association that represents the 1778  
surface mining industry, shall adopt rules governing surface and 1779  
underground minerals mining operations that do all of the 1780  
following: 1781

~~(A)~~ (1) For the purpose of establishing safety standards 1782  
governing surface and underground minerals mining operations, 1783  
incorporate by reference 30 C.F.R. parts 46, 47, 48, 50, 56, 58, 1784  
and 62, as amended; 1785

~~(B)~~ (2) Establish criteria, standards, and procedures 1786  
governing safety performance evaluations conducted under section 1787  
1514.45 of the Revised Code, including requirements for the 1788  
notification of operators and the identification of authorized 1789  
representatives of miners at surface and underground minerals 1790  
mining operations for purposes of inspections conducted under 1791  
~~sections 1514.41 to 1514.47 of the Revised Code~~ this chapter; 1792

~~(C)~~ (3) Establish requirements governing the reporting and 1793  
investigation of accidents at surface and underground minerals 1794  
mining operations. In adopting the rules, the chief shall 1795  
establish requirements that minimize duplication with any 1796  
reporting and investigations of accidents that are conducted by 1797  
the mine safety and health administration in the United States 1798  
department of labor. 1799

~~(D)~~ (4) Establish the time, place, and frequency of mine safety training conducted under ~~section 1514.06 of the Revised Code~~ this chapter and a fee, if any, for the purpose of that section. The amount of the fee shall not exceed the costs of conducting the training that is required under that section.

~~(E)~~ (5) Establish the minimum qualifications necessary to take the examination that is required for certification of certified mine forepersons under division (B) of section 1514.47 of the Revised Code and requirements, fees, and procedures governing the taking of the examination;

~~(F)~~ (6) Establish requirements and fees governing the reissuance of certificates under division (C) of that section;

~~(G)~~ (7) Establish requirements and procedures for the approval of training plans submitted under division (D) of that section for the use of qualified persons to conduct examinations of surface and underground minerals mining operations in lieu of certified mine forepersons and minimum qualifications of those persons. The rules shall include requirements governing training frequency and curriculum that must be provided for qualified persons under such plans and shall establish related reporting and record keeping requirements.

~~As used in sections 1514.41 to 1514.47 of the Revised Code, "rule" means a rule adopted under this section unless the context indicates otherwise.~~

(C) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section governing surface or underground minerals mining is not subject to sections 121.95 to 121.953 of the Revised Code.

**Sec. 1514.41.** (A) If a surface mining operation is not 1829  
inspected by the mine safety and health administration in the 1830  
United States department of labor, the chief of the division of 1831  
mineral resources management annually shall conduct a minimum of 1832  
two inspections of the operation. 1833

(B) If a surface or underground minerals mining operation 1834  
is identified through a safety performance evaluation as having 1835  
three or more violations per day during an inspection conducted 1836  
by the mine safety and health administration in the United 1837  
States department of labor, the chief shall conduct a minimum of 1838  
two inspections of the operation for one year following the 1839  
identification. However, the chief, in consultation with a 1840  
statewide organization representing ~~the~~ industrial minerals 1841  
~~surface mining organization~~, may adopt rules, in accordance with 1842  
Chapter 119. of the Revised Code, establishing exceptions to the 1843  
safety inspection requirement under this division. 1844

(C) If a fatality of a miner occurs at a surface or 1845  
underground minerals mining operation as a result of an unsafe 1846  
condition or a practice at the operation, the chief shall 1847  
conduct a minimum of one inspection every three months at the 1848  
operation for two years following the fatality. 1849

(D) If a life-threatening injury of a miner occurs at a 1850  
surface or underground minerals mining operation as a result of 1851  
an unsafe condition or a practice at the operation, the chief 1852  
shall conduct a minimum of one inspection every three months at 1853  
the operation for one year following the injury. 1854

**Sec. 1514.42.** The chief of the division of mineral 1855  
resources management may conduct one safety audit at a surface 1856  
mining operation and at an underground minerals mining operation 1857  
annually if the operator of the operation has requested the 1858

division of mineral resources management to conduct mine safety 1859  
training for that year. The safety audit shall be scheduled at a 1860  
time to which the chief and the operator mutually agree and 1861  
shall not continue more than one day. The chief shall conduct 1862  
additional safety audits at any surface or underground minerals 1863  
mining operation if requested by the operator of the operation. 1864  
If the chief conducts a safety audit, the operator shall ensure 1865  
that the chief has a copy of the training plan that is required 1866  
by 30 C.F.R. part 46, as amended, at the time of the audit. 1867

After completion of an audit, the chief shall prepare a 1868  
report that describes the general conditions of the ~~surface~~ 1869  
~~mining~~ operation, lists any hazardous conditions at the 1870  
operation, lists any violations of the safety standards 1871  
established in rules, and describes the nature and extent of any 1872  
hazardous condition or violation found and the corresponding 1873  
remedy for each hazardous condition or violation. The chief 1874  
shall provide two copies of the report to the operator of the 1875  
operation. The operator shall post one copy of the report at the 1876  
operation for review by the employees of the operation. 1877

**Sec. 1514.43.** (A) The chief of the division of mineral 1878  
resources management shall enforce the safety standards 1879  
established in rules when conducting inspections under section 1880  
1514.41 of the Revised Code. 1881

(B) Except as otherwise provided in section 1514.44 of the 1882  
Revised Code or pursuant to a safety audit conducted under 1883  
section 1514.42 of the Revised Code, if during an inspection the 1884  
chief finds a violation of a safety standard, the chief shall 1885  
require the operator to comply with the standard that is being 1886  
violated within a reasonable period of time. If the chief finds 1887  
a violation of a safety standard, the chief shall return to the 1888



surface or underground minerals mining operation after a 1889  
reasonable period of time to determine if the operator has 1890  
complied with the standard that was being violated. If the 1891  
operator has failed to comply with the standard, the chief shall 1892  
take appropriate action to obtain compliance if necessary. 1893

(C) Except as otherwise provided in section 1514.44 of the 1894  
Revised Code or pursuant to a safety audit conducted under 1895  
section 1514.42 of the Revised Code, after completion of an 1896  
inspection of a surface or underground minerals mining 1897  
operation, the chief shall prepare a report that describes the 1898  
general conditions of the surface or underground minerals mining 1899  
operation, lists any hazardous conditions at the operation, 1900  
lists any violations of the safety standards established in 1901  
rules, and describes the nature and extent of any hazardous 1902  
condition or violation found and the corresponding remedy for 1903  
each hazardous condition or violation. The chief shall provide 1904  
two copies of the report to the operator of the operation. The 1905  
operator shall post one copy of the report at the operation for 1906  
review by the employees of the operation. 1907

(D) Except pursuant to a safety audit conducted under 1908  
section 1514.42 of the Revised Code, not later than ten days 1909  
after receipt of a report under this section, the operator may 1910  
submit a written request to the chief for a meeting with the 1911  
chief to review the findings contained in the report. Upon 1912  
receipt of a request, the chief shall review the report and 1913  
schedule a meeting with the operator. Within a reasonable period 1914  
of time after the meeting, the chief shall make a written 1915  
determination concerning the findings contained in the report 1916  
and provide one copy of the determination to the operator of the 1917  
surface or underground minerals mining operation and one copy of 1918  
the determination to an authorized representative of the miners 1919

at the operation. If the chief makes a determination that 1920  
affirms the findings contained in the report, the chief's 1921  
determination constitutes an order for purposes of this chapter 1922  
and rules adopted under it. 1923

(E) An operator shall not appeal the contents of a report 1924  
prepared under division (C) of this section. However, an 1925  
operator may appeal a determination of the chief made under 1926  
division (D) of this section. 1927

(F) No operator shall violate or fail to comply with an 1928  
order issued pursuant to this section. 1929

**Sec. 1514.44.** If during an inspection conducted under 1930  
section 1514.41 of the Revised Code or a safety audit conducted 1931  
under section 1514.42 of the Revised Code, the chief of the 1932  
division of mineral resources management finds a condition or 1933  
practice at a surface or underground minerals mining operation 1934  
that could reasonably be expected to cause the death of or 1935  
imminent serious physical harm to an employee of the operation, 1936  
the chief immediately shall issue orders to safeguard the 1937  
employees, notify the operator of the condition or practice, and 1938  
require the operator to abate the condition or practice within a 1939  
reasonable period of time. In all such situations, the chief may 1940  
require the operation to cease in the area in which the 1941  
condition or practice is occurring or may require the entire 1942  
operation to cease, if necessary, until the condition or 1943  
practice that could reasonably be expected to cause death or 1944  
serious physical harm is eliminated. 1945

The chief shall complete a report that describes the 1946  
condition or practice and the action taken to eliminate it. The 1947  
chief shall provide two copies of the report to the operator of 1948  
the operation. The operator shall post one copy of the report at 1949

the operation for review by the employees of the operation. 1950

**Sec. 1514.45.** The chief of the division of mineral 1951  
resources management annually shall conduct a safety performance 1952  
evaluation of all surface mining operations and all underground 1953  
minerals mining operations in the state in accordance with 1954  
rules. The operator of a surface mining operation and the 1955  
operator of an underground minerals mining operation shall 1956  
provide to the chief a copy of the notification of legal 1957  
identity required under 30 C.F.R. part 41, as amended, at the 1958  
same time that the notice is filed with the mine safety and 1959  
health administration in the United States department of labor. 1960

**Sec. 1514.46.** If the operator of a surface or underground 1961  
minerals mining operation requests the division of mineral 1962  
resources management to conduct mine safety training, the chief 1963  
of the division of mineral resources management shall conduct 1964  
mine safety training for the employees of that operator. For 1965  
persons who are not employed by a holder of a surface or 1966  
underground minerals mining permit issued under this chapter and 1967  
who seek the training, the chief may charge a fee in an amount 1968  
established in rules for conducting it. The safety training 1969  
shall be conducted in accordance with rules and shall emphasize 1970  
the standards adopted in rules and include any other content 1971  
that the chief determines is beneficial. Any fees collected 1972  
under this section shall be deposited in the state treasury to 1973  
the credit of the mining regulation and safety fund created in 1974  
section 1513.30 of the Revised Code. 1975

**Sec. 1514.48.** A member of a mine rescue team who is acting 1976  
pursuant to 30 C.F.R. Part 49 and provides rescue services at an 1977  
underground minerals mine is an agent of the state and is immune 1978  
from any liability associated with the mine rescue. 1979

**Sec. 1514.50.** (A) The chief of the division of mineral 1980  
resources management or an authorized employee of the division 1981  
of mineral resources management may enter on lands to make 1982  
inspections in accordance with this chapter and rules adopted 1983  
under it when necessary in the discharge of the duties specified 1984  
in this chapter and the rules. No person shall prevent or hinder 1985  
the chief or an authorized employee of the division in the 1986  
performance of those duties. 1987

(B) For purposes of performing reclamation of land 1988  
affected by surface or underground minerals mining operations on 1989  
which the holder of a permit issued under this chapter has 1990  
defaulted or otherwise failed to timely conduct the reclamation 1991  
required by section 1514.05 of the Revised Code, the chief may 1992  
enter on the land and perform reclamation that the chief 1993  
determines is necessary to protect public health or safety or 1994  
the environment. In order to perform the reclamation, the chief 1995  
may enter on adjoining land or other land that is necessary to 1996  
access the land on which the surface or underground minerals 1997  
mining occurred and on which the reclamation is to be performed. 1998  
The chief shall provide reasonable advance notice to the owner 1999  
of any land to be entered for the purpose of access for 2000  
reclamation under this chapter. The division shall return the 2001  
land that was used to access the former surface or underground 2002  
minerals mining operation to the same or an improved grade, 2003  
topography, and condition that existed prior to its use by the 2004  
division. 2005

(C) When conducting investigations pursuant to section 2006  
1514.13 or 1514.66 of the Revised Code, the chief or an 2007  
authorized employee of the division may enter on lands to 2008  
conduct water supply surveys, measure ground water levels and 2009  
collect data when necessary to define the cone of depression, or 2010

perform other duties for the purposes of that section.	2011
<u>Sec. 1514.60. As used in sections 1514.60 to 1514.70 of</u>	2012
<u>the Revised Code:</u>	2013
<u>(A) "Dewatering" has the same meaning as in section</u>	2014
<u>1514.01 of the Revised Code.</u>	2015
<u>(B) "Mine development" means the construction, blasting,</u>	2016
<u>excavation, and other activity associated with the development</u>	2017
<u>of a mine entry, including shafts and exploratory drilling.</u>	2018
<u>"Mine development" does not include the production of</u>	2019
<u>underground minerals.</u>	2020
<u>(C) "Mine entry" means an opening in the ground surface,</u>	2021
<u>mine floor, or highwall face for developing an underground mine,</u>	2022
<u>including the development of shafts for access, safety,</u>	2023
<u>extraction of minerals, ventilation, or other mining purposes.</u>	2024
<u>(D) "Mine property" means all of the following:</u>	2025
<u>(1) The land owned by the underground minerals mining</u>	2026
<u>operator;</u>	2027
<u>(2) The land leased by the operator;</u>	2028
<u>(3) The mineral interest owned by, leased by, or otherwise</u>	2029
<u>under the control of the operator.</u>	2030
<u>(E) "Operation" or "underground minerals mining operation"</u>	2031
<u>means all of the surface or sub-surface premises, facilities,</u>	2032
<u>and equipment used in the process of removing underground</u>	2033
<u>minerals by underground minerals mining from mine property.</u>	2034
<u>Separation by a surface stream or roadway does not preclude the</u>	2035
<u>tracts from being considered contiguous.</u>	2036
<u>(F) "Operator" or "underground minerals mining operator"</u>	2037

means the person engaged in underground minerals mining on mine 2038  
property. 2039

(G) "Subsidence" means surface caving or sinking of a part 2040  
of the earth's crust due to underground mining excavations that 2041  
directly damages land or any structures. "Subsidence" does not 2042  
include lateral or vertical ground movement caused by an 2043  
earthquake, landslide, soil conditions, soil erosion, soil 2044  
freezing and thawing, improperly compacted soil, construction 2045  
defects, roots of trees and shrubs, or collapse of storm and 2046  
sewer drains. 2047

(H) "Underground minerals" means limestone or dolomite. 2048

(I) "Underground minerals mining" means the underground 2049  
mining of limestone or dolomite, including all or any part of 2050  
the process followed in the production of limestone or dolomite 2051  
carried out beneath the surface by means of shafts, tunnels, 2052  
room and pillar, or similar mine openings or workings. 2053

**Sec. 1514.61.** (A) In accordance with Chapter 119. of the 2054  
Revised Code, the chief of the division of mineral resources 2055  
management shall adopt rules governing underground minerals 2056  
mining operations that establish all of the following: 2057

(1) The permit application process, the form of which 2058  
shall comply with section 1514.62 of the Revised Code; 2059

(2) Any application fees or other fees associated with the 2060  
permitting and operation of an underground minerals mine. Fees 2061  
collected pursuant to rules adopted under division (A)(3) of 2062  
this section shall be deposited in the state treasury to the 2063  
credit of the mining regulation and safety fund created under 2064  
section 1513.30 of the Revised Code. 2065

(3) Performance standards for underground minerals mining, 2066

including a periodic compliance review; 2067

(4) Standards and requirements governing the detonation of 2068  
explosives that ensure that explosives are used in such a manner 2069  
so as to prevent damage to adjoining property and injury to 2070  
persons, including special standards and requirements for the 2071  
development of the mine opening, taking into consideration the 2072  
practicalities of that activity; 2073

(5) Information to be included in an annual or final 2074  
report as required under section 1514.68 of the Revised Code; 2075

(6) Procedures for investigating complaints regarding 2076  
dewatering and any procedures, standards, and requirements 2077  
governing water replacement; 2078

(7) Any other requirements that the chief determines is 2079  
necessary for administration of the program for the regulation 2080  
of underground minerals mining consistent with sections 1514.60 2081  
to 1514.69 of the Revised Code. 2082

(B) Notwithstanding any provision of section 121.95 of the 2083  
Revised Code to the contrary, a regulatory restriction contained 2084  
in a rule adopted under this section is not subject to sections 2085  
121.95 to 121.953 of the Revised Code. 2086

**Sec. 1514.62.** In accordance with rules adopted under 2087  
section 1514.61 of the Revised Code, the chief of the division 2088  
of mineral resources management shall prescribe an application 2089  
for an operator to obtain an underground minerals mining permit 2090  
or an amendment to a surface mining permit in accordance with 2091  
division (C) (2) of section 1514.02 of the Revised Code. The 2092  
chief shall require such applicant to include all of the 2093  
following information on the application form: 2094

(A) The name and address of the proposed underground 2095

<u>minerals mine operator;</u>	2096
<u>(B) The name and address of the owner or lessor of the</u>	2097
<u>mineral interest in the land upon which the applicant proposes</u>	2098
<u>to engage in underground minerals mining, if different from the</u>	2099
<u>operator;</u>	2100
<u>(C) The method and design of the underground mining</u>	2101
<u>operation that is to be employed by the mine operator to extract</u>	2102
<u>underground minerals;</u>	2103
<u>(D) The depth of the deposit to be mined;</u>	2104
<u>(E) A certificate of public liability insurance issued by</u>	2105
<u>an insurance company authorized to do business in this state or</u>	2106
<u>obtained pursuant to sections 3905.30 to 3905.35 of the Revised</u>	2107
<u>Code covering all underground minerals mining operations of the</u>	2108
<u>applicant in this state and affording bodily injury and property</u>	2109
<u>damage protection in amounts of not less than one million</u>	2110
<u>dollars;</u>	2111
<u>(F) A statement that the applicant has corresponded with</u>	2112
<u>the county engineer of the county in which the underground</u>	2113
<u>minerals mining operation is proposed to be located regarding</u>	2114
<u>any streets and roads under the county engineer's jurisdiction</u>	2115
<u>under which mining will take place;</u>	2116
<u>(G) A complete plan for underground minerals mining. The</u>	2117
<u>plan shall show the approximate sequence in which mining</u>	2118
<u>measures are to occur and the measures the operator will perform</u>	2119
<u>to prevent damage to adjoining property and to achieve the</u>	2120
<u>performance standards for mining established by the chief under</u>	2121
<u>section 1514.61 of the Revised Code. Such plan shall be</u>	2122
<u>consistent with any federal standard governing underground</u>	2123
<u>minerals mining.</u>	2124



(H) Any other information that the chief determines is 2125  
necessary and appropriate. 2126

**Sec. 1514.63.** (A) In accordance with rules adopted under 2127  
section 1514.61 of the Revised Code, the chief of the division 2128  
of mineral resources management shall issue an order granting an 2129  
underground minerals mining permit upon the chief's approval of 2130  
an application for the permit and payment of all applicable fees 2131  
established under those rules. However, the chief shall not 2132  
issue a permit if either of the following apply: 2133

(1) The chief determines that the measures set forth in 2134  
the mining plan required under section 1514.62 of the Revised 2135  
Code are likely to be inadequate to prevent damage to adjoining 2136  
property or to achieve one or more of the applicable performance 2137  
standards required by the chief. 2138

(2) The land on or under which the underground minerals 2139  
mining is to take place is closer than fifty feet of horizontal 2140  
distance to any adjacent lands in which the operator making 2141  
application does not own, lease, or control the mineral 2142  
interest, unless the owner of such land consents in writing that 2143  
the underground minerals mining may occur closer than fifty feet 2144  
of the horizontal distance. The consent, or a certified copy of 2145  
it, shall be attached to the application as part of the 2146  
permanent record of the application for an underground minerals 2147  
mining permit and runs with the land. As used in division (A) (2) 2148  
of this section, "adjacent lands" does not include any easements 2149  
and any railroad, utility, street, and highway rights-of-way. 2150

(B) The chief may suspend or revoke an underground 2151  
minerals mining permit for a violation of applicable provisions 2152  
of this chapter, a rule adopted under it, a term or condition of 2153  
a permit issued under section 1514.62 of the Revised Code, or an 2154

order of the chief. Prior to such suspension or revocation, the 2155  
chief shall conduct an investigation and hearing in accordance 2156  
with Chapter 119. of the Revised Code. 2157

(C) (1) Notwithstanding any requirement or obligation to 2158  
the contrary in this chapter, the chief shall issue, upon 2159  
request and without application, an order granting an 2160  
underground minerals mining permit or an amendment to a surface 2161  
mining permit, as applicable, to either of the following: 2162

(a) Any operator of an underground minerals mining 2163  
operation in existence prior to and on the effective date of 2164  
this section; 2165

(b) A person who has begun to undertake development of an 2166  
underground minerals mining operation prior to the effective 2167  
date of this section. 2168

(2) The underground minerals mining permit or amendment to 2169  
a surface mining permit so granted shall include all mine 2170  
property at the time of the application. 2171

(3) An operator or any such person shall have twenty-four 2172  
months after the effective date of this section to request an 2173  
order granting an underground minerals mining permit or an 2174  
amendment to a surface mining permit to conduct underground 2175  
minerals mining from the chief under this division. 2176

Notwithstanding any other provision of law to the contrary, such 2177  
an order granting a permit or such an amendment is not 2178  
appealable by any person other than the operator or the person 2179  
undertaking development of an underground minerals mining 2180  
operation. 2181

**Sec. 1514.64.** No person shall do any of the following: 2182

(A) Except as provided in division (C) of section 1514.63 2183

of the Revised Code, engage in underground minerals mining 2184  
without an underground minerals mining permit or amendment to a 2185  
surface mining permit issued by the chief of the division of 2186  
mineral resources management; 2187

(B) Exceed the limits of an underground minerals mining 2188  
permit or amendment to a permit by mining land that is not 2189  
authorized under the permit; 2190

(C) Purposely misrepresent or omit any material fact in an 2191  
application for an underground minerals mining permit or 2192  
amendment, an annual or final report, or any hearing or 2193  
investigation conducted by the chief or the reclamation 2194  
commission; 2195

(D) Fail to perform any measure set forth in an approved 2196  
plan of mining that is necessary to prevent damage to adjoining 2197  
property or to achieve a performance standard required in rules 2198  
adopted under section 1514.61 of the Revised Code; 2199

(E) Violate any other applicable requirement of this 2200  
chapter, a rule adopted under it, a term or condition of a 2201  
permit or amendment to a permit issued under section 1514.62 or 2202  
division (C) (2) of section 1514.02 of the Revised Code, or an 2203  
order of the chief. 2204

**Sec. 1514.65.** An underground minerals mining operator 2205  
shall do all of the following: 2206

(A) Prior to mining under a public street, road, or 2207  
highway, comply with division (B) of section 1563.11 of the 2208  
Revised Code; 2209

(B) Ensure that the use of explosives for the production 2210  
of underground minerals is in compliance with the requirements 2211  
of this chapter. 2212

(C) Ensure that the detonation of explosives is conducted 2213  
in such a manner so as to prevent damage to adjoining property 2214  
and injury to persons and is in compliance with the rules 2215  
adopted under section 1514.61 of the Revised Code. 2216

(D) Provide and maintain financial assurance for the 2217  
performance and closure required under sections 1514.60 to 2218  
1514.70 of the Revised Code and rules adopted under section 2219  
1514.61 of the Revised Code in the amount of one million 2220  
dollars. 2221

**Sec. 1514.66.** (A) In the event of a complaint of 2222  
subsidence, the operator shall immediately investigate the 2223  
complaint and provide the chief with the results of the 2224  
investigation. 2225

(B) If the chief receives a subsidence complaint regarding 2226  
an underground minerals mining operation, the chief shall notify 2227  
the operator. The operator shall immediately conduct an 2228  
investigation and provide the chief with the results of the 2229  
investigation. 2230

**Sec. 1514.67.** (A) At the time of the completion of the 2231  
mine entry, the operator of the underground minerals mine shall 2232  
cause a map to be made of the underground workings of the mine 2233  
and provide the chief of the division of mineral resources 2234  
management with such map. The map shall be consistent with 2235  
federal requirements governing underground minerals mining. 2236

(B) The underground minerals mine operator shall have a 2237  
survey made whenever the workings of the mine have extended four 2238  
hundred feet in any direction from the point shown on the map by 2239  
the last survey of such mine, but not more often than once every 2240  
twelve months or whenever the mine is to be shut down. 2241

(C) Surveys made under this section shall be accurately 2242  
plotted on the original map of the mine. 2243

(D) The underground minerals mine operator shall ensure 2244  
that a copy of the current map with up-to-date survey plots is: 2245

(1) Kept at the mine property; 2246

(2) Filed with the chief. 2247

**Sec. 1514.68.** (A) Within thirty days after each 2248  
anniversary date of issuance of an underground minerals mining 2249  
permit, the operator shall file with the chief of the division 2250  
of mineral resources management an annual report, on a form 2251  
prescribed and furnished by the chief. The report shall include 2252  
all of the information required by the chief to be included in 2253  
it under rules adopted under section 1514.61 of the Revised 2254  
Code. Such information shall address the one-year period 2255  
preceding the anniversary date. 2256

(B) The chief may require each annual report to be 2257  
accompanied by a filing fee in the amount prescribed by the 2258  
chief in rules adopted under section 1514.61 of the Revised 2259  
Code. 2260

(C) Within thirty days after the completion of the 2261  
underground minerals mining operation, the operator shall submit 2262  
a final report containing the same information required in an 2263  
annual report, but covering the time from the last annual report 2264  
to the completion of the operation. 2265

**Sec. 1514.69.** At least twelve months prior to the 2266  
completion of an underground minerals mining operation, the 2267  
underground minerals mine operator shall notify the chief of the 2268  
division of mineral resources management that the operator 2269  
intends to cease mining. The operator also shall notify the 2270

chief as to the steps the operator intends to take to ensure the 2271  
protection of public safety upon closure. 2272

Sec. 1514.70. Each operator shall carry out on a 2273  
continuing basis a program to improve the roof control system of 2274  
each underground minerals mine and the means and measures to 2275  
accomplish the system. The roof and ribs of all active 2276  
underground roadways, travelways, and working places shall be 2277  
supported or otherwise controlled adequately to protect persons 2278  
from falls of the roof or ribs. 2279

Each operator shall adopt a roof control plan and 2280  
revisions thereof suitable to the roof conditions and mining 2281  
system of each underground minerals mine in a manner determined 2282  
by the chief of the division of mineral resources management. 2283  
The plan and any revisions thereof is subject to the chief's 2284  
approval. 2285

The plan shall show the type of support and spacing 2286  
approved by the chief. The chief shall review the plan 2287  
periodically, at least every six months, taking into 2288  
consideration any falls of roof or ribs or inadequacy of support 2289  
of roof or ribs. No person may proceed beyond the last permanent 2290  
support unless adequate temporary support is provided or unless 2291  
such temporary support is not required under the approved roof 2292  
control plan and the absence of such support will not pose a 2293  
hazard to the miners. A copy of the plan shall be furnished to 2294  
the chief or the chief's authorized representative and shall be 2295  
available to the miners and their representatives. 2296

No person shall refuse or neglect to comply with this 2297  
section. 2298

Sec. 1514.71. (A) The chief of the division of mineral 2299

resources management shall terminate an underground minerals 2300  
mining permit issued under this chapter upon the application of 2301  
the operator if all of the following occur: 2302

(1) The operator submits a final map and report, and the 2303  
chief determines that such final map and report are accurate; 2304

(2) All surface areas have been reclaimed; 2305

(3) The chief determines that measures in the closure plan 2306  
have been completed. 2307

(B) Upon termination, the chief shall release any 2308  
requirement for financial assurance set forth in division (D) of 2309  
section 1514.65 of the Revised Code. 2310

**Sec. 1514.72.** The underground minerals mining fund is 2311  
created in the state treasury, which shall be administered by 2312  
the chief of the division of mineral resources management. The 2313  
fund shall consist of money credited to it from the tax levied 2314  
under section 5749.02 of the Revised Code, and all investment 2315  
earnings of the fund shall be credited to the fund. The chief 2316  
may expend money deposited in the fund to address surface 2317  
impacts of underground minerals mining operations for areas 2318  
where there is no active permit issued pursuant to Chapter 1514. 2319  
of the Revised Code. 2320

**Sec. 1514.99.** (A) Whoever violates division (A) (1) or (2) 2321  
of section 1514.10 or division (A) of section 1514.64 of the 2322  
Revised Code may be fined not more than five thousand dollars 2323  
plus not more than one thousand dollars per acre of land 2324  
affected, and is responsible for achieving reclamation of the 2325  
land as required pursuant to this chapter. 2326

(B) Whoever violates division (B) of section 1514.10 or 2327  
division (B) of section 1514.64 of the Revised Code may be fined 2328

not more than one thousand dollars per acre of land affected 2329  
that is not under permit, and is responsible for achieving 2330  
reclamation of the land as required pursuant to this chapter. 2331

(C) Whoever violates division (C) of section 1514.10 or 2332  
division (C) of section 1514.64 of the Revised Code may be fined 2333  
not less than one hundred nor more than one thousand dollars, or 2334  
imprisoned not more than six months, or both. 2335

(D) Whoever violates division (D), (E), (F), or (G) of 2336  
section 1514.10 or division (D) or (E) of section 1514.64 of the 2337  
Revised Code may be fined not less than one hundred nor more 2338  
than one thousand dollars for a first offense. For each 2339  
subsequent offense, on one or more permits held by such persons, 2340  
such person may be fined not less than two hundred nor more than 2341  
five thousand dollars, or imprisoned not more than six months, 2342  
or both. The permit of any person convicted of a third offense 2343  
may be revoked by the court at the time of that conviction, and 2344  
the court at that time may further order that no permit or 2345  
amendment to a permit may be issued to that person under this 2346  
chapter for a period of five years from the date of the 2347  
conviction. Nothing contained in this section shall be construed 2348  
to limit or affect the authority of the chief of the division of 2349  
mineral resources management granted by this chapter. 2350

(E) Whoever violates an order of the chief of the division 2351  
of mineral resources management issued under this chapter is 2352  
guilty of a minor misdemeanor. 2353

**Sec. 1563.11.** (A) Unless a permit has been issued by the 2354  
director of transportation, or the board of county 2355  
commissioners, or the board of township trustees, or such other 2356  
public authority that is charged by law with the maintenance of 2357  
a public road, and the approval of the chief of the division of 2358



mineral resources management has been obtained, no person, firm, 2359  
or corporation, engaged in mining or quarrying any mineral, 2360  
coal, stone, or clay, shall: 2361

(1) Extend any part of an open pit excavation closer than 2362  
fifty feet of horizontal distance to any part of a public road; 2363

(2) Deposit mine refuse or removed overburden: 2364

(a) Closer to a public road than a line parallel to the 2365  
boundary line of such road and fifty feet of horizontal distance 2366  
away from such road and at the same elevation as the elevation 2367  
of the crown of such road; 2368

(b) Higher than a line beginning at a point fifty feet of 2369  
horizontal distance away from such road and at the same 2370  
elevation as the elevation of the crown of such road, and 2371  
extending from such beginning point upward and away from such 2372  
road at an angle of forty degrees from the horizontal plane. 2373

Any person, firm, or corporation desiring such a permit 2374  
shall apply in writing therefor to the proper public authority, 2375  
and shall describe in such application the excavating or 2376  
depositing of mine refuse or removed overburden that it will do 2377  
and for which it requests a permit. The applicant shall also 2378  
furnish such public authority with such additional data and 2379  
information concerning such work as such public authority may 2380  
request and that shall be relevant, in making the determination 2381  
that such public authority is required to make as to the amount 2382  
of bond or other security the applicant shall be required to 2383  
deposit before such a permit is issued to the applicant. 2384

Upon receipt of such an application such public authority 2385  
shall promptly consider what damage, if any, may be done to such 2386  
public highway by the excavating or depositing of mine refuse or 2387

removed overburden for which the permit is requested, and 2388  
estimate the reasonable cost of repairing such damage, if any 2389  
should occur, and fix the amount of such estimate of cost as the 2390  
amount of bond or other security that the applicant shall 2391  
deposit with such public authority upon issuance of the permit 2392  
requested, to ensure payment of the cost of repairing any such 2393  
damage that might occur. Such public authority shall promptly 2394  
notify the applicant of the amount of bond or other security it 2395  
has so fixed. 2396

Upon approval of the chief and deposit with the public 2397  
authority of a surety bond signed by the applicant as principal, 2398  
and by a surety company authorized to transact business in this 2399  
state as surety, or of cash or other security satisfactory to 2400  
such public authority, in the amount fixed by such authority, 2401  
and conditioned upon the payment to such public authority by 2402  
applicant of the cost of repairing any damage to such public 2403  
road occurring as a result of the excavating or depositing of 2404  
mine refuse or removed overburden for which the permit was 2405  
issued, the public authority shall issue to the applicant the 2406  
permit for which the applicant applied. 2407

If, at the end of three years after such excavation or 2408  
deposit of mine refuse or removed overburden is made, the 2409  
licensee shall have paid or caused to be paid all cost of 2410  
repairing any damage to such public road occurring within such 2411  
time as a result of such excavating or depositing for which such 2412  
permit was issued, or, if within such period of time no such 2413  
damage to such shall have occurred, the bond or cash or other 2414  
security deposited with the public authority upon the issuance 2415  
of such permit, shall be released and returned to such 2416  
applicant. 2417

(B) Any person, firm, or corporation owning any land 2418  
containing ~~mineral~~ minerals, including underground minerals as 2419  
defined in section 1514.60 of the Revised Code, coal, stone, or 2420  
clay, and over any portion of which any state, county, or 2421  
township road or public highway passes, may drill, excavate, 2422  
mine, or quarry through or under such road. Before the work is 2423  
commenced, such person, firm, or corporation shall execute and 2424  
deliver to the director of transportation in case of state 2425  
roads, to the board of county commissioners in case of county 2426  
roads, or to the board of township trustees in case of township 2427  
roads, a bond, with good and sufficient surety in such amount as 2428  
shall be considered by the director, the board of county 2429  
commissioners, or the board of township trustees, sufficient to 2430  
cover any damages that may accrue by excavating, mining, or 2431  
quarrying through or under any such road, the same to be 2432  
approved by such director, board of county commissioners, or 2433  
board of township trustees. Such bond shall be conditioned that 2434  
while crossing over or mining or quarrying under any such road, 2435  
a safe and unobstructed passageway or road shall be kept open by 2436  
such person, firm, or corporation for the public use, and as 2437  
soon as practicable, such road shall be fully restored to its 2438  
original safe and passable condition. When such crossing is made 2439  
by excavation at a depth of more than thirty feet below the 2440  
surface of such road, the person, firm, or corporation making 2441  
the same shall be liable to the director, board of county 2442  
commissioners, or board of township trustees for any damage that 2443  
may accrue by such excavation, and shall be held to fully repair 2444  
any such damage and to restore such road to its original safe 2445  
and passable condition. The right to mine or quarry across or 2446  
under public highways as provided in this section, shall accrue 2447  
to the owner, lessee, or agent of the land upon or through which 2448  
such highway passes. 2449

As used in this section, "road" or "highway" means the entire right of way as well as the improved portion thereof, and includes bridges, viaducts, grade separations, appurtenances, and approaches on or to such road or highway.

**Sec. 5749.02.** (A) For the purpose of providing revenue to administer the state's coal mining and reclamation regulatory program, to meet the environmental and resource management needs of this state, and to reclaim land affected by mining, an excise tax is hereby levied on the privilege of engaging in the severance of natural resources from the soil or water of this state. The tax shall be imposed upon the severer at the rates prescribed by this section:

- (1) Ten cents per ton of coal;
- (2) Four cents per ton of salt;
- (3) Two and one-half cents per ton of limestone or dolomite;
- (4) Two and one-half cents per ton of sand and gravel;
- (5) Ten cents per barrel of oil;
- (6) Two and one-half cents per thousand cubic feet of natural gas;
- (7) One ~~cent~~ and one-half cents per ton of clay, sandstone or conglomerate, shale, gypsum, or quartzite;
- (8) Except as otherwise provided in this division or in rules adopted by the reclamation forfeiture fund advisory board under section 1513.182 of the Revised Code, an additional fourteen cents per ton of coal produced from an area under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code for which the performance security is provided

under division (C) (2) of section 1513.08 of the Revised Code. 2478  
Beginning July 1, 2007, if at the end of a fiscal biennium the 2479  
balance of the reclamation forfeiture fund created in section 2480  
1513.18 of the Revised Code is equal to or greater than ten 2481  
million dollars, the rate levied shall be twelve cents per ton. 2482  
Beginning July 1, 2007, if at the end of a fiscal biennium the 2483  
balance of the fund is at least five million dollars, but less 2484  
than ten million dollars, the rate levied shall be fourteen 2485  
cents per ton. Beginning July 1, 2007, if at the end of a fiscal 2486  
biennium the balance of the fund is less than five million 2487  
dollars, the rate levied shall be sixteen cents per ton. 2488  
Beginning July 1, 2009, not later than thirty days after the 2489  
close of a fiscal biennium, the chief of the division of mineral 2490  
resources management shall certify to the tax commissioner the 2491  
amount of the balance of the reclamation forfeiture fund as of 2492  
the close of the fiscal biennium. Any necessary adjustment of 2493  
the rate levied shall take effect on the first day of the 2494  
following January and shall remain in effect during the calendar 2495  
biennium that begins on that date. 2496

(9) An additional one and two-tenths cents per ton of coal 2497  
mined by surface mining methods. 2498

(10) An additional one-fourth of one cent per ton of 2499  
limestone or dolomite mined by underground mineral mining 2500  
methods. 2501

(B) After the director of budget and management transfers 2502  
money from the severance tax receipts fund as required in 2503  
division (H) of section 5749.06 of the Revised Code, money 2504  
remaining in the severance tax receipts fund, except for money 2505  
in the fund from the amounts due under section 1509.50 of the 2506  
Revised Code, shall be credited as follows: 2507

(1) All of the moneys in the fund from the tax levied in	2508
division (A) (1) of this section shall be credited to the mining	2509
regulation and safety fund created in section 1513.30 of the	2510
Revised Code.	2511
(2) The money in the fund from the tax levied in division	2512
(A) (2) of this section shall be credited to the mining	2513
regulation and safety fund.	2514
(3) Of the moneys in the fund from the tax levied in	2515
divisions (A) (3) and (4) of this section, seven and five-tenths	2516
per cent shall be credited to the geological mapping fund and	2517
the remainder shall be credited to the mining regulation and	2518
safety fund created in section 1513.30 of the Revised Code.	2519
(4) Of the moneys in the fund from the tax levied in	2520
divisions (A) (5) and (6) of this section, ninety per cent shall	2521
be credited to the oil and gas well fund and ten per cent shall	2522
be credited to the geological mapping fund.	2523
(5) All of the moneys in the fund from the tax levied in	2524
division (A) (7) of this section shall be credited to the mining	2525
regulation and safety fund.	2526
(6) All of the moneys in the fund from the tax levied in	2527
division (A) (8) of this section shall be credited to the	2528
reclamation forfeiture fund.	2529
(7) All of the moneys in the fund from the tax levied in	2530
division (A) (9) of this section shall be credited to the mining	2531
regulation and safety fund.	2532
<u>(8) All of the money in the fund from the tax levied in</u>	2533
<u>division (A) (10) of this section shall be credited to the</u>	2534
<u>underground minerals mining fund created under section 1514.72</u>	2535
<u>of the Revised Code.</u>	2536

(C) When, at the close of any fiscal year, the chief finds 2537  
that the balance of the reclamation forfeiture fund, plus the 2538  
estimated revenues from the tax levied by division (A) (8) of 2539  
this section for the remainder of the calendar year that 2540  
includes the close of the fiscal year, are sufficient to 2541  
complete the reclamation of all lands for which the performance 2542  
security has been provided under division (C) (2) of section 2543  
1513.08 of the Revised Code, the purposes for which the tax 2544  
under division (A) (8) of this section is levied shall be deemed 2545  
accomplished at the end of that calendar year. The chief, within 2546  
thirty days after the close of the fiscal year, shall certify 2547  
those findings to the tax commissioner, and the tax levied under 2548  
division (A) (8) of this section shall cease to be imposed for 2549  
the subsequent calendar year after the last day of that calendar 2550  
year on coal produced under a coal mining and reclamation permit 2551  
issued under Chapter 1513. of the Revised Code if the permittee 2552  
has made tax payments under division (A) (8) of this section 2553  
during each of the preceding five full calendar years. Not later 2554  
than thirty days after the close of a fiscal year, the chief 2555  
shall certify to the tax commissioner the identity of any 2556  
permittees who accordingly no longer are required to pay the tax 2557  
levied under division (A) (8) of this section for the subsequent 2558  
calendar year. 2559

**Section 2.** That existing sections 1514.01, 1514.02, 2560  
1514.021, 1514.022, 1514.023, 1514.024, 1514.03, 1514.04, 2561  
1514.05, 1514.07, 1514.071, 1514.08, 1514.09, 1514.11, 1514.40, 2562  
1514.41, 1514.42, 1514.43, 1514.44, 1514.45, 1514.46, 1514.50, 2563  
1514.99, 1563.11, and 5749.02 of the Revised Code are hereby 2564  
repealed. 2565

**Section 3.** The Division of Mineral Resources Management 2566  
shall conduct a study to determine a centralized location for 2567

conducting safety education and training for activities 2568  
regulated under Chapter 1514. of the Revised Code. Not later 2569  
than one year after the effective date of this section, the 2570  
Division shall send a report of its findings to the Governor, 2571  
the President of the Senate, and the Speaker of the House of 2572  
Representatives. 2573

**Section 4.** Notwithstanding the purposes specified in 2574  
section 1513.30 of the Revised Code, for a period of three years 2575  
after the rate increase levied in divisions (A) (3), (4), and (7) 2576  
of section 5749.02 of the Revised Code is first collected, the 2577  
Chief of the Division of Mineral Resources Management shall use 2578  
a portion of the receipts credited to the Mining Regulation and 2579  
Safety Fund resulting from those increases to address timely 2580  
responding to hydrology modeling requests and issues. The amount 2581  
of money so used shall be determined by the Chief and shall be a 2582  
reasonable amount to address such purpose. 2583

**Section 5.** The amendment by this act of section 5749.02 of 2584  
the Revised Code applies on and after the first calendar quarter 2585  
beginning after the effective date of this section. 2586