

As Introduced

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

S. B. No. 181

Senator Wilkin

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 22
1514.50 of the Revised Code: 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 85
mining operation" means all of the premises, facilities, and 86
equipment used in the process of removing minerals by in-stream 87
mining from a mining area. 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 112
aquifer. 113

(K) "Cone of depression" means a depression or low point 114
in the water table or potentiometric surface of a body of ground 115
water that develops around a location from which ground water is 116
being withdrawn. 117

(L) "High water mark" means the line on the shore that is 118
established by the fluctuations of water and indicated by 119
physical characteristics such as a natural line impressed on the 120
bank; shelving; changes in the character of soil; destruction of 121
terrestrial vegetation; the presence of litter and debris; or 122
other appropriate means that consider the characteristics of the 123
surrounding area. 124

(M) "In-stream mining" means all or any part of a process 125
followed in the production of minerals from the bottom of the 126
channel of a watercourse that drains a surface area of more than 127
one hundred square miles. "In-stream mining" may be accomplished 128
by using any technique or by using surface excavation methods, 129
such as open pit mining, dredging, placering, or quarrying, and 130
includes the removal of overburden for the purpose of 131
determining the location, quantity, or quality of mineral 132
deposits. "In-stream mining" does not include either of the 133
following: 134

(1) Routine dredging for purely navigational or flood 135
control purposes during which materials are removed for 136
noncommercial purposes; 137

(2) The extraction of minerals, other than coal, by a 138
landowner for the landowner's own noncommercial use when the 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 200
corporation, if any, that has in effect a zoning resolution or 201
ordinance that would affect the proposed surface or in-stream 202
mining operation or, if no such zoning resolution or ordinance 203
is in effect, a statement attesting to that fact. The 204
application also shall contain an explanation of how the 205
applicant intends to comply with any applicable ~~provisions of a~~ 206
zoning resolution or ordinance. 207

(4) An estimate of the number of acres of land that will 208
comprise the total area of land to be affected and an estimate 209
of the number of acres of land to be affected during the first 210
year of operation under the permit; 211

(5) The name and address of the owner of surface rights in 212
the land upon which the applicant proposes to engage in surface 213
or in-stream mining; 214

(6) A copy of the deed, lease, or other instrument that 215
authorizes entry upon the land by the applicant or the 216
applicant's agents if surface rights in the land are not owned 217
by the applicant; 218

(7) A statement of whether any surface or in-stream mining 219
permits or coal mining and reclamation permits are now held by 220
the applicant in this state and, if so, the numbers of the 221
permits; 222

(8) A statement of whether the applicant, any partner if 223
the applicant is a partnership, any officer or director if the 224
applicant is a corporation, or any other person who has a right 225
to control or in fact controls the management of the applicant 226
or the selection of officers, directors, or managers of the 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

~~(d)~~ (c) 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

~~(e)~~ (d) 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

~~(f)~~ 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

~~(g)~~ (e) Reestablish boundary, section corner, government, 300
and other survey monuments that were removed by the operator; 301

~~(h)~~ (f) 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

~~(i)~~ (g) 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
finds that the applicant, any partner if the applicant is a
partnership, any officer or director if the applicant is a
corporation, or any other person who has a right to control or
in fact controls the management of the applicant or the
selection of officers, directors, or managers of the applicant
has substantially or materially failed to comply or continues to
fail to comply with this chapter, which failure may consist of
one or more violations thereof, a rule adopted thereunder, or an
order of the chief or failure to perform reclamation as required
by this chapter. The chief may deny or revoke the permit of any
person who so violates or fails to comply or who purposely
misrepresents or omits any material fact in the application for
the permit or an amendment to a permit.

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

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

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

~~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 699
change to the plan of mining and reclamation, as "significant" 700
is defined by rule, a copy of the advertisement that is required 701
to be published in accordance with section 1514.022 of the 702
Revised Code;~~ 703

~~(4) Additional maps, plans, and revised or updated 704
information that the chief determines to be necessary for permit 705
renewal. 706~~

~~For a renewal permit requiring minor or minimal updates to 707
the existing permit, renewal permit, or accompanying 708
information, the chief may authorize a permit holder to file 709
updated information through a surface mining permit modification 710
process using a surface mining permit modification form. 711
However, the chief may require such a permit holder to submit a 712
complete renewal application package. 713~~

~~(C) (1) Upon receipt of the complete renewal application 714
package required under division (B) of this section and except 715
as otherwise provided in division (C) (2) of this section, the 716
chief shall approve the application for renewal and issue an 717
order granting a renewal permit unless the chief finds that any 718
of the following applies: 719~~

~~(a) The permit holder's operation is not in substantial or 720
material compliance with this chapter, rules adopted and orders 721
issued under it, and the plan of mining and reclamation under 722
the existing permit or renewal permit. 723~~

~~(b) The permit holder has not provided evidence that a 724
performance bond filed under section 1514.04 of the Revised Code 725
applicable to lands affected under the existing permit or 726~~

~~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~~ 816
~~Code and may continue surface or in-stream mining and~~ 817
~~reclamation operations under the expired permit until the~~ 818
~~reclamation commission affirms the chief's order under that~~ 819
~~section and, if the applicant elects to appeal the order of the~~ 820
~~commission under section 1513.14 of the Revised Code, until the~~ 821
~~court of appeals affirms the order.~~ 822

~~(H) The approval of an application for renewal under this~~ 823
~~section authorizes the continuation of an existing surface~~ 824
~~mining permit or renewal permit for a term of fifteen years from~~ 825
~~the expiration date of the existing permit.~~ 826

~~The approval of an application for renewal under this~~ 827
~~section authorizes the continuation of an existing in-stream~~ 828
~~mining permit or renewal permit for a term of five years from~~ 829
~~the expiration date of the existing permit.~~ 830

~~(I) Any renewal permit is subject to all the requirements~~ 831
~~of this chapter and rules adopted under it.~~ 832

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 835
1514.02 of the Revised Code for ~~an initial~~ a permit for a 836
proposed surface or in-stream mining operation; 837

(b) An application filed under division ~~(D)~~ (C) of section 838
1514.02 of the Revised Code for a significant amendment to a 839
permit, ~~as "significant" is defined by rule;~~ 840

~~(c) An application filed under division (E) of section~~ 841
~~1514.02 of the Revised Code for a significant amendment to the~~ 842
~~plan of mining and reclamation that is proposed by the operator,~~ 843

as "significant" is defined by rule; 844

~~(d) An application filed under section 1514.021 of the~~ 845
~~Revised Code for the renewal of a permit if the application~~ 846
~~proposes a significant change to the plan of mining and~~ 847
~~reclamation, as "significant" is defined by rule~~ 848
An application 849
filed under section 1514.62 of the Revised Code for an 849
underground minerals mining permit. 850

(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;i 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;i 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 1800
safety training conducted under ~~section 1514.06 of the Revised~~ 1801
~~Code this chapter~~ and a fee, if any, for the purpose of that 1802
section. The amount of the fee shall not exceed the costs of 1803
conducting the training that is required under that section. 1804

~~(E)~~ (5) Establish the minimum qualifications necessary to 1805
take the examination that is required for certification of 1806
certified mine forepersons under division (B) of section 1514.47 1807
of the Revised Code and requirements, fees, and procedures 1808
governing the taking of the examination; 1809

~~(F)~~ (6) Establish requirements and fees governing the 1810
reissuance of certificates under division (C) of that section; 1811

~~(G)~~ (7) Establish requirements and procedures for the 1812
approval of training plans submitted under division (D) of that 1813
section for the use of qualified persons to conduct examinations 1814
of surface and underground minerals mining operations in lieu of 1815
certified mine forepersons and minimum qualifications of those 1816
persons. The rules shall include requirements governing training 1817
frequency and curriculum that must be provided for qualified 1818
persons under such plans and shall establish related reporting 1819
and record keeping requirements. 1820

~~As used in sections 1514.41 to 1514.47 of the Revised~~ 1821
~~Code, "rule" means a rule adopted under this section unless the~~ 1822
~~context indicates otherwise.~~ 1823

(C) Notwithstanding any provision of section 121.95 of the 1824
Revised Code to the contrary, a regulatory restriction contained 1825
in a rule adopted under this section governing surface or 1826
underground minerals mining is not subject to sections 121.95 to 1827
121.953 of the Revised Code. 1828

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

Sec. 1514.60. As used in sections 1514.60 to 1514.70 of 2012
the Revised Code: 2013

(A) "Dewatering" has the same meaning as in section 2014
1514.01 of the Revised Code. 2015

(B) "Mine development" means the construction, blasting, 2016
excavation, and other activity associated with the development 2017
of a mine entry, including shafts and exploratory drilling. 2018
"Mine development" does not include the production of 2019
underground minerals. 2020

(C) "Mine entry" means an opening in the ground surface, 2021
mine floor, or highwall face for developing an underground mine, 2022
including the development of shafts for access, safety, 2023
extraction of minerals, ventilation, or other mining purposes. 2024

(D) "Mine property" means all of the following: 2025

(1) The land owned by the underground minerals mining 2026
operator; 2027

(2) The land leased by the operator; 2028

(3) The mineral interest owned by, leased by, or otherwise 2029
under the control of the operator. 2030

(E) "Operation" or "underground minerals mining operation" 2031
means all of the surface or sub-surface premises, facilities, 2032
and equipment used in the process of removing underground 2033
minerals by underground minerals mining from mine property. 2034
Separation by a surface stream or roadway does not preclude the 2035
tracts from being considered contiguous. 2036

(F) "Operator" or "underground minerals mining operator" 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

minerals mine operator; 2096

(B) The name and address of the owner or lessor of the 2097
mineral interest in the land upon which the applicant proposes 2098
to engage in underground minerals mining, if different from the 2099
operator; 2100

(C) The method and design of the underground mining 2101
operation that is to be employed by the mine operator to extract 2102
underground minerals; 2103

(D) The depth of the deposit to be mined; 2104

(E) A certificate of public liability insurance issued by 2105
an insurance company authorized to do business in this state or 2106
obtained pursuant to sections 3905.30 to 3905.35 of the Revised 2107
Code covering all underground minerals mining operations of the 2108
applicant in this state and affording bodily injury and property 2109
damage protection in amounts of not less than one million 2110
dollars; 2111

(F) A statement that the applicant has corresponded with 2112
the county engineer of the county in which the underground 2113
minerals mining operation is proposed to be located regarding 2114
any streets and roads under the county engineer's jurisdiction 2115
under which mining will take place; 2116

(G) A complete plan for underground minerals mining. The 2117
plan shall show the approximate sequence in which mining 2118
measures are to occur and the measures the operator will perform 2119
to prevent damage to adjoining property and to achieve the 2120
performance standards for mining established by the chief under 2121
section 1514.61 of the Revised Code. Such plan shall be 2122
consistent with any federal standard governing underground 2123
minerals mining. 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

(8) All of the money in the fund from the tax levied in 2533
division (A) (10) of this section shall be credited to the 2534
underground minerals mining fund created under section 1514.72 2535
of the Revised Code. 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