

**As Reported by the Senate Agriculture and Natural Resources Committee**

**136th General Assembly**

**Regular Session**

**2025-2026**

**Sub. S. B. No. 181**

**Senator Wilkin**

**Cosponsor: Senator Schaffer**

---

To amend sections 1514.01, 1514.02, 1514.021, 1514.022, 1514.023, 1514.024, 1514.03, 1514.04, 1514.05, 1514.07, 1514.071, 1514.08, 1514.09, 1514.11, 1514.13, 1514.40, 1514.41, 1514.42, 1514.43, 1514.44, 1514.45, 1514.46, 1514.50, 1514.99, and 1563.11 and to enact sections 1514.091, 1514.092, 1514.093, 1514.48, 1514.60, 1514.61, 1514.62, 1514.63, 1514.64, 1514.65, 1514.66, 1514.67, 1514.68, 1514.69, 1514.70, and 1514.71 of the Revised Code to establish regulations for the underground mining of limestone and dolomite.

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

**Section 1.** That sections 1514.01, 1514.02, 1514.021, 1514.022, 1514.023, 1514.024, 1514.03, 1514.04, 1514.05, 1514.07, 1514.071, 1514.08, 1514.09, 1514.11, 1514.13, 1514.40, 1514.41, 1514.42, 1514.43, 1514.44, 1514.45, 1514.46, 1514.50, 1514.99, and 1563.11 be amended and sections 1514.091, 1514.092, 1514.093, 1514.48, 1514.60, 1514.61, 1514.62, 1514.63, 1514.64, 1514.65, 1514.66, 1514.67, 1514.68, 1514.69, 1514.70, and 1514.71 of the Revised Code be enacted to read as follows:

**Sec. 1514.01.** As used in ~~this chapter~~ sections 1514.01 to 1514.50 of the Revised Code: 21  
22

(A) "Surface mining" means all or any part of a process 23  
followed in the production of minerals from the earth or from 24  
the surface of the land by surface excavation methods, such as 25  
open pit mining, dredging, placering, or quarrying, and includes 26  
the removal of overburden for the purpose of determining the 27  
location, quantity, or quality of mineral deposits, and the 28  
incidental removal of coal at a rate less than one-sixth the 29  
total weight of minerals and coal removed during the year, but 30  
does not include: test or exploration boring; mining operations 31  
carried out beneath the surface by means of shafts, tunnels, or 32  
similar mine openings; the extraction of minerals, other than 33  
coal, by a landowner for the landowner's own noncommercial use 34  
where such material is extracted and used in an unprocessed form 35  
on the same tract of land; the extraction of minerals, other 36  
than coal, from borrow pits for highway construction purposes, 37  
provided that the extraction is performed under a bond, a 38  
contract, and specifications that substantially provide for and 39  
require reclamation practices consistent with the requirements 40  
of this chapter; the removal of minerals incidental to 41  
construction work, provided that the owner or person having 42  
control of the land upon which the construction occurs, the 43  
contractor, or the construction firm possesses a valid building 44  
permit; the removal of minerals to a depth of not more than five 45  
feet, measured from the highest original surface elevation of 46  
the area to be excavated, where not more than one acre of land 47  
is excavated during twelve successive calendar months; routine 48  
dredging of a watercourse for purely navigational or flood 49  
control purposes during which materials are removed for 50  
noncommercial purposes, including activities conducted by or on 51

behalf of a conservancy district, organized under Chapter 6101. 52  
of the Revised Code, for flood control purposes that are exempt 53  
from permitting requirements under section 10 of the "Rivers and 54  
Harbors Act of 1899," 30 Stat. 1151, 33 U.S.C. 403, as amended; 55  
or the extraction or movement of soil or minerals within a solid 56  
waste facility, as defined in section 3734.01 of the Revised 57  
Code, that is a sanitary landfill when the soil or minerals are 58  
used exclusively for the construction, operation, closure, and 59  
post-closure care of the facility or for maintenance activities 60  
at the facility. 61

(B) "Minerals" means sand, gravel, clay, shale, gypsum, 62  
halite, limestone, dolomite, sandstone, other stone, 63  
metalliferous or nonmetalliferous ore, or other material or 64  
substance of commercial value excavated in a solid state from 65  
natural deposits on or in the earth, but does not include coal 66  
or peat. 67

(C) "Overburden" means all of the earth and other 68  
materials that cover a natural deposit of minerals and also 69  
means such earth and other materials after removal from their 70  
natural state in the process of surface mining. 71

(D) "Spoil bank" means a pile of removed overburden. 72

(E) "Area of land affected" means the area of land that 73  
has been excavated, or upon which a spoil bank exists, or both. 74

(F) (1) "Operation" or "surface mining operation" means all 75  
of the premises, facilities, and equipment used in the process 76  
of removing minerals, or minerals and incidental coal, by 77  
surface mining from a mining area in the creation of which 78  
mining area overburden or minerals, or minerals and incidental 79  
coal, are disturbed or removed, ~~such surface mining area being~~ 80

~~located upon a single tract of land or upon two or more~~ 81  
~~contiguous tracts of land. Separation by a stream or roadway~~ 82  
~~shall not preclude the tracts from being considered contiguous.~~ 83

(2) When the context indicates, "operation" or "in-stream 84  
mining operation" means all of the premises, facilities, and 85  
equipment used in the process of removing minerals by in-stream 86  
mining from a mining area. 87

(3) When the context indicates, "operation" or 88  
"underground minerals mining operation" has the same meaning as 89  
in section 1514.60 of the Revised Code. 90

(G) "Operator" means any person engaged in surface mining 91  
who removes minerals, or minerals and incidental coal, from the 92  
earth by surface mining or who removes overburden for the 93  
purpose of determining the location, quality, or quantity of a 94  
mineral deposit. "Operator" also means any person engaged in in- 95  
stream mining who removes minerals from the bottom of the 96  
channel of a watercourse by in-stream mining. "Operator" also 97  
includes an underground minerals mining operator as defined in 98  
section 1514.60 of the Revised Code when the context so 99  
indicates. 100

(H) "Performance bond" means the surety bond required to 101  
be filed under section 1514.04 of the Revised Code and includes 102  
cash, an irrevocable letter of credit, and negotiable 103  
certificates of deposit authorized to be deposited in lieu of 104  
the surety bond under that section. 105

(I) "Dewatering" means the withdrawal of ground water from 106  
an aquifer or saturated zone that may result in the lowering of 107  
the water level within the aquifer or saturated zone or a 108  
decline of the potentiometric surface within that aquifer or 109

saturated zone.	110
(J) "Ground water" means all water occurring in an aquifer.	111 112
(K) "Cone of depression" means a depression or low point in the water table or potentiometric surface of a body of ground water that develops around a location from which ground water is being withdrawn.	113 114 115 116
(L) "High water mark" means the line on the shore that is established by the fluctuations of water and indicated by physical characteristics such as a natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding area.	117 118 119 120 121 122 123
(M) "In-stream mining" means all or any part of a process followed in the production of minerals from the bottom of the channel of a watercourse that drains a surface area of more than one hundred square miles. "In-stream mining" may be accomplished by using any technique or by using surface excavation methods, such as open pit mining, dredging, placering, or quarrying, and includes the removal of overburden for the purpose of determining the location, quantity, or quality of mineral deposits. "In-stream mining" does not include either of the following:	124 125 126 127 128 129 130 131 132 133
(1) Routine dredging for purely navigational or flood control purposes during which materials are removed for noncommercial purposes;	134 135 136
(2) The extraction of minerals, other than coal, by a landowner for the landowner's own noncommercial use when the	137 138

material is extracted and used in an unprocessed form on the 139  
same tract of land. 140

For purposes of division (M) of this section, the number 141  
of square miles of surface area that a watercourse drains shall 142  
be determined by consulting the "gazetteer of Ohio streams," 143  
which is a portion of the Ohio water plan inventory published in 144  
1960 by the division of water in the department of natural 145  
resources, or its successor, if any. 146

(N) In provisions concerning in-stream mining, when the 147  
context is appropriate, "land" is deemed to include an area of a 148  
watercourse. 149

(O) "Watercourse" means any naturally occurring perennial 150  
or intermittent stream, river, or creek flowing within a defined 151  
stream bed and banks. 152

(P) "Certified mine foreperson" means the person whom the 153  
operator of a surface mining operation places in charge of the 154  
conditions and practices at the mine, who is responsible for 155  
conducting workplace examinations under 30 C.F.R. part 56 or 30 156  
C.F.R. part 57, as amended, and who has passed an examination 157  
for the position administered by the division of mineral 158  
resources management. 159

(Q) "Underground minerals mining" has the same meaning as 160  
in section 1514.60 of the Revised Code. 161

(R) "Activities related to making finished aggregate 162  
products" includes the processing, loading, crushing, conveying, 163  
screening, storing, washing, batching, mixing, heating, bagging, 164  
or drying necessary to make a product comprised of at least 165  
seventy-five per cent of an extracted industrial mineral. 166

**Sec. 1514.02.** (A) After the dates the chief of the 167

division of mineral resources management prescribes by rule 168  
pursuant to section 1514.08 of the Revised Code, but not later 169  
than July 1, 1977, nor earlier than July 1, 1975, no operator 170  
shall engage in surface mining or conduct a surface mining 171  
operation without a surface mining permit issued by the chief. 172

No person shall engage in in-stream mining or conduct an 173  
in-stream mining operation without an in-stream mining permit 174  
issued by the chief. However, a person who, on March 15, 2002, 175  
holds a valid permit to conduct in-stream mining that is issued 176  
under section 10 of the "Rivers and Harbors Appropriation Act of 177  
1899," 30 Stat. 1151, 33 U.S.C. 403, as amended, shall not be 178  
required to obtain an in-stream mining permit from the chief 179  
under this section until the existing permit expires. 180

An application for a surface or in-stream mining permit 181  
shall be upon the form that the chief prescribes and provides 182  
and shall contain all of the following: 183

(1) The name and address of the applicant, of all partners 184  
if the applicant is a partnership, or of all officers and 185  
directors if the applicant is a corporation, and any other 186  
person who has a right to control or in fact controls the 187  
management of the applicant or the selection of officers, 188  
directors, or managers of the applicant; 189

(2) A list of the minerals and coal, if any coal, sought 190  
to be extracted, an estimate of the annual production rates for 191  
each mineral and coal, and a description of the land upon which 192  
the applicant proposes to engage in a surface or in-stream 193  
mining operation, which description shall set forth the names of 194  
the counties, townships, and municipal corporations, if any, in 195  
which the land is located; the location of its boundaries; and a 196  
description of the land of sufficient certainty that it may be 197

located and distinguished from other lands;	198
(3) The name of each county, township, or municipal corporation, if any, that has in effect a zoning resolution or ordinance that would affect the proposed surface or in-stream mining operation or, if no such zoning resolution or ordinance is in effect, a statement attesting to that fact. The application also shall contain an explanation of how the applicant intends to comply with any applicable <del>provisions of a</del> zoning resolution or ordinance.	199 200 201 202 203 204 205 206
(4) An estimate of the number of acres of land that will comprise the total area of land to be affected and an estimate of the number of acres of land to be affected during the first year of operation under the permit;	207 208 209 210
(5) The name and address of the owner of surface rights in the land upon which the applicant proposes to engage in surface or in-stream mining;	211 212 213
(6) A copy of the deed, lease, or other instrument that authorizes entry upon the land by the applicant or the applicant's agents if surface rights in the land are not owned by the applicant;	214 215 216 217
(7) A statement of whether any surface or in-stream mining permits or coal mining and reclamation permits are now held by the applicant in this state and, if so, the numbers of the permits;	218 219 220 221
(8) A statement of whether the applicant, any partner if the applicant is a partnership, any officer or director if the applicant is a corporation, or any other person who has a right to control or in fact controls the management of the applicant or the selection of officers, directors, or managers of the	222 223 224 225 226

applicant has ever had a surface or in-stream mining permit or 227  
coal mining and reclamation permit issued by this or any other 228  
state suspended or revoked or has ever forfeited a surface or 229  
in-stream mining or coal mining and reclamation bond or cash, an 230  
irrevocable letter of credit, or a security deposited in lieu of 231  
a bond; 232

(9) A report of the results of test borings that the 233  
operator has conducted on the area or otherwise has readily 234  
available, including, to the extent that the information is 235  
readily available to the operator, the nature and depth of 236  
overburden and material underlying each mineral or coal deposit, 237  
and the thickness and extent of each mineral or coal deposit. In 238  
the case of an application for an in-stream mining permit, the 239  
report additionally shall include sufficient information to show 240  
the approximate depth to bedrock. All information relating to 241  
test boring results submitted to the chief pursuant to this 242  
section shall be kept confidential and not made a matter of 243  
public record, except that the information may be disclosed by 244  
the chief in any legal action in which the truthfulness of the 245  
information is material. 246

(10) A complete plan for surface or in-stream mining and 247  
reclamation of the area to be affected, which shall include a 248  
statement of the intended future uses of the area and show the 249  
approximate sequence in which mining and reclamation measures 250  
are to occur, the approximate intervals following mining during 251  
which the reclamation of all various parts of the area affected 252  
will be completed, and the measures the operator will perform to 253  
prevent damage to adjoining property and to achieve all of the 254  
following general performance standards for mining and 255  
reclamation: 256

(a) Prepare the site adequately for its intended future 257  
uses upon completion of mining; 258

~~(b) Where a plan of zoning or other comprehensive plan has 259  
been adopted that governs land uses or the construction of 260  
public improvements and utilities for an area that includes the 261  
area sought to be mined, ensure that future land uses within the 262  
site will not conflict with the plan. On and after March 15, 263  
2002, division (A) (10) (b) of this section does not apply to any 264  
surface or in-stream mining permit or applications for a surface 265  
or in-stream mining permit, any renewal of an existing surface 266  
or in-stream mining permit or application for a renewal of an 267  
existing surface or in-stream mining permit, any amendment or 268  
application for an amendment to an existing surface or in-stream 269  
mining permit, or any modification or application for a 270  
modification of a mining and reclamation plan of an existing 271  
surface or in-stream mining permit unless the application for 272  
such a permit, renewal, amendment, or modification is a 273  
resubmission, revision, or reconsideration of an application 274  
that was pending before the chief or was first approved prior to 275  
March 15, 2002. 276~~

~~(c) Grade, contour, or terrace final slopes, wherever 277  
needed, sufficient to achieve soil stability and control 278  
landslides, erosion, and sedimentation. Highwalls will be 279  
permitted if they are compatible with the future uses specified 280  
in the plan and measures will be taken to ensure public safety. 281  
Where ponds, impoundments, or other resulting bodies of water 282  
are intended for recreational use, establish banks and slopes 283  
that will ensure safe access to those bodies of water. Where 284  
such bodies of water are not intended for recreation, include 285  
measures to ensure public safety, but access need not be 286  
provided. 287~~

<del>(d)</del> <u>(c)</u> Resoil the area of land affected, wherever needed,	288
with topsoil or suitable subsoil, fertilizer, lime, or soil	289
amendments, as appropriate, in sufficient quantity and depth to	290
raise and maintain a diverse growth of vegetation adequate to	291
bind the soil and control soil erosion and sedimentation;	292
<del>(e)</del> <u>(d)</u> Establish a diverse vegetative cover of grass and	293
legumes or trees, grasses, and legumes capable of self-	294
regeneration and plant succession wherever required by the plan;	295
<del>(f)</del> Remove or bury any metal, lumber, equipment, or other	296
refuse resulting from mining, and remove or bury any unwanted or	297
useless structures;	298
<del>(g)</del> <u>(e)</u> Reestablish boundary, section corner, government,	299
and other survey monuments that were removed by the operator;	300
<del>(h)</del> <u>(f)</u> During mining and reclamation, ensure that	301
contamination, resulting from mining, of underground water	302
supplies is prevented. Upon completion of reclamation, ensure	303
that any watercourse, lake, or pond located within the site	304
boundaries is free of substances resulting from mining in	305
amounts or concentrations that are harmful to persons, fish,	306
waterfowl, or other beneficial species of aquatic life.	307
<del>(i)</del> <u>(g)</u> During mining and reclamation, control drainage so	308
as to prevent the causing of flooding, landslides, and flood	309
hazards to adjoining lands resulting from the mining operation.	310
Leave any ponds in such condition as to avoid their constituting	311
a hazard to adjoining lands.	312
(j) During mining and reclamation, ensure that the effect	313
of any reduction of the quantity of ground water is minimized;	314
(k) Ensure that mining and reclamation are carried out in	315
the sequence and manner set forth in the plan and that	316

reclamation measures are performed in a timely manner. All 317  
reclamation of an area of land affected shall be completed no 318  
later than three years following the mining of the area unless 319  
the operator makes a showing satisfactory to the chief that the 320  
future use of the area requires a longer period for completing 321  
reclamation. 322

(l) During mining, store topsoil or fill in quantities 323  
sufficient to complete the backfilling, grading, contouring, 324  
terracing, and resoiling that are specified in the plan. 325  
Stabilize the slopes of and plant each spoil bank to control 326  
soil erosion and sedimentation wherever substantial damage to 327  
adjoining property might occur. 328

(m) During mining, promptly remove, store, or cover any 329  
coal, pyritic shale, or other acid producing materials in a 330  
manner that will minimize acid drainage and the accumulation of 331  
acid water; 332

(n) During mining, detonate explosives in a manner that 333  
will prevent damage to adjoining property; 334

(o) In the case of in-stream mining, do all of the 335  
following: 336

(i) Limit access to the channel of a watercourse to a 337  
single point of entry on one bank of the watercourse; 338

(ii) Maintain riparian vegetation to the fullest extent 339  
possible; 340

(iii) Upon cessation of in-stream mining, stabilize and 341  
reclaim to the pre-mined condition the banks of a watercourse 342  
affected by in-stream mining. 343

(11) For any applicant, except an applicant for an in- 344

stream mining permit, who intends to extract less than ten 345  
thousand tons of minerals per year and no incidental coal, a 346  
current notarized tax map, ~~in triplicate and notarized,~~ and the 347  
appropriate United States geological survey seven and one-half 348  
minute topographic map. Each copy shall bear the applicant's 349  
name and shall identify the area of land to be affected 350  
corresponding to the application. 351

(12) For any applicant for a surface mining permit who 352  
intends to extract ten thousand tons of minerals or more per 353  
year or who intends to extract any incidental coal irrespective 354  
of the tonnage of minerals intended to be mined, a map, ~~in-~~ 355  
~~triplicate,~~ on a scale of not more than four hundred feet to the 356  
inch, or ~~three copies of an~~ enlarged United States geological 357  
survey topographic map on a scale of not more than four hundred 358  
feet to the inch. Each application for an in-stream mining 359  
permit shall include such a map regardless of the tons of 360  
minerals that the applicant intends to extract. 361

The map shall comply with all of the following: 362

(a) Be prepared and certified by a professional engineer 363  
or surveyor registered under Chapter 4733. of the Revised Code; 364

(b) Identify the area of land to be affected corresponding 365  
to the application; 366

(c) Show the probable limits of subjacent and adjacent 367  
deep, strip, surface, or in-stream mining operations, whether 368  
active, inactive, or mined out; 369

(d) Show the boundaries of the area of land to be affected 370  
during the period of the permit and the area of land estimated 371  
to be affected during the first year of operation, and name the 372  
surface and mineral owners of record of the area and the owners 373

of record of adjoining surface properties;	374
(e) Show the names and locations of all streams, creeks,	375
or other bodies of water, roads, railroads, utility lines,	376
buildings, cemeteries, and oil and gas wells on the area of land	377
to be affected and within five hundred feet of the perimeter of	378
the area;	379
(f) Show the counties, municipal corporations, townships,	380
and sections in which the area of land to be affected is	381
located;	382
(g) Show the drainage plan on, above, below, and away from	383
the area of land to be affected, indicating the directional flow	384
of water, constructed drainways, natural waterways used for	385
drainage, and the streams or tributaries receiving or to receive	386
this discharge;	387
(h) Show the location of available test boring holes that	388
the operator has conducted on the area of land to be affected or	389
otherwise has readily available;	390
(i) Show the date on which the map was prepared, the north	391
direction and the quadrangle sketch, and the exact location of	392
the operation;	393
(j) Show the type, kind, location, and references of all	394
existing boundary, section corner, government, and other survey	395
monuments within the area to be affected and within five hundred	396
feet of the perimeter of the area.	397
The certification of the maps shall read: "I, the	398
undersigned, hereby certify that this map is correct, and shows	399
to the best of my knowledge and belief all of the information	400
required by the surface or in-stream mining laws, as applicable,	401
of the state." The certification shall be signed and attested	402

before a notary public. The chief may reject any map as 403  
incomplete if its accuracy is not so certified and attested. 404

(13) A certificate of public liability insurance issued by 405  
an insurance company authorized to do business in this state or 406  
obtained pursuant to sections 3905.30 to 3905.35 of the Revised 407  
Code covering all surface or in-stream mining operations of the 408  
applicant in this state and affording bodily injury and property 409  
damage protection in amounts not less than the following: 410

(a) One hundred thousand dollars for all damages because 411  
of bodily injury sustained by one person as the result of any 412  
one occurrence, and three hundred thousand dollars for all 413  
damages because of bodily injury sustained by two or more 414  
persons as the result of any one occurrence; 415

(b) One hundred thousand dollars for all claims arising 416  
out of damage to property as the result of any one occurrence, 417  
with an aggregate limit of three hundred thousand dollars for 418  
all property damage to which the policy applies. 419

(14) A certificate of public liability insurance issued by 420  
an insurance company authorized to do business in this state or 421  
obtained pursuant to sections 3905.30 to 3905.35 of the Revised 422  
Code covering all underground minerals mining operations of the 423  
applicant in this state and affording bodily injury and property 424  
damage protection in amounts not less than one million dollars; 425

(15) A sworn statement by ~~the~~ a surface or in-stream 426  
mining permit applicant that, ~~during the term of any permit~~ 427  
~~issued under this chapter or of any renewal of such a permit,~~ 428  
the applicant will comply with all applicable zoning resolutions 429  
or ordinances that are in effect at the time the application is 430  
filed unless the resolutions or ordinances subsequently become 431

~~invalid during the term of the permit or renewal;~~ 432

~~(15)~~ (16) A copy of the advertisement that the applicant is 433  
required to have published in accordance with section 1514.022 434  
of the Revised Code, if applicable; 435

~~(16)~~ (17) For any applicant whose operation may result in 436  
dewatering, a compilation of data in a form that is prescribed 437  
by the chief and that is suitable to conduct ground water 438  
modeling in order to establish a projected cone of depression 439  
for purposes of section 1514.13 of the Revised Code. The chief 440  
shall adopt rules as provided in section 1514.08 of the Revised 441  
Code establishing the minimum requirements and standards 442  
governing the data required under this division. 443

~~(17)~~ (18) A statement by the applicant certifying that the 444  
applicant has communicated with the county engineer of the 445  
county in which the proposed surface or in-stream mining 446  
operation will be located regarding any streets and roads under 447  
the county engineer's jurisdiction that will be used by vehicles 448  
entering and leaving the proposed surface or in-stream mining 449  
operation; 450

~~(18)~~ (19) In the case of an application for an in-stream 451  
mining permit, and if required by the division of mineral 452  
resources management after review of an applicant's proposed in- 453  
stream mining plans, a hydraulic evaluation of the watercourse 454  
prepared by a professional engineer registered under Chapter 455  
4733. of the Revised Code. If the hydraulic evaluation is 456  
required, it shall include, without limitation, all of the 457  
following: 458

(a) Soundings that depict the cross-sectional views of the 459  
channel bottom of the watercourse and water elevations for the 460

watercourse;	461
(b) A profile of the channel bottom;	462
(c) An analysis of design flows and water surface profiles for the watercourse prior to in-stream mining and the proposed final mining condition;	463 464 465
(d) An analysis of the expected changes in the roughness coefficient, resistance to water flow velocity, and hydraulic gradient in the channel bottom due to the proposed mining;	466 467 468
(e) Any additional information that the chief requires in order to evaluate the potential impact of in-stream mining on the watercourse and to determine if any additional performance standards are required to protect the environment and property outside the limits of the operation as established in the permit.	469 470 471 472 473 474
The chief may allow an applicant to deviate from the requirements of divisions <del>(A) (18) (a)</del> <u>(A) (19) (a)</u> to (d) of this section if the chief determines that such a deviation is appropriate.	475 476 477 478
(B) No permit application or amendment shall be approved by the chief if the chief finds that the reclamation described in the application will not be performed in full compliance with this chapter or that there is not reasonable cause to believe that reclamation as required by this chapter will be accomplished.	479 480 481 482 483 484
The chief shall issue an order denying an application for an operating permit or an amendment if the chief determines that the measures set forth in the plan are likely to be inadequate to prevent damage to adjoining property or to achieve one or more of the performance standards required in division (A) (10)	485 486 487 488 489

of this section. 490

No permit application or amendment shall be approved if 491  
the approval would result in a violation of division (E), (F), 492  
or (G) of section 1514.10 of the Revised Code. 493

No permit application or amendment shall be approved to 494  
surface mine land adjacent to a public road in violation of 495  
section 1563.11 of the Revised Code. 496

To ensure adequate lateral support, no permit application 497  
or amendment shall be approved to engage in surface or in-stream 498  
mining on land that is closer than fifty feet of horizontal 499  
distance to any adjacent land or waters in which the operator 500  
making application does not own the surface or mineral rights 501  
unless the owners of the surface and mineral rights in and under 502  
the adjacent land or waters consent in writing to surface or in- 503  
stream mining closer than fifty feet of horizontal distance. The 504  
consent, or a certified copy thereof, shall be attached to the 505  
application as a part of the permanent record of the application 506  
for a surface or in-stream mining permit. Such consent shall run 507  
with the land. 508

The chief shall issue an order granting a permit upon the 509  
chief's approval of an application, as required by this section, 510  
filing of the performance bond required by section 1514.04 of 511  
the Revised Code, payment of an acreage fee in the amount of 512  
seventy-five dollars multiplied by the number of acres estimated 513  
in the application that will comprise the area of land to be 514  
affected within the first year of operation under the permit, 515  
and payment of a permit fee. The amount of the permit fee for a 516  
surface mining permit shall be five hundred dollars, and the 517  
amount of the permit fee for an in-stream mining permit shall be 518  
two hundred fifty dollars. 519

The chief may issue an order denying a permit if the chief 520  
finds that the applicant, any partner if the applicant is a 521  
partnership, any officer or director if the applicant is a 522  
corporation, or any other person who has a right to control or 523  
in fact controls the management of the applicant or the 524  
selection of officers, directors, or managers of the applicant 525  
has substantially or materially failed to comply or continues to 526  
fail to comply with this chapter, which failure may consist of 527  
one or more violations thereof, a rule adopted thereunder, or an 528  
order of the chief or failure to perform reclamation as required 529  
by this chapter. The chief may deny or revoke the permit of any 530  
person who so violates or fails to comply or who purposely 531  
misrepresents or omits any material fact in the application for 532  
the permit or an amendment to a permit. 533

If the chief denies the permit, the chief shall state the 534  
reasons for denial in the order denying the permit. 535

Each permit shall be issued upon condition that the 536  
operator will comply with this chapter and perform the measures 537  
set forth in the operator's plan of mining and reclamation in a 538  
timely manner. The chief, mineral resources inspectors, or other 539  
authorized representatives of the chief may enter upon the 540  
premises of the operator at reasonable times for the purposes of 541  
determining whether or not there is compliance with this 542  
chapter. 543

~~(C) If the chief approves an application for a surface-~~ 544  
~~mining permit, the order granting the permit shall authorize the~~ 545  
~~person to whom the permit is issued to engage as the operator of~~ 546  
~~a surface mining operation upon the land described in the permit~~ 547  
~~during a period that shall expire fifteen years after the date-~~ 548  
~~of issuance of the permit, or upon the date when the chief,~~ 549

~~after inspection, orders the release of any remaining~~ 550  
~~performance bond deposited to assure satisfactory performance of~~ 551  
~~the reclamation measures required pursuant to this chapter,~~ 552  
~~whichever occurs earlier.~~ 553

~~If the chief approves an application for an in-stream~~ 554  
~~mining permit, the order granting the permit shall authorize the~~ 555  
~~person to whom the permit is issued to engage as the operator of~~ 556  
~~an in-stream mining operation on the land described in the~~ 557  
~~permit during a period that shall expire five years after the~~ 558  
~~date of issuance of the permit, or on the date when the chief,~~ 559  
~~after inspection, orders the release of any remaining bond,~~ 560  
~~cash, irrevocable letters of credit, or certificates of deposit~~ 561  
~~that were deposited to ensure satisfactory performance of the~~ 562  
~~reclamation measures required under this chapter, whichever~~ 563  
~~occurs earlier.~~ 564

~~(D) Before an operator engages in a surface or in-stream~~ 565  
~~mining operation on land not described in the operator's permit,~~ 566  
~~but that is contiguous to the land described in the operator's~~ 567  
~~permit, the operator shall file with the chief an application~~ 568  
~~for an amendment to the operator's permit.~~ 569

(C) (1) The chief shall adopt rules in accordance with 570  
section 1514.08 of the Revised Code that establishes procedures 571  
and requirements regarding amendments to an operator's permit 572  
and shall define what constitutes a "significant" amendment for 573  
purposes of notice under section 1514.022 of the Revised Code. 574  
~~Before approving an amendment, the chief shall require the~~ 575  
~~information, maps, fees, and amount, except as otherwise~~ 576  
~~provided by rule, of the performance bond as required for an~~ 577  
~~original application under this section and shall apply the same~~ 578  
~~prohibitions and restrictions applicable to land described in an~~ 579

~~original application for a permit. An applicant for a~~ 580  
~~significant amendment to a permit, as "significant" is defined~~ 581  
~~by rule, shall include a copy of the advertisement that the~~ 582  
~~applicant is required to have published in accordance with~~ 583  
~~section 1514.022 of the Revised Code. If the chief disapproves~~ 584  
~~the amendment, the chief shall state the reasons for disapproval~~ 585  
~~in the order disapproving the amendment. Upon the approval of an~~ 586  
~~amendment by the chief, the operator shall be authorized to~~ 587  
~~engage in surface mining on the land or in-stream mining in the~~ 588  
~~watercourse described in the operator's original permit plus the~~ 589  
~~land or area of the watercourse described in the amendment until~~ 590  
~~the date when the permit expires, or when the chief, after~~ 591  
~~inspection, orders the release of any remaining performance bond~~ 592  
~~deposited to assure satisfactory performance of the reclamation~~ 593  
~~measures required pursuant to this chapter, whichever occurs~~ 594  
~~earlier.~~ 595

~~(E)(2) An operator, at any time and upon application~~ 596  
~~therefor and approval by the chief, may amend the plan of mining~~ 597  
~~and reclamation filed with the application for apply to the~~ 598  
~~chief for an amendment to a permit, in accordance with the~~ 599  
~~rules, in order to change do any of the following:~~ 600

~~(a) Change the reclamation measures to be performed,~~ 601  
~~modify;~~ 602

~~(b) Modify the interval after mining within which~~ 603  
~~reclamation measures will be performed,~~ 604  
~~change;~~

~~(c) Change the sequence in which mining or reclamation~~ 605  
~~will occur at specific locations within the area affected,~~ 606  
~~mine~~ 607  
~~;~~

~~(d) Mine acreage previously mined or reclaimed,~~ 608  
~~or for;~~

(e) Add land to the permit when the land is contiguous or 609  
when the land is located in whole or in part of the same 610  
township or municipal corporation identified in the permit; 611  
however, this division shall not be construed to prevent any 612  
county, township, or municipal corporation from enacting, 613  
adopting, or enforcing zoning regulations or ordinances to 614  
regulate mining activities on such added land. 615

(f) Conduct underground minerals mining activities in 616  
accordance with sections 1514.60 to 1514.70 of the Revised Code; 617

(g) For any other purpose, provided that the plan, as 618  
amended, includes measures that the chief determines will be 619  
adequate to prevent damage to adjoining property and to achieve 620  
the performance standards set forth in ~~division (A) (10) of this~~ 621  
~~section~~chapter, as applicable. ~~An application for a significant~~ 622  
~~amendment to a plan, as "significant" is defined by rule, shall~~ 623  
~~include a copy of the advertisement that the applicant is~~ 624  
~~required to have published in accordance with section 1514.022~~ 625  
~~of the Revised Code.~~ 626

(3) An applicant for a significant amendment to a permit 627  
shall include a copy of the advertisement that the applicant is 628  
required to have published in accordance with section 1514.022 629  
of the Revised Code. 630

(4) Before approving an amendment, the chief shall require 631  
the information, maps, fees, and the amount, except as otherwise 632  
provided by rule, of the performance bond as required for an 633  
original application under this section and shall apply the same 634  
prohibitions and restrictions applicable to land described in an 635  
original application for a permit. 636

(D) The chief may propose one or more amendments to the 637

plan in writing within ninety days after the fifth anniversary 638  
of the date of issuance of a surface mining permit or within 639  
ninety days after the first anniversary of the date of issuance 640  
of an in-stream mining permit. The chief's proposal may be made 641  
upon a finding of any of the following conditions after a 642  
complete review of the plan and inspection of the area of land 643  
affected, and the plan shall be so amended upon written 644  
concurrence in the findings and approval of the amendments by 645  
the operator: 646

(1) An alternate measure, in lieu of one previously 647  
approved in the plan, will more economically or effectively 648  
achieve one or more of the performance standards. 649

(2) Developments in reclamation technology make an 650  
alternate measure to achieve one or more of the performance 651  
standards more economical, feasible, practical, or effective. 652

(3) Changes in the use or development of adjoining lands 653  
require changes in the intended future uses of the area of land 654  
affected in order to prevent damage to adjoining property. 655

~~(F)~~(E) The holder of a surface, underground minerals, or 656  
in-stream mining permit who desires to transfer the rights 657  
granted under the permit to another person ~~at any time during~~ 658  
~~the term of the permit or its renewal~~ shall file with the chief 659  
an application for the transfer of the permit. The chief shall 660  
issue an order approving or disapproving the transfer of the 661  
permit in accordance with criteria and procedures established by 662  
rule. 663

(F) Except for division (E) of this section, this section 664  
does not apply to any permit issued under sections 1514.60 to 665  
1514.69 of the Revised Code. 666

**Sec. 1514.021.** ~~(A) A permit holder who wishes to continue~~ 667  
~~surface or in-stream mining operations after the expiration date~~ 668  
~~of the existing Surface, underground minerals, and in-stream~~ 669  
~~mining permits issued under this chapter, including any such~~ 670  
~~permits issued prior to the effective date of this section, do~~ 671  
~~not expire. However, the chief of the division of mineral~~ 672  
~~resources management shall conduct a review of the operations of~~ 673  
~~each such permit or renewal permit shall file with the chief of~~ 674  
~~the division of mineral resources management a notice of intent~~ 675  
~~to renew for purposes of the renewal of a surface or in-stream~~ 676  
~~mining permit or renewal permit at least ninety days before the~~ 677  
~~expiration date of the existing permit or renewal permit. The~~ 678  
~~notice of intent to renew shall be on a form that the chief~~ 679  
~~prescribes and provides and shall be accompanied by a permit~~ 680  
~~renewal fee. The amount of the fee for renewal of a surface~~ 681  
~~mining permit or renewal permit shall be at least once every~~ 682  
~~five years in accordance with rules adopted under section~~ 683  
~~1514.08 of the Revised Code. Upon notice by the chief, the~~ 684  
~~permit holder shall remit an annual fee of one thousand dollars,~~ 685  
~~and the amount of the fee for renewal of an in-stream mining~~ 686  
~~permit or renewal permit shall be for activity subject to~~ 687  
~~division (A) (3) of section 5749.02 of the Revised Code and five~~ 688  
~~hundred dollars for activity subject to divisions (A) (4) and (A)~~ 689  
~~(7) of section 5749.02 of the Revised Code.~~ 690

~~(B) Upon receipt of a notice of intent to renew form and~~ 691  
~~the permit renewal fee under division (A) of this section, the~~ 692  
~~chief shall notify the permit holder to submit a renewal~~ 693  
~~application package. The permit holder shall submit a complete~~ 694  
~~renewal package to the chief at least thirty days prior to the~~ 695  
~~expiration of the existing surface or in-stream mining permit or~~ 696  
~~renewal permit. The renewal application package shall include~~ 697

~~all of the following:~~ 698

~~(1) A map that is a composite of the information required to be contained in the most recent annual report map under section 1514.03 of the Revised Code and of all surface or in-stream mining and reclamation activities conducted under the existing permit or renewal permit;~~ 699  
700  
701  
702  
703

~~(2) The annual report required under section 1514.03 of the Revised Code;~~ 704  
705

~~(3) In the case of an applicant proposing a significant change to the plan of mining and reclamation, as "significant" is defined by rule, a copy of the advertisement that is required to be published in accordance with section 1514.022 of the Revised Code;~~ 706  
707  
708  
709  
710

~~(4) Additional maps, plans, and revised or updated information that the chief determines to be necessary for permit renewal.~~ 711  
712  
713

~~For a renewal permit requiring minor or minimal updates to the existing permit, renewal permit, or accompanying information, the chief may authorize a permit holder to file updated information through a surface mining permit modification process using a surface mining permit modification form. However, the chief may require such a permit holder to submit a complete renewal application package.~~ 714  
715  
716  
717  
718  
719  
720

~~(C)(1) Upon receipt of the complete renewal application package required under division (B) of this section and except as otherwise provided in division (C)(2) of this section, the chief shall approve the application for renewal and issue an order granting a renewal permit unless the chief finds that any of the following applies:~~ 721  
722  
723  
724  
725  
726

~~(a) The permit holder's operation is not in substantial or material compliance with this chapter, rules adopted and orders issued under it, and the plan of mining and reclamation under the existing permit or renewal permit.~~ 727  
728  
729  
730

~~(b) The permit holder has not provided evidence that a performance bond filed under section 1514.04 of the Revised Code applicable to lands affected under the existing permit or renewal permit will remain effective until released under section 1514.05 of the Revised Code.~~ 731  
732  
733  
734  
735

~~(c) The permit holder, any partner if the permit holder is a partnership, any officer or director if the permit holder is a corporation, or any other person who has a right to control or in fact controls the management of the permit holder or the selection of officers, directors, or managers of the permit holder has failed substantially or materially to comply or continues to fail to comply with this chapter as provided in section 1514.02 of the Revised Code.~~ 736  
737  
738  
739  
740  
741  
742  
743

~~(2) If the application for renewal proposes significant changes to the plan of mining and reclamation, as "significant" is defined by rule, the chief may, but is not required to, approve the application for renewal.~~ 744  
745  
746  
747

~~(D) (1) After receiving a complete renewal application package and permit renewal fees required under divisions (A) and (B) of this section, the chief shall do one of the following:~~ 748  
749  
750

~~(a) Approve the application for renewal and issue an order granting a renewal permit;~~ 751  
752

~~(b) Issue an order denying a renewal permit;~~ 753

~~(c) Notify the applicant in accordance with division (D) (2) of this section that there are deficiencies in the renewal~~ 754  
755

~~application package and that an extension of the time limit for~~ 756  
~~issuing an order approving or disapproving the renewal permit~~ 757  
~~has been granted.~~ 758

~~In making a decision regarding a renewal application~~ 759  
~~package, the chief shall review the package for compliance with~~ 760  
~~this chapter and rules adopted under it.~~ 761

~~(2) The chief shall notify a permit holder and, if~~ 762  
~~applicable, the permit holder's consultant, surveyor, or~~ 763  
~~engineer of deficiencies or errors in a renewal application~~ 764  
~~package and shall include in the notification a discussion of~~ 765  
~~the deficiencies or errors.~~ 766

~~A permit holder shall have up to one hundred eighty days~~ 767  
~~after the expiration of the permit holder's permit or renewal~~ 768  
~~permit to submit a revised renewal application package. A permit~~ 769  
~~holder may request, in writing, an extension of the one hundred~~ 770  
~~eighty-day period for revisions to the renewal application~~ 771  
~~package. The chief may approve a sixty-day extension. The chief~~ 772  
~~shall notify the permit holder of the chief's decision to either~~ 773  
~~grant or deny the extension.~~ 774

~~Upon the submission of a revised renewal application~~ 775  
~~package that is determined to be complete by the chief, the~~ 776  
~~chief shall proceed to approve or deny the application in~~ 777  
~~accordance with division (D) (1) (a) or (b) of this section. If~~ 778  
~~the revised renewal application package is not submitted within~~ 779  
~~one hundred eighty days after the permit expiration date or, if~~ 780  
~~an extension has been granted, within two hundred forty days~~ 781  
~~after the permit expiration date, the chief shall issue an order~~ 782  
~~denying the renewal permit in accordance with division (D) (1) (b)~~ 783  
~~of this section.~~ 784

~~(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.~~ 785  
786  
787  
788  
789  
790  
791

~~(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.~~ 792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814

~~(G) If the chief issues an order denying an application~~ 815

~~for renewal of a permit or renewal permit after the expiration-~~ 816  
~~date of the permit, the permit holder shall cease surface or in-~~ 817  
~~stream mining operations immediately and, within thirty days-~~ 818  
~~after the issuance of the order, shall submit the final report-~~ 819  
~~and map required under section 1514.03 of the Revised Code. The~~ 820  
~~chief shall state the reasons for denial in the order denying-~~ 821  
~~renewal of the permit. A permit holder may appeal the chief's-~~ 822  
~~order denying the renewal under section 1513.13 of the Revised-~~ 823  
~~Code and may continue surface or in-stream mining and-~~ 824  
~~reclamation operations under the expired permit until the-~~ 825  
~~reclamation commission affirms the chief's order under that-~~ 826  
~~section and, if the applicant elects to appeal the order of the~~ 827  
~~commission under section 1513.14 of the Revised Code, until the~~ 828  
~~court of appeals affirms the order.~~ 829

~~(H) The approval of an application for renewal under this-~~ 830  
~~section authorizes the continuation of an existing surface-~~ 831  
~~mining permit or renewal permit for a term of fifteen years from~~ 832  
~~the expiration date of the existing permit.~~ 833

~~The approval of an application for renewal under this-~~ 834  
~~section authorizes the continuation of an existing in-stream-~~ 835  
~~mining permit or renewal permit for a term of five years from-~~ 836  
~~the expiration date of the existing permit.~~ 837

~~(I) Any renewal permit is subject to all the requirements-~~ 838  
~~of this chapter and rules adopted under it.~~ 839

**Sec. 1514.022.** (A) As used in this section: 840

(1) "Application" means any of the following: 841

(a) An application filed under division (A) of section 842  
1514.02 of the Revised Code for ~~an initial~~ a permit for a 843  
proposed surface or in-stream mining operation; 844

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

~~(c) An application filed under division (E) of section 1514.02 of the Revised Code for a significant amendment to the plan of mining and reclamation that is proposed by the operator, as "significant" is defined by rule;~~

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

(2) "Applicant" means a person who files an application.

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

(B) (1) Except as otherwise provided in division (D) of this section, an applicant shall submit to the chief a copy of the applicant's advertisement required to be published under this division of the ownership, precise location, and boundaries of land to be affected by the surface, underground minerals, or

in-stream mining operation or proposed surface, underground 874  
minerals, or in-stream mining operation that is the subject of 875  
the application. 876

Upon receiving the application and advertisement, the 877  
chief shall designate a location at which the application will 878  
be available for public inspection and shall assign to the 879  
application an application identification number. When the chief 880  
determines that the application is substantially complete, the 881  
chief shall notify the applicant of the determination. At that 882  
time, the applicant shall place the advertisement, together with 883  
the application identification number and the notice of the 884  
location at which the application will be available for 885  
inspection, in a newspaper of general circulation in the 886  
locality of the operation or proposed operation at least once a 887  
week for four consecutive weeks. 888

(2) Except as otherwise provided in division (D) of this 889  
section, upon determining that an application is substantially 890  
complete, the chief shall provide written notice to governmental 891  
agencies. The notice shall include all of the information 892  
required to be published under division (B) (1) of this section 893  
together with the date by which any written comments or 894  
objections must be received by the chief for consideration in 895  
the review of the application. That date shall be the date that 896  
is thirty days following the date on which the chief sends the 897  
notice to the governmental agencies. 898

If requested by a governmental agency within thirty-five 899  
days following the date on which the governmental agency 900  
receives the written notice from the chief, the chief may hold 901  
an informal conference to aid in the public understanding of the 902  
permitting process. The informal conference shall be held within 903

two weeks after the chief determines to hold such a conference 904  
and shall be held in the county in which the surface, 905  
underground minerals, or in-stream mining operation is or is 906  
proposed to be located. 907

(C) Except as otherwise provided in division (D) of this 908  
section, an operation or any person having an interest that is 909  
or may be adversely affected by the operation or proposed 910  
operation and any governmental agency may file written comments 911  
about or objections to an application with the chief. In the 912  
case of interested persons who are not governmental agencies, 913  
the comments or objections shall be filed not later than thirty 914  
days after the last publication of the notice. In the case of 915  
governmental agencies, the comments or objections shall be filed 916  
not later than the date that the chief specified in the notice, 917  
except that at the chief's discretion, the chief may accept 918  
comments or objections from the agencies after that date if the 919  
chief considers doing so to be in the public interest. The chief 920  
immediately shall transmit comments or objections to the 921  
applicant and shall make them available to the public at the 922  
same location at which the application is available for 923  
inspection. 924

(D) Divisions (B) and (C) of this section do not apply if 925  
a plan of zoning has been adopted for the area that includes the 926  
location at which the operation is conducted or is proposed to 927  
be conducted and either of the following applies: 928

(1) The plan of zoning allows mining at the location at 929  
which the mining operation is or is proposed to be conducted. 930

(2) A zoning variance or conditional use certificate for a 931  
mining operation, for which public notice and opportunity for 932  
comment have been provided, has been received within three 933

hundred sixty-five days prior to submittal of an application. In 934  
such a situation, an applicant shall provide the chief with a 935  
copy of the notice, certified by the publisher, that was 936  
previously published. 937

**Sec. 1514.023.** ~~Nothing~~ (A) Except as provided in division 938  
(B) of this section , nothing in this chapter or rules adopted 939  
under it shall be construed to prevent any county, township, or 940  
municipal corporation from enacting, adopting, or enforcing 941  
zoning resolutions or ordinances. However, the chief of the 942  
division of mineral resources management shall not enforce such 943  
zoning resolutions or ordinances. 944

(B) Sections 519.02 to 519.25 and sections 303.01 to 945  
303.25 of the Revised Code and any other applicable provision of 946  
law governing township or county zoning authority confer no 947  
power on any township zoning commission, board of township 948  
trustees, board of zoning appeals, county rural zoning 949  
commission, board of county commissioners, or board of zoning to 950  
do either of the following: 951

(1) Require a mine operator to obtain a permit or 952  
amendment to a permit issued under this chapter prior to 953  
applying for zoning approval; 954

(2) Regulate underground minerals mining activity on any 955  
portion of land for which a surface mining permit has been 956  
issued under this chapter and rules adopted under it if one of 957  
the following applies: 958

(a) The portion has been zoned to allow for surface mining 959  
activities. 960

(b) A conditional use certificate or a variance allows 961  
surface mining activities on that portion of land. 962

(c) Surface mining activities are allowed on the portion 963  
of land as a nonconforming use. 964

**Sec. 1514.024.** (A) A local authority may enter into an 965  
agreement with the operator of a surface or in-stream mining 966  
operation or of a proposed surface or in-stream mining operation 967  
for the improvement of roads under the jurisdiction of that 968  
local authority that may be affected by ~~the~~an operation or for 969  
other improvements within the jurisdiction of that local 970  
authority with either of the following: 971

(1) The operator of an existing or proposed surface, 972  
underground minerals, or in-stream mining operation; 973

(2) The operator of an existing or proposed facility 974  
conducting activities related to making finished aggregate 975  
products. ~~However~~ 976

(B) However, nothing in this section requires the operator 977  
of a surface, underground minerals, or in-stream mining ~~operator~~ 978  
operation or the operator of an existing or proposed facility 979  
conducting activities related to making finished aggregate 980  
products to enter into such an agreement. 981

**Sec. 1514.03.** Within thirty days after each anniversary 982  
date of issuance of a surface or in-stream mining permit, the 983  
operator shall file with the chief of the division of mineral 984  
resources management an annual report, on a form prescribed and 985  
furnished by the chief, that, for the period covered by the 986  
report, shall state the amount of and identify the types of 987  
minerals and coal, if any coal, produced and shall state the 988  
number of acres affected and the number of acres estimated to be 989  
affected during the next year of operation. An annual report is 990  
not required to be filed if a final report is filed in lieu 991

thereof. 992

Each annual report for a surface mining operation shall 993  
include a progress map indicating the location of areas of land 994  
affected during the period of the report and the location of the 995  
area of land estimated to be affected during the next year. The 996  
map shall be prepared in accordance with division (A) (11) or 997  
(12) of section 1514.02 of the Revised Code, as appropriate, 998  
except that a map prepared in accordance with division (A) (12) 999  
of that section may be certified by the operator or authorized 1000  
agent of the operator in lieu of certification by a professional 1001  
engineer or surveyor registered under Chapter 4733. of the 1002  
Revised Code. However, the chief may require that an annual 1003  
progress map or a final map be prepared by a registered 1004  
professional engineer or registered surveyor if the chief has 1005  
reason to believe that the operator exceeded the boundaries of 1006  
the permit area or, if the operator filed the map required under 1007  
division (A) (11) of section 1514.02 of the Revised Code, that 1008  
the operator extracted ten thousand tons or more of minerals 1009  
during the period covered by the report. 1010

Each annual report for an in-stream mining operation shall 1011  
include a statement of the total tonnage removed by in-stream 1012  
mining for each month and of the surface acreage and depth of 1013  
material removed by in-stream mining and shall include a map 1014  
that identifies the area affected by the in-stream mining if the 1015  
in-stream mining for the year addressed by the report occurred 1016  
beyond the area identified in the most recent approved map, 1017  
soundings that depict the cross-sectional views of the channel 1018  
bottom of the watercourse if the soundings depict a cross- 1019  
sectional view of the channel bottom that is different from the 1020  
most recent approved map, and water elevations for the 1021  
watercourse if water elevations are different from those 1022

indicated on the most recent approved map. 1023

Each annual report shall be accompanied by a filing fee in 1024  
the amount of five hundred dollars, except in the case of an 1025  
annual report filed by a small operator or an in-stream mining 1026  
operator. A small operator, which is a surface mine operator who 1027  
intends to extract fewer than ten thousand tons of minerals and 1028  
no coal during the next year of operation under the permit, or 1029  
an in-stream mining operator shall include a filing fee in the 1030  
amount of two hundred fifty dollars with each annual report. The 1031  
annual report of any operator also shall be accompanied by an 1032  
acreage fee in the amount of seventy-five dollars multiplied by 1033  
the number of acres estimated in the report to be affected 1034  
during the next year of operation under the permit. The acreage 1035  
fee shall be adjusted by subtracting a credit of seventy-five 1036  
dollars per excess acre paid for the preceding year if the 1037  
acreage paid for the preceding year exceeds the acreage actually 1038  
affected or by adding an additional amount of seventy-five 1039  
dollars per excess acre affected if the acreage actually 1040  
affected exceeds the acreage paid for the preceding year. 1041

With each annual report the operator shall file a 1042  
performance bond in the amount, unless otherwise provided by 1043  
rule, of five hundred dollars multiplied by the number of acres 1044  
estimated to be affected during the next year of operation under 1045  
the permit for which no performance bond previously was filed. 1046  
Unless otherwise provided by rule, the bond shall be adjusted by 1047  
subtracting a credit of five hundred dollars per excess acre for 1048  
which bond was filed for the preceding year if the acreage for 1049  
which the bond was filed for the preceding year exceeds the 1050  
acreage actually affected, or by adding an amount of five 1051  
hundred dollars per excess acre affected if the acreage actually 1052  
affected exceeds the acreage for which bond was filed for the 1053

preceding year. 1054

Within thirty days after ~~the expiration of the surface or~~ 1055  
~~in-stream mining permit, or~~ completion or abandonment of the 1056  
operation, ~~whichever occurs earlier,~~ the operator shall submit a 1057  
final report containing the same information required in an 1058  
annual report, but covering the time from the last annual report 1059  
to the ~~expiration of the permit, or~~ completion or abandonment of 1060  
the operation, ~~whichever occurs earlier.~~ 1061

Each final report shall include a map indicating the 1062  
location of the area of land affected during the period of the 1063  
report and the location of the total area of land affected under 1064  
the permit. The map shall be prepared in accordance with 1065  
division (A)(11) or (12) of section 1514.02 of the Revised Code, 1066  
as appropriate. 1067

In the case of a final report for an in-stream mining 1068  
operation, the map also shall include the information required 1069  
under division ~~(A)(18)~~ (A)(19) of section 1514.02 of the Revised 1070  
Code, as applicable. 1071

If the final report and certified map, as verified by the 1072  
chief, show that the number of acres affected under the permit 1073  
is larger than the number of acres for which the operator has 1074  
paid an acreage fee or filed a performance bond, upon 1075  
notification by the chief, the operator shall pay an additional 1076  
acreage fee in the amount of seventy-five dollars multiplied by 1077  
the difference between the number of acres affected under the 1078  
permit and the number of acres for which the operator has paid 1079  
an acreage fee and shall file an additional performance bond in 1080  
the amount, unless otherwise provided by rule, of five hundred 1081  
dollars multiplied by the difference between the number of acres 1082  
affected under the permit and the number of acres for which the 1083

operator has filed bond. 1084

If the final report and certified map, as verified by the 1085  
chief, show that the number of acres affected under the permit 1086  
is smaller than the number of acres for which the operator has 1087  
filed a performance bond, the chief shall order release of the 1088  
excess bond. However, the chief shall retain a performance bond 1089  
in a minimum amount of ten thousand dollars irrespective of the 1090  
number of acres affected under the permit. The release of the 1091  
excess bond shall be in an amount, unless otherwise provided by 1092  
rule, equal to five hundred dollars multiplied by the difference 1093  
between the number of acres affected under the permit and the 1094  
number of acres for which the operator has filed bond. 1095

The fees collected pursuant to this section and section 1096  
1514.02 of the Revised Code shall be deposited with the 1097  
treasurer of state to the credit of the mining regulation and 1098  
safety fund created under section 1513.30 of the Revised Code. 1099

If upon inspection the chief finds that any filing fee, 1100  
acreage fee, performance bond, or part thereof is not paid when 1101  
due or is paid on the basis of false or substantially inaccurate 1102  
reports, the chief may request the attorney general to recover 1103  
the unpaid amounts that are due the state, and the attorney 1104  
general shall commence appropriate legal proceedings to recover 1105  
the unpaid amounts. 1106

**Sec. 1514.04.** (A) Upon receipt of notification from the 1107  
chief of the division of mineral resources management of the 1108  
chief's intent to issue an order granting a surface or in-stream 1109  
mining permit to the applicant, the applicant shall file a 1110  
surety bond, cash, an irrevocable letter of credit, or 1111  
certificates of deposit in the amount, unless otherwise provided 1112  
by rule, of ten thousand dollars. If the amount of land to be 1113

affected is more than twenty acres, the applicant also shall 1114  
file a surety bond, cash, an irrevocable letter of credit, or 1115  
certificates of deposit in the amount of five hundred dollars 1116  
per acre of land to be affected that exceeds twenty acres. Upon 1117  
receipt of notification from the chief of the chief's intent to 1118  
issue an order granting an amendment to a surface or in-stream 1119  
mining permit, the applicant shall file a surety bond, cash, an 1120  
irrevocable letter of credit, or certificates of deposit in the 1121  
amount required in this division. 1122

In the case of a surface mining permit, the bond shall be 1123  
filed based on the number of acres estimated to be affected 1124  
during the first year of operation under the permit. In the case 1125  
of an amendment to a surface mining permit, the bond shall be 1126  
filed based on the number of acres estimated to be affected 1127  
during the balance of the period until the next anniversary date 1128  
of the permit. 1129

In the case of an in-stream mining permit, the bond shall 1130  
be filed based on the number of acres of land within the limits 1131  
of the in-stream mining permit for the entire permit period. In 1132  
the case of an amendment to an in-stream mining permit, the bond 1133  
shall be filed based on the number of any additional acres of 1134  
land to be affected within the limits of the in-stream mining 1135  
permit. 1136

(B) A surety bond filed pursuant to this section and 1137  
sections 1514.02 and 1514.03 of the Revised Code shall be upon 1138  
the form that the chief prescribes and provides and shall be 1139  
signed by the operator as principal and by a surety company 1140  
authorized to transact business in the state as surety. The bond 1141  
shall be payable to the state and shall be conditioned upon the 1142  
faithful performance by the operator of all things to be done 1143

and performed by the operator as provided in this chapter and 1144  
the rules and orders of the chief adopted or issued pursuant 1145  
thereto. 1146

The operator may deposit with the chief, in lieu of a 1147  
surety bond, cash in an amount equal to the surety bond as 1148  
prescribed in this section or an irrevocable letter of credit or 1149  
negotiable certificates of deposit issued by any bank organized 1150  
or transacting business in this state having a cash value equal 1151  
to or greater than the amount of the surety bond as prescribed 1152  
in this section. Cash or certificates of deposit shall be 1153  
deposited upon the same terms as the terms upon which surety 1154  
bonds may be deposited. If the operator deposits cash, the cash 1155  
shall be credited to the performance cash bond refunds fund 1156  
created in section 1501.16 of the Revised Code. If the operator 1157  
deposits certificates of deposit, the chief shall require the 1158  
bank that issued any such certificate to pledge securities of a 1159  
cash value equal to the amount of the certificate that is in 1160  
excess of the amount insured by the federal deposit insurance 1161  
corporation. The securities shall be security for the repayment 1162  
of the certificate of deposit. 1163

(C) Upon a deposit of cash, a letter of credit, or 1164  
certificates with the chief, the chief shall hold it in trust 1165  
for the purposes for which it has been deposited. The chief 1166  
shall be responsible for the safekeeping of such deposits. An 1167  
operator making a deposit of cash, a letter of credit, or 1168  
certificates of deposit may withdraw and receive, from the 1169  
chief, all or any part of the cash, letter of credit, or 1170  
certificates in the possession of the chief upon depositing with 1171  
the chief an irrevocable letter of credit or negotiable 1172  
certificates of deposit issued by any bank organized or 1173  
transacting business in this state, equal in value to the value 1174

of the cash, letter of credit, or certificates withdrawn. An 1175  
operator may demand and receive from the chief all interest or 1176  
other income from any certificates as it becomes due. If 1177  
certificates deposited with and in the possession of the chief 1178  
mature or are called for payment by the issuer thereof, the 1179  
chief, at the request of the operator who deposited them, shall 1180  
convert the proceeds of the redemption or payment of the 1181  
certificates into such other negotiable certificates of deposit 1182  
issued by any bank organized or transacting business in this 1183  
state or cash, as may be designated by the operator. 1184

(D) A governmental agency, as defined in division (A) of 1185  
section 1514.022 of the Revised Code, or a board or commission 1186  
that derives its authority from a governmental agency shall not 1187  
require a surface, underground minerals, or in-stream mining 1188  
operator to file a surety bond, performance bond, closure bond, 1189  
or any other form of financial assurance for the operation or 1190  
closure of a mine or reclamation of land to be affected by a 1191  
surface, underground minerals, or in-stream mining operation 1192  
authorized under this chapter. 1193

(E) Except as provided in division (D) of this section, 1194  
this section does not apply to any permit issued under sections 1195  
1514.60 to 1514.69 of the Revised Code. However, if during the 1196  
underground minerals mining operation, the land surface is 1197  
affected, the chief shall require the area of the land affected 1198  
to be reclaimed, and the permittee shall adhere to the bonding 1199  
requirements of this section. Notwithstanding any other 1200  
provision of law to the contrary, the chief shall not require a 1201  
surface mining permit to be issued to an underground minerals 1202  
mining permittee. 1203

**Sec. 1514.05.** (A) At any time within the period allowed an 1204

operator by section 1514.02 of the Revised Code to reclaim an 1205  
area of land affected by surface or in-stream mining, the 1206  
operator may file a request, on a form provided by the chief of 1207  
the division of mineral resources management, for inspection of 1208  
the area of land upon which the reclamation, other than any 1209  
required planting, is completed. The request shall include all 1210  
of the following: 1211

(1) The location of the area and number of acres; 1212

(2) The permit number; 1213

(3) A map showing the location of the acres reclaimed, 1214  
prepared and certified in accordance with division (A) (11) or 1215  
(12) of section 1514.02 of the Revised Code, as appropriate. In 1216  
the case of an in-stream mining operation, the map also shall 1217  
include, as applicable, the information required under division 1218  
~~(A) (18)~~ (A) (19) of section 1514.02 of the Revised Code. 1219

The chief shall make an inspection and evaluation of the 1220  
reclamation of the area of land for which the request was 1221  
submitted within ninety days after receipt of the request or, if 1222  
the operator fails to complete the reclamation or file the 1223  
request as required, as soon as the chief learns of the default. 1224  
Thereupon, if the chief approves the reclamation, other than any 1225  
required planting, as meeting the requirements of this chapter, 1226  
rules adopted thereunder, any orders issued during the mining or 1227  
reclamation, and the specifications of the plan for mining and 1228  
reclaiming, the chief shall issue an order to the operator and 1229  
the operator's surety releasing them from liability for one-half 1230  
of the total amount of their surety bond on deposit to ensure 1231  
reclamation for the area upon which reclamation is completed. If 1232  
the operator has deposited cash, an irrevocable letter of 1233  
credit, or certificates of deposit in lieu of a surety bond to 1234

ensure reclamation, the chief shall deliver to the operator or 1235  
the operator's authorized agent one-half of the amount so held. 1236

If the chief does not approve the reclamation, other than 1237  
any required planting, the chief shall notify the operator by 1238  
certified mail. The notice shall be an order stating the reasons 1239  
for unacceptability, ordering further actions to be taken, and 1240  
setting a time limit for compliance. If the operator does not 1241  
comply with the order within the time limit specified, the chief 1242  
may order an extension of time for compliance after determining 1243  
that the operator's noncompliance is for good cause, resulting 1244  
from developments partially or wholly beyond the operator's 1245  
control. If the operator complies within the time limit or the 1246  
extension of time granted for compliance, the chief shall order 1247  
release of the performance bond in the same manner as in the 1248  
case of approval of reclamation, other than any required 1249  
planting, by the chief, and the chief shall proceed as in that 1250  
case. If the operator does not comply within the time limit and 1251  
the chief does not order an extension, or if the chief orders an 1252  
extension of time and the operator does not comply within the 1253  
extension of time granted for compliance, the chief shall issue 1254  
another order declaring that the operator has failed to reclaim 1255  
and, if the operator's permit has not already ~~expired or been~~ 1256  
revoked, revoking the operator's permit. The chief shall 1257  
thereupon proceed under division (C) of this section. 1258

(B) At any time within the period allowed an operator by 1259  
section 1514.02 of the Revised Code to reclaim an area affected 1260  
by surface mining, the operator may file a request, on a form 1261  
provided by the chief, for inspection of the area of land on 1262  
which all reclamation, including the successful establishment of 1263  
any required planting, is completed. The request shall include 1264  
all of the following: 1265

(1) The location of the area and number of acres;	1266
(2) The permit number;	1267
(3) The type and date of any required planting of vegetative cover and the degree of success of growth;	1268 1269
(4) A map showing the location of the acres reclaimed, prepared and certified in accordance with division (A) (11) or (12) of section 1514.02 of the Revised Code, as appropriate. In the case of an in-stream mining operation, the map also shall include the information required under division <del>(A) (18)</del> <u>(A) (19)</u> of section 1514.02 of the Revised Code.	1270 1271 1272 1273 1274 1275
The chief shall make an inspection and evaluation of the reclamation of the area of land for which the request was submitted within ninety days after receipt of the request or, if the operator fails to complete the reclamation or file the request as required, as soon as the chief learns of the default. Thereupon, if the chief finds that the reclamation meets the requirements of this chapter, rules adopted under it, any orders issued during the mining and reclamation, and the specifications of the plan for mining and reclaiming and decides to release any remaining performance bond on deposit to ensure reclamation of the area on which reclamation is completed, within ten days of completing the inspection and evaluation, the chief shall order release of the remaining performance bond in the same manner as in the case of approval of reclamation other than required planting, and the chief shall proceed as in that case.	1276 1277 1278 1279 1280 1281 1282 1283 1284 1285 1286 1287 1288 1289 1290
If the chief does not approve the reclamation performed by the operator, the chief shall notify the operator by certified mail within ninety days of the filing of the application for inspection or of the date when the chief learns of the default.	1291 1292 1293 1294

The notice shall be an order stating the reasons for 1295  
unacceptability, ordering further actions to be taken, and 1296  
setting a time limit for compliance. If the operator does not 1297  
comply with the order within the time limit specified, the chief 1298  
may order an extension of time for compliance after determining 1299  
that the operator's noncompliance is for good cause, resulting 1300  
from developments partially or wholly beyond the operator's 1301  
control. If the operator complies within the time limit or the 1302  
extension of time granted for compliance, the chief shall order 1303  
release of the remaining performance bond in the same manner as 1304  
in the case of approval of reclamation by the chief, and the 1305  
chief shall proceed as in that case. If the operator does not 1306  
comply within the time limit and the chief does not order an 1307  
extension, or if the chief orders an extension of time and the 1308  
operator does not comply within the extension of time granted 1309  
for compliance, the chief shall issue another order declaring 1310  
that the operator has failed to reclaim and, if the operator's 1311  
permit has not already ~~expired or been~~ revoked, revoking the 1312  
operator's permit. The chief then shall proceed under division 1313  
(C) of this section. 1314

(C) Upon issuing an order under division (A) or (B) of 1315  
this section declaring that the operator has failed to reclaim, 1316  
the chief shall make a finding as to the number and location of 1317  
the acres of land that the operator has failed to reclaim in the 1318  
manner required by this chapter. The chief shall order the 1319  
release of the performance bond in the amount of five hundred 1320  
dollars per acre for those acres that the chief finds to have 1321  
been reclaimed in the manner required by this chapter. The 1322  
release shall be ordered in the same manner as in the case of 1323  
other approval of reclamation by the chief, and the chief shall 1324  
proceed as in that case. If the operator has on deposit cash, an 1325

irrevocable letter of credit, or certificates of deposit to 1326  
ensure reclamation of the area of the land affected, the chief 1327  
at the same time shall issue an order declaring that the 1328  
remaining cash, irrevocable letter of credit, or certificates of 1329  
deposit are the property of the state and are available for use 1330  
by the chief in performing reclamation of the area and shall 1331  
proceed in accordance with section 1514.06 of the Revised Code. 1332

If the operator has on deposit a surety bond to ensure 1333  
reclamation of the area of land affected, the chief shall notify 1334  
the surety in writing of the operator's default and shall 1335  
request the surety to perform the surety's obligation and that 1336  
of the operator. The surety, within ten days after receipt of 1337  
the notice, shall notify the chief as to whether it intends to 1338  
perform those obligations. 1339

If the surety chooses to perform, it shall arrange for 1340  
work to begin within thirty days of the day on which it notifies 1341  
the chief of its decision. If the surety completes the work as 1342  
required by this chapter, the chief shall issue an order to the 1343  
surety releasing the surety from liability under the bond in the 1344  
same manner as if the surety were an operator proceeding under 1345  
this section. If, after the surety begins the work, the chief 1346  
determines that the surety is not carrying the work forward with 1347  
reasonable progress, or that it is improperly performing the 1348  
work, or that it has abandoned the work or otherwise failed to 1349  
perform its obligation and that of the operator, the chief shall 1350  
issue an order terminating the right of the surety to perform 1351  
the work and demanding payment of the amount due as required by 1352  
this chapter. 1353

If the surety chooses not to perform and so notifies the 1354  
chief, does not respond to the chief's notice within ten days of 1355

receipt thereof, or fails to begin work within thirty days of 1356  
the day it timely notifies the chief of its decision to perform 1357  
its obligation and that of the operator, the chief shall issue 1358  
an order terminating the right of the surety to perform the work 1359  
and demanding payment of the amount due, as required by this 1360  
chapter. 1361

Upon receipt of an order of the chief demanding payment of 1362  
the amount due, the surety immediately shall deposit with the 1363  
chief cash in the full amount due under the order for deposit 1364  
with the chief. If the surety fails to make an immediate 1365  
deposit, the chief shall certify it to the attorney general for 1366  
collection. When the chief has issued an order terminating the 1367  
right of the surety and has the cash on deposit, the cash is the 1368  
property of the state and is available for use by the chief, who 1369  
shall proceed in accordance with section 1514.06 of the Revised 1370  
Code. 1371

**Sec. 1514.07.** (A) Each order of the chief of the division 1372  
of mineral resources management affecting the rights, duties, or 1373  
privileges of an operator or the operator's surety or of an 1374  
applicant for a permit or an amendment to a permit or a plan 1375  
shall be in writing and contain a finding by the chief of the 1376  
facts upon which the order is based. Notice of the order shall 1377  
be given by certified mail to each person whose rights, duties, 1378  
or privileges are affected. 1379

(B) If the chief finds that an operator has violated any 1380  
requirement of this chapter, failed to perform any measure set 1381  
forth in the approved plan of mining and reclamation that is 1382  
necessary to prevent damage to adjoining property or to achieve, 1383  
or has otherwise failed to achieve, the performance standards of 1384  
division (A) (10) of section 1514.02 of the Revised Code, the 1385

performance standards for an underground minerals mine 1386  
established by the chief under rules adopted pursuant to section 1387  
1514.61 of the Revised Code, or caused damage to adjoining 1388  
property, the chief may issue orders directing the operator to 1389  
cease violation, perform such measures, achieve such standards, 1390  
or prevent or abate off-site damage. The order shall identify 1391  
the operation where the violation occurs, the specific 1392  
requirement violated, measure not performed, standard not 1393  
achieved, or off-site damage caused, and where practicable 1394  
prescribe what action the operator may take to comply with the 1395  
order. The chief shall fix and set forth in the order a 1396  
reasonable date or time by which the operator shall comply, and 1397  
the order shall state that the chief may revoke the operator's 1398  
permit if the order is not complied with by that date or time. 1399  
If upon that date or time the chief finds that the operator has 1400  
not complied with the order, the chief may issue an order 1401  
revoking the operator's permit. 1402

(C) (1) Notwithstanding any other provision of law to the 1403  
contrary, if the chief issues an order under division (B) of 1404  
this section to an operator of an underground minerals mining 1405  
operation to address subsidence, as defined in section 1514.60 1406  
of the Revised Code, the order shall not require the operator to 1407  
address, abate, repair, restore, mitigate, or remediate the 1408  
subsidence on mine property unless the subsidence presents a 1409  
danger to the general public or to property described in an 1410  
utility easement. For subsidence occurring off of mine property, 1411  
in no event shall the order require the repair, restoration, 1412  
mitigation, or remediation of any buildings or structures, 1413  
fixtures, or personal property. The chief shall not issue an 1414  
order under division (B) of this section to an operator of an 1415  
underground minerals mining operation to provide compensation to 1416

any property owner for damages allegedly caused by the 1417  
underground mining operation. 1418

(2) As used in this division, "general public" means any 1419  
individual who has lawful access to an area open to all members 1420  
of the public. 1421

**Sec. 1514.071.** (A) In addition to any other penalties 1422  
established under this chapter, the chief of the division of 1423  
mineral resources management may assess a civil penalty against 1424  
any person who fails to comply with an order issued by the chief 1425  
under section 1514.07 of the Revised Code by the date specified 1426  
in the order or as subsequently extended by the chief. 1427

(B) Civil penalties assessed under this section shall not 1428  
exceed one thousand dollars for each occurrence of noncompliance 1429  
with an order. Each day of continuing noncompliance, up to a 1430  
maximum of thirty days, may be deemed a separate occurrence for 1431  
purposes of penalty assessments. In determining the amount of 1432  
the assessment, the chief shall consider the seriousness of the 1433  
noncompliance, the effect of the noncompliance, and the 1434  
operator's history of noncompliance. 1435

(C) Upon issuance of a notice of noncompliance with an 1436  
order, the chief shall inform the person to whom the notice of 1437  
noncompliance is issued of the amount of any civil penalty to be 1438  
assessed and provide an opportunity for an adjudicatory hearing 1439  
with the reclamation commission pursuant to section ~~1514.09~~ 1440  
1514.091 of the Revised Code. The person charged with the 1441  
penalty shall have thirty days from receipt of the assessment to 1442  
pay the penalty in full or, if the person wishes to contest the 1443  
amount of the penalty, file a ~~petition for review of the~~ 1444  
~~assessment~~ notice of appeal with the commission pursuant to 1445  
section ~~1514.09~~ 1514.091 of the Revised Code and forward the 1446

amount of the penalty to the secretary of the commission as 1447  
required by this division. Failure to forward the money to the 1448  
secretary within thirty days after the chief informs the person 1449  
of the amount of the penalty shall result in a waiver of all 1450  
legal rights to contest the amount of the penalty. 1451

If, after a hearing, the commission affirms or modifies 1452  
the amount of the penalty, the person charged with the penalty 1453  
shall have thirty days after receipt of the written decision to 1454  
file an appeal from the commission's order in accordance with 1455  
section ~~1514.09~~ 1514.092 of the Revised Code. 1456

At the time that the petition for review of the assessment 1457  
is filed with the secretary, the person shall forward the amount 1458  
of the penalty to the secretary for placement in the reclamation 1459  
penalty fund created in division ~~(F) (3)~~ (E) (3) of section 1460  
1513.02 of the Revised Code. Pursuant to administrative or 1461  
judicial review of the penalty, the secretary shall do either of 1462  
the following: 1463

(1) If it is determined that the amount of the penalty 1464  
should be reduced, within thirty days, remit the appropriate 1465  
amount of the penalty to the person, with interest, and forward 1466  
any balance of the penalty, with interest, to the chief for 1467  
deposit in the mining regulation and safety fund created in 1468  
section 1513.30 of the Revised Code for reclamation of abandoned 1469  
surface, underground minerals, or in-stream mining operations in 1470  
the state; 1471

(2) If the penalty was not reduced, forward the entire 1472  
penalty, with interest, to the chief for deposit in the mining 1473  
regulation and safety fund for reclamation of abandoned surface, 1474  
underground minerals, or in-stream mining operations in the 1475  
state. 1476

(D) Civil penalties owed under this section may be 1477  
recovered in a civil action brought by the attorney general upon 1478  
the request of the chief. 1479

**Sec. 1514.08.** (A) The chief of the division of mineral 1480  
resources management may adopt, amend, and rescind rules in 1481  
accordance with Chapter 119. of the Revised Code in order to 1482  
prescribe procedures for submitting applications for permits, 1483  
amendments to permits, and amendments to plans of mining and 1484  
reclamation; filing annual reports and final reports; requesting 1485  
inspection and approval of reclamation; paying permit and filing 1486  
fees; and filing and obtaining the release of performance bonds 1487  
deposited with the state. For the purpose of preventing damage 1488  
to adjoining property or achieving one or more of the 1489  
performance standards established in division (A)(10) of section 1490  
1514.02 of the Revised Code, the chief may establish classes of 1491  
mining industries, based upon industrial categories, 1492  
combinations of minerals produced, and geological conditions in 1493  
which surface or in-stream mining operations occur, and may 1494  
prescribe different rules consistent with the performance 1495  
standards for each class. For the purpose of apportioning the 1496  
workload of the division of mineral resources management among 1497  
the quarters of the year, the rules may require that 1498  
applications for permits and annual reports be filed in 1499  
different quarters of the year, depending upon the county in 1500  
which the operation is located. 1501

(B) The chief shall adopt rules under this section that do 1502  
all of the following: 1503

(1) With respect to in-stream mining, and in consultation 1504  
with the chief of the division of water resources, determine 1505  
periods of low flow, which are the only time periods during 1506

which in-stream mining is allowed, and develop and implement any 1507  
criteria, in addition to the criteria established in section 1508  
1514.02 of the Revised Code, that the chief determines are 1509  
necessary for the permitting of in-stream mining; 1510

(2) Establish criteria and procedures for approving or 1511  
disapproving the transfer of a surface or in-stream mining 1512  
permit under division ~~(F)~~(E) of section 1514.02 of the Revised 1513  
Code; 1514

(3) Define when any of the following may be considered to 1515  
be "significant" for purposes of section 1514.022 of the Revised 1516  
Code: 1517

(a) An amendment to a permit issued under section 1514.02 1518  
of the Revised Code for a surface or in-stream mining operation; 1519

(b) An amendment to the plan of mining and reclamation 1520  
that must be filed with an application for either permit under 1521  
section 1514.02 of the Revised Code; 1522

~~(c) Changes to that plan of mining and reclamation that 1523  
are proposed in a permit renewal application filed under section 1524  
1514.021 of the Revised Code. 1525~~

In defining "significant," the chief shall focus on 1526  
changes that increase the likelihood that the mining operation 1527  
may have a negative impact on the public. 1528

(4) Establish a framework and procedures under which the 1529  
amount of any bond required to be filed under this chapter to 1530  
ensure the satisfactory performance of the reclamation measures 1531  
required under this chapter may be reduced by subtracting a 1532  
credit based on the operator's past compliance with this chapter 1533  
and rules adopted and orders issued under it. The rules also 1534  
shall apply to cash, an irrevocable letter of credit, or a 1535

certificate of deposit that is on deposit in lieu of a bond. In 1536  
establishing the amount of credit that an operator or applicant 1537  
may receive based on past compliance, the chief may consider 1538  
past compliance with respect to any permit for a surface or in- 1539  
stream mining operation that has been issued in this state to 1540  
the operator or applicant. 1541

(5) Establish criteria and procedures for granting a 1542  
variance from compliance with the prohibitions established in 1543  
divisions (E) (3) and (F) (3) of section 1514.10 of the Revised 1544  
Code. The criteria shall ensure that an operator may obtain a 1545  
variance only if compliance with the applicable prohibition is 1546  
not necessary to prevent damage to the watercourse or 1547  
surrounding areas. 1548

(6) Establish procedures and requirements governing 1549  
amendments to surface, in-stream, and underground minerals 1550  
mining permits in cases where land may be added to the permit; 1551

(7) Establish procedures and requirements governing permit 1552  
reviews required under section 1514.021 of the Revised Code. 1553

**Sec. 1514.09.** The reclamation commission established 1554  
pursuant to section 1513.05 of the Revised Code shall serve as 1555  
the reclamation commission pursuant to this chapter. However, 1556  
whenever the commission is considering any appeal pertaining to 1557  
surface, underground minerals, or in-stream mining, as 1558  
distinguished from coal strip mining, the member representing 1559  
the coal strip mine operators shall be replaced by a person who, 1560  
by reason of the person's previous vocation, employment, or 1561  
affiliations, can be classed as a representative of surface, 1562  
underground minerals, or in-stream mine operators, as 1563  
applicable. The appointment of that person shall be made in 1564  
accordance with section 1513.05 of the Revised Code, and the 1565

person's term shall be concurrent with that of the 1566  
representative of the coal strip mine operators. 1567

No party to an appeal brought under this section shall be 1568  
eligible for an award of attorney's fees, costs, or expenses 1569  
from the commission or any court. 1570

Notwithstanding section 1513.13 of the Revised Code, an 1571  
operator may appeal the determination of the chief of the 1572  
division of mineral resources management that is made under 1573  
division (D) of section 1514.43 of the Revised Code within ten 1574  
days after the operator receives a copy of the determination. 1575

~~Notwithstanding section 1513.14 of the Revised Code,~~ 1576  
~~appeals from an order of the commission pertaining to surface or~~ 1577  
~~in-stream mining may be taken to the court of common pleas of~~ 1578  
~~the county in which the operation is located, or to the court of~~ 1579  
~~common pleas of Franklin county.~~ 1580

**Sec. 1514.091.** (A) As used in this section, "action" 1581  
includes any order or any other decision, including any 1582  
modification, vacation, or termination of such an order or 1583  
decision taken by the chief of the division of mineral resources 1584  
management concerning a surface, in-stream, or underground 1585  
minerals mining operation. 1586

(B) (1) Except as otherwise provided in this chapter, any 1587  
person having an interest that is or may be adversely affected 1588  
by an action may initiate an appeal of the action by filing a 1589  
notice of appeal with the reclamation commission within thirty 1590  
days after the action is served upon the person. 1591

(2) The person shall file a copy of the notice of appeal 1592  
with the chief within three days after filing the notice of 1593  
appeal with the commission. Additionally, if the permit holder 1594

is not the appellant, the person shall serve a copy of the 1595  
notice of appeal on the permit holder within three days after 1596  
filing the notice of appeal with the commission. 1597

(3) The permit holder shall be entitled to intervene in 1598  
the appeal upon filing notice of intervention with the 1599  
commission within thirty days of receiving the notice under 1600  
division (B) (2) of this section. Such a permit holder shall be a 1601  
party to the action upon filing of the notice under this 1602  
division. 1603

(4) A notice of appeal shall contain a copy of the action 1604  
complained of and the grounds upon which the appeal is based. 1605  
The commission has exclusive original jurisdiction to hear and 1606  
decide such appeals. The filing of a notice of appeal under 1607  
division (B) of this section does not operate as a stay of any 1608  
action of the chief. 1609

(5) The commission shall conduct an adjudication hearing 1610  
regarding each appeal. The commission shall give the applicable 1611  
permittee, the chief, and any other interested persons written 1612  
notice of the time and place of the hearing at least five days 1613  
prior to the hearing. The hearing shall be of record. The 1614  
commission shall conduct hearings and render decisions in a 1615  
timely fashion. 1616

(6) Any person authorized under this section to appeal to 1617  
the commission may request an informal review by the chief or 1618  
the chief's designee by filing a written request with the chief 1619  
within thirty days after an action is served upon the person. 1620  
Filing of the written request shall toll the time for appeal 1621  
before the commission, but shall not operate as a stay of any 1622  
action of the chief. 1623

(C) The commission shall affirm the action of the chief 1624  
unless the commission determines that it is arbitrary, 1625  
capricious, or otherwise inconsistent with law. If the 1626  
commission makes such a determination, the commission may modify 1627  
the action or vacate and remand it to the chief for further 1628  
proceedings that the commission may direct. 1629

(D) (1) The chairperson of the commission, under conditions 1630  
the chairperson prescribes, may grant any temporary relief that 1631  
the chairperson considers appropriate pending final 1632  
determination of an appeal if all of the following conditions 1633  
are met: 1634

(a) All parties to the appeal have been notified and given 1635  
an opportunity for a hearing on the request for temporary relief 1636  
and an opportunity to be heard at the hearing regarding the 1637  
request. 1638

(b) The person requesting temporary relief shows that 1639  
there is a substantial likelihood that the person will prevail 1640  
on the merits. 1641

(c) The relief will not adversely affect public health or 1642  
safety or cause significant imminent environmental harm to land, 1643  
air, or water resources. 1644

(2) The chairperson shall issue a decision regarding 1645  
temporary relief expeditiously. Any party to an appeal filed 1646  
with the commission who is aggrieved or adversely affected by a 1647  
decision of the chairperson to grant or deny temporary relief 1648  
under this section may appeal that decision to the full 1649  
commission. The commission may confine its review to the record 1650  
developed at the hearing before the chairperson. The party shall 1651  
file the appeal with the commission within thirty days after the 1652

chairperson issues the decision on the request for temporary 1653  
relief. The commission shall issue a decision as expeditiously 1654  
as possible. The commission shall affirm the decision of the 1655  
chairperson granting or denying temporary relief unless it 1656  
determines that the decision is arbitrary, capricious, or 1657  
otherwise inconsistent with law. 1658

**Sec. 1514.092.** (A) Any party aggrieved or adversely 1659  
affected by a decision of the reclamation commission may appeal 1660  
to the court of appeals of the county in which the operation 1661  
that is the subject of the appeal is located, or to the court of 1662  
appeals of Franklin county. The court in which the appeal is 1663  
made has exclusive jurisdiction over the appeal. The party shall 1664  
file the appeal within thirty days of issuance of the decision 1665  
of the commission. The court shall confine its review to the 1666  
record certified by the commission. The court may, upon motion, 1667  
grant such temporary relief as it considers appropriate pending 1668  
final disposition of the appeal if all of the following apply: 1669

(1) All parties to the appeal have been notified and given 1670  
an opportunity to be heard on a request for temporary relief. 1671

(2) The person requesting the relief shows that there is a 1672  
substantial likelihood that the person will prevail on the 1673  
merits. 1674

(3) The relief will not adversely affect public health or 1675  
safety or the health or safety of miners or cause significant 1676  
imminent environmental harm to land, air, or water resources. 1677

The court shall affirm the decision of the commission 1678  
unless the court determines that it is arbitrary, capricious, or 1679  
otherwise inconsistent with law, in which case the court shall 1680  
vacate the decision and remand to the commission for such 1681

further proceedings as it may direct. 1682

(B) Any order of the chief of the division of mineral 1683  
resources management to adopt a rule is subject to judicial 1684  
review in the Franklin county court of appeals, which court has 1685  
exclusive original jurisdiction to review the order. A petition 1686  
for review of the order shall be filed within thirty days from 1687  
the date of such order. The petition may be made by any person 1688  
who participated in the rule-making proceedings and who is 1689  
aggrieved by the order. The court shall confine its review to 1690  
the record of the rule-making proceedings. The order shall be 1691  
affirmed unless the court concludes that the order is arbitrary, 1692  
capricious, or otherwise inconsistent with law, in which case 1693  
the court shall vacate the order or portion thereof and remand 1694  
to the chief for such further proceedings as it may direct. 1695

**Sec. 1514.093.** (A) For the purpose of conducting any 1696  
public adjudicatory hearing under this chapter, the reclamation 1697  
commission or the chief may do both of the following: 1698

(1) Require the attendance of witnesses and the production 1699  
of books, records, and papers; 1700

(2) At the request of any party, issue subpoenas for 1701  
witnesses or subpoenas duces tecum to compel the production of 1702  
any books, records, papers, or other material relevant to the 1703  
inquiry, directed to the sheriff of the counties where the 1704  
witnesses or materials are found. Such subpoenas shall be served 1705  
and returned in the same manner as subpoenas issued by courts of 1706  
common pleas are served and returned. The fees of sheriffs shall 1707  
be the same as those allowed by the court of common pleas in 1708  
criminal cases. 1709

(B) Witnesses shall be paid the fees and mileage provided 1710

for under section 119.094 of the Revised Code. 1711

(C) In cases of disobedience or neglect of any subpoena 1712  
served on any person or the refusal of any witness to testify to 1713  
any matter regarding which the witness may lawfully be 1714  
interrogated, the court of common pleas of the county in which 1715  
such disobedience, neglect, or refusal occurs, or any judge 1716  
thereof, on application of the chief or the commission or any 1717  
member thereof, shall compel obedience by attachment procedures 1718  
for contempt as in the case of disobedience of the requirements 1719  
of a subpoena issued from the court or a refusal to testify 1720  
therein. 1721

(D) A witness at any hearing shall testify under oath or 1722  
affirmation, which the chief or any member of the commission may 1723  
administer. 1724

(E) (1) A hearing officer may, in accordance with 1725  
instructions from the commission, preside over all pre-hearing 1726  
matters, including hearing and deciding all pre-trial motions. A 1727  
party may, within fourteen days after receipt of the decision of 1728  
a pre-trial motion, serve and file written objections to the 1729  
hearing officer's decision with the secretary of the commission. 1730  
Objections shall be specific and state with particularity the 1731  
grounds therefor. Upon consideration of the objections, the 1732  
commission may adopt, reject, or modify the decision. When the 1733  
commission hears an appeal, the hearing officer shall act as the 1734  
legal advisor to the commission and, at the direction of the 1735  
commission, the hearing officer shall draft the decision of the 1736  
commission. The hearing officer shall, at the direction of the 1737  
commission, assume the duties and responsibilities of the 1738  
secretary of the commission. 1739

(2) Upon the unanimous consent of all parties to the 1740

appeal, a hearing officer may hear an appeal and shall have the 1741  
same powers and authority in conducting the hearing as granted 1742  
to the commission. Whenever a hearing officer conducts a 1743  
hearing, the officer shall prepare a report setting forth the 1744  
hearing officer's findings of fact and conclusions of law and a 1745  
recommendation of the action to be taken by the commission. The 1746  
hearing officer shall file the report with the secretary of the 1747  
commission and shall mail a copy by certified mail to the 1748  
parties. A party may, within fourteen days after receipt of the 1749  
report, serve and file written objections to the hearing 1750  
officer's report with the secretary of the commission. 1751  
Objections shall be specific and state with particularity the 1752  
grounds therefor. Upon consideration of the objections, the 1753  
commission may adopt, reject, or modify the report. The 1754  
commission also may hear additional evidence, return the report 1755  
to the hearing officer with instructions, or hear the matter 1756  
itself. 1757

**Sec. 1514.11.** In addition to the purposes otherwise 1758  
authorized by law, the chief of the division of mineral 1759  
resources management may use money in the mining regulation and 1760  
safety fund created under section 1513.30 of the Revised Code 1761  
for the administration and enforcement of this chapter~~;~~ for the 1762  
reclamation of land affected by surface, underground minerals, 1763  
or in-stream mining under a permit issued under this chapter 1764  
that the operator failed to reclaim and for which the 1765  
performance bond filed by the operator is insufficient to 1766  
complete the reclamation~~;~~ and for the reclamation of land 1767  
affected by surface, underground minerals, or in-stream mining 1768  
that was abandoned and left unreclaimed and for which no permit 1769  
was issued or bond filed under this chapter. Also, the chief may 1770  
use the portion of the mining regulation and safety fund that 1771

consists of money collected from the severance taxes levied 1772  
under section 5749.02 of the Revised Code for mine safety and 1773  
first aid training. For purposes of reclamation under this 1774  
section, the chief shall expend money in the fund in accordance 1775  
with the procedures and requirements established in section 1776  
1514.06 of the Revised Code and may enter into contracts and 1777  
perform work in accordance with that section. 1778

Fees collected under sections 1514.02, 1514.021, and 1779  
1514.03 of the Revised Code and money collected from the 1780  
severance taxes levied under section 5749.02 of the Revised Code 1781  
shall be credited to the fund in accordance with those sections. 1782  
Notwithstanding any section of the Revised Code relating to the 1783  
distribution or crediting of fines for violations of the Revised 1784  
Code, all fines imposed under section 1514.99 of the Revised 1785  
Code shall be credited to the fund. 1786

**Sec. 1514.13.** (A) The chief of the division of mineral 1787  
resources management shall use the compilation of data for 1788  
ground water modeling submitted under section 1514.02 of the 1789  
Revised Code to establish a projected cone of depression for any 1790  
surface mining operation that may result in dewatering. The 1791  
chief also may require a cone of depression to be established 1792  
and incorporated into an existing permit that was issued under 1793  
section 1514.02 of the Revised Code if a complaint investigation 1794  
determines that dewatering may be occurring. The chief shall 1795  
consult with the chief of the division of ~~water resources~~ 1796  
geological survey when projecting a cone of depression. An 1797  
applicant for a surface mining permit for such an operation may 1798  
submit ground water modeling that shows a projected cone of 1799  
depression for that operation to the chief of the division of 1800  
mineral resources management, provided that the modeling 1801  
complies with rules adopted by the chief regarding ground water 1802

modeling. However, the chief shall establish the projected cone  
of depression for the purposes of this section.

The chief shall adopt, and may amend and rescind, rules in  
accordance with Chapter 119. of the Revised Code establishing  
requirements and standards governing both of the following:

(1) Ground water modeling for establishing a projected  
cone of depression. A ground water model shall be generally  
accepted in the scientific community.

(2) Replacement of water supplies.

(B) (1) If an owner of real property who obtains all or  
part of the owner's water supply for domestic, agricultural,  
industrial, or other legitimate use from ground water has a  
diminution, contamination, or interruption of that water supply  
and the owner's real property is located within the projected  
cone of depression of a surface mining operation established  
under this section, the owner may submit a written complaint to  
the operator of that operation or to the chief informing the  
operator or the chief that there is a diminution, contamination,  
or interruption of the owner's water supply. The complaint shall  
include the owner's name, address, and telephone number.

If the chief receives a written complaint, the chief  
immediately shall send a copy of the complaint to the operator,  
and the operator immediately shall respond by sending the chief  
a statement that explains how the operator resolved or will  
resolve the complaint. If the operator receives a written  
complaint, the operator immediately shall send to the chief a  
copy of the complaint and include a statement that explains how  
the operator resolved or will resolve the complaint. Not later  
than seventy-two hours after receipt of the complaint, the

operator shall provide the owner a supply of water that is 1832  
comparable, in quantity and quality, to the owner's water supply 1833  
prior to the diminution, contamination, or interruption of the 1834  
owner's water supply. The operator shall maintain that water 1835  
supply until the operator provides a permanent replacement water 1836  
supply to the owner under division (B) (3) of this section or 1837  
until the division of mineral resources management completes the 1838  
evaluation under division (B) (2) of this section, whichever is 1839  
applicable. 1840

(2) A rebuttable presumption exists that the operation 1841  
caused the diminution, contamination, or interruption of the 1842  
owner's water supply. However, not later than fourteen days 1843  
after receipt of the complaint, the operator may submit to the 1844  
division information showing that the operation is not the 1845  
proximate cause of the diminution, contamination, or 1846  
interruption of the owner's water supply. The division shall 1847  
evaluate the information submitted by the operator to determine 1848  
if the presumption is rebutted. If the operator fails to rebut 1849  
the presumption, the division immediately shall notify the 1850  
operator that the operator failed to rebut the presumption. Not 1851  
later than fourteen days after receipt of that notice, the 1852  
operator shall provide the owner a permanent replacement water 1853  
supply that is comparable, in quantity and quality, to the 1854  
owner's water supply prior to the diminution, contamination, or 1855  
interruption of the owner's water supply. If the operator rebuts 1856  
the presumption, the division immediately shall notify the 1857  
operator that the operator rebutted the presumption, and, upon 1858  
receipt of that notice, the operator may cease providing a 1859  
supply of water to the owner under division (B) (1) of this 1860  
section. 1861

(3) If, within fourteen days after receipt of the 1862

complaint, the operator does not submit to the division 1863  
information showing that the operation is not the proximate 1864  
cause of the diminution, contamination, or interruption of the 1865  
owner's water supply, the operator shall provide the owner, not 1866  
later than twenty-eight days after receipt of the complaint, a 1867  
permanent replacement water supply that is comparable, in 1868  
quantity and quality, to the owner's water supply prior to the 1869  
diminution, contamination, or interruption of the owner's water 1870  
supply. 1871

(4) The division may investigate a complaint under 1872  
division (B) of this section. 1873

(C) If an owner of real property who obtains all or part 1874  
of the owner's water supply for domestic, agricultural, 1875  
industrial, or other legitimate use from ground water has a 1876  
diminution, contamination, or interruption of that water supply 1877  
and the owner's real property is not located within the 1878  
projected cone of depression of a surface mining operation 1879  
established under this section, the owner may submit a written 1880  
complaint to the operator of that operation or to the chief 1881  
informing the operator or the chief that there is a diminution, 1882  
contamination, or interruption of the owner's water supply. The 1883  
complaint shall include the owner's name, address, and telephone 1884  
number. 1885

If the operator receives a written complaint, the operator 1886  
immediately shall send the chief a copy of the complaint. If the 1887  
chief receives a written complaint, the chief immediately shall 1888  
send the operator a copy of the complaint. The chief shall 1889  
investigate any complaint submitted under this division and, 1890  
upon completion of the investigation, immediately shall send the 1891  
results of the investigation to the operator and to the owner 1892

that filed the complaint. 1893

An owner that submits a written complaint under this 1894  
division may resolve the diminution, contamination, or 1895  
interruption of the owner's water supply with the operator of 1896  
that operation or may commence a civil action for that purpose. 1897

(D) An operator may request the chief to amend the plan of 1898  
mining and reclamation filed with the application under section 1899  
1514.02 of the Revised Code when a ground water user may affect 1900  
the projected cone of depression established for the operation 1901  
under division (A) of this section. The operator shall submit 1902  
additional data that reflect the ground water user's impact on 1903  
the ground water. The chief shall perform ground water modeling 1904  
using the additional data and may establish a revised projected 1905  
cone of depression for that operation. 1906

(E) This section shall not be construed as creating, 1907  
modifying, or affecting any right, liability, or remedy of 1908  
surface riparian owners. 1909

**Sec. 1514.40.** (A) As used in sections 1514.41 to 1514.47 1910  
of the Revised Code, "rule" means a rule adopted under this 1911  
section unless the context indicates otherwise. 1912

(B) In accordance with Chapter 119. of the Revised Code, 1913  
the chief of the division of mineral resources management, in 1914  
consultation with a statewide association that represents the 1915  
surface mining industry, shall adopt rules governing surface and 1916  
underground minerals mining operations that do all of the 1917  
following: 1918

~~(A)~~ (1) For the purpose of establishing safety standards 1919  
governing surface and underground minerals mining operations, 1920  
incorporate by reference 30 C.F.R. parts 46, 47, 48, 50, 56, 58, 1921

and 62, as amended; 1922

~~(B)~~ (2) Establish criteria, standards, and procedures 1923  
governing safety performance evaluations conducted under section 1924  
1514.45 of the Revised Code, including requirements for the 1925  
notification of operators and the identification of authorized 1926  
representatives of miners at surface and underground minerals 1927  
mining operations for purposes of inspections conducted under 1928  
~~sections 1514.41 to 1514.47 of the Revised Code~~ this chapter; 1929

~~(C)~~ (3) Establish requirements governing the reporting and 1930  
investigation of accidents at surface and underground minerals 1931  
mining operations. In adopting the rules, the chief shall 1932  
establish requirements that minimize duplication with any 1933  
reporting and investigations of accidents that are conducted by 1934  
the mine safety and health administration in the United States 1935  
department of labor. 1936

~~(D)~~ (4) Establish the time, place, and frequency of mine 1937  
safety training conducted under ~~section 1514.06 of the Revised~~ 1938  
~~Code~~ this chapter and a fee, if any, for the purpose of that 1939  
section. The amount of the fee shall not exceed the costs of 1940  
conducting the training that is required under that section. 1941

~~(E)~~ (5) Establish the minimum qualifications necessary to 1942  
take the examination that is required for certification of 1943  
certified mine forepersons under division (B) of section 1514.47 1944  
of the Revised Code and requirements, fees, and procedures 1945  
governing the taking of the examination; 1946

~~(F)~~ (6) Establish requirements and fees governing the 1947  
reissuance of certificates under division (C) of that section; 1948

~~(G)~~ (7) Establish requirements and procedures for the 1949  
approval of training plans submitted under division (D) of that 1950

section for the use of qualified persons to conduct examinations 1951  
of surface and underground minerals mining operations in lieu of 1952  
certified mine forepersons and minimum qualifications of those 1953  
persons. The rules shall include requirements governing training 1954  
frequency and curriculum that must be provided for qualified 1955  
persons under such plans and shall establish related reporting 1956  
and record keeping requirements. 1957

~~As used in sections 1514.41 to 1514.47 of the Revised~~ 1958  
~~Code, "rule" means a rule adopted under this section unless the~~ 1959  
~~context indicates otherwise.~~ 1960

(C) Notwithstanding any provision of section 121.95 of the 1961  
Revised Code to the contrary, a regulatory restriction contained 1962  
in a rule adopted under this section governing surface or 1963  
underground minerals mining is not subject to sections 121.95 to 1964  
121.953 of the Revised Code. 1965

**Sec. 1514.41.** (A) If a surface mining operation is not 1966  
inspected by the mine safety and health administration in the 1967  
United States department of labor, the chief of the division of 1968  
mineral resources management annually shall conduct a minimum of 1969  
two inspections of the operation. 1970

(B) If a surface or underground minerals mining operation 1971  
is identified through a safety performance evaluation as having 1972  
three or more violations per day during an inspection conducted 1973  
by the mine safety and health administration in the United 1974  
States department of labor, the chief shall conduct a minimum of 1975  
two inspections of the operation for one year following the 1976  
identification. However, the chief, in consultation with a 1977  
statewide organization representing ~~the~~ industrial minerals 1978  
~~surface mining organization~~, may adopt rules, in accordance with 1979  
Chapter 119. of the Revised Code, establishing exceptions to the 1980

safety inspection requirement under this division. 1981

(C) If a fatality of a miner occurs at a surface or 1982  
underground minerals mining operation as a result of an unsafe 1983  
condition or a practice at the operation, the chief shall 1984  
conduct a minimum of one inspection every three months at the 1985  
operation for two years following the fatality. 1986

(D) If a life-threatening injury of a miner occurs at a 1987  
surface or underground minerals mining operation as a result of 1988  
an unsafe condition or a practice at the operation, the chief 1989  
shall conduct a minimum of one inspection every three months at 1990  
the operation for one year following the injury. 1991

**Sec. 1514.42.** The chief of the division of mineral 1992  
resources management may conduct one safety audit at a surface 1993  
mining operation and at an underground minerals mining operation 1994  
annually if the operator of the operation has requested the 1995  
division of mineral resources management to conduct mine safety 1996  
training for that year. The safety audit shall be scheduled at a 1997  
time to which the chief and the operator mutually agree and 1998  
shall not continue more than one day. The chief shall conduct 1999  
additional safety audits at any surface or underground minerals 2000  
mining operation if requested by the operator of the operation. 2001  
If the chief conducts a safety audit, the operator shall ensure 2002  
that the chief has a copy of the training plan that is required 2003  
by 30 C.F.R. part 46, as amended, at the time of the audit. 2004

After completion of an audit, the chief shall prepare a 2005  
report that describes the general conditions of the ~~surface-~~ 2006  
~~mining~~ operation, lists any hazardous conditions at the 2007  
operation, lists any violations of the safety standards 2008  
established in rules, and describes the nature and extent of any 2009  
hazardous condition or violation found and the corresponding 2010

remedy for each hazardous condition or violation. The chief 2011  
shall provide two copies of the report to the operator of the 2012  
operation. The operator shall post one copy of the report at the 2013  
operation for review by the employees of the operation. 2014

**Sec. 1514.43.** (A) The chief of the division of mineral 2015  
resources management shall enforce the safety standards 2016  
established in rules when conducting inspections under section 2017  
1514.41 of the Revised Code. 2018

(B) Except as otherwise provided in section 1514.44 of the 2019  
Revised Code or pursuant to a safety audit conducted under 2020  
section 1514.42 of the Revised Code, if during an inspection the 2021  
chief finds a violation of a safety standard, the chief shall 2022  
require the operator to comply with the standard that is being 2023  
violated within a reasonable period of time. If the chief finds 2024  
a violation of a safety standard, the chief shall return to the 2025  
surface or underground minerals mining operation after a 2026  
reasonable period of time to determine if the operator has 2027  
complied with the standard that was being violated. If the 2028  
operator has failed to comply with the standard, the chief shall 2029  
take appropriate action to obtain compliance if necessary. 2030

(C) Except as otherwise provided in section 1514.44 of the 2031  
Revised Code or pursuant to a safety audit conducted under 2032  
section 1514.42 of the Revised Code, after completion of an 2033  
inspection of a surface or underground minerals mining 2034  
operation, the chief shall prepare a report that describes the 2035  
general conditions of the surface or underground minerals mining 2036  
operation, lists any hazardous conditions at the operation, 2037  
lists any violations of the safety standards established in 2038  
rules, and describes the nature and extent of any hazardous 2039  
condition or violation found and the corresponding remedy for 2040

each hazardous condition or violation. The chief shall provide 2041  
two copies of the report to the operator of the operation. The 2042  
operator shall post one copy of the report at the operation for 2043  
review by the employees of the operation. 2044

(D) Except pursuant to a safety audit conducted under 2045  
section 1514.42 of the Revised Code, not later than ten days 2046  
after receipt of a report under this section, the operator may 2047  
submit a written request to the chief for a meeting with the 2048  
chief to review the findings contained in the report. Upon 2049  
receipt of a request, the chief shall review the report and 2050  
schedule a meeting with the operator. Within a reasonable period 2051  
of time after the meeting, the chief shall make a written 2052  
determination concerning the findings contained in the report 2053  
and provide one copy of the determination to the operator of the 2054  
surface or underground minerals mining operation and one copy of 2055  
the determination to an authorized representative of the miners 2056  
at the operation. If the chief makes a determination that 2057  
affirms the findings contained in the report, the chief's 2058  
determination constitutes an order for purposes of this chapter 2059  
and rules adopted under it. 2060

(E) An operator shall not appeal the contents of a report 2061  
prepared under division (C) of this section. However, an 2062  
operator may appeal a determination of the chief made under 2063  
division (D) of this section. 2064

(F) No operator shall violate or fail to comply with an 2065  
order issued pursuant to this section. 2066

**Sec. 1514.44.** If during an inspection conducted under 2067  
section 1514.41 of the Revised Code or a safety audit conducted 2068  
under section 1514.42 of the Revised Code, the chief of the 2069  
division of mineral resources management finds a condition or 2070

practice at a surface or underground minerals mining operation 2071  
that could reasonably be expected to cause the death of or 2072  
imminent serious physical harm to an employee of the operation, 2073  
the chief immediately shall issue orders to safeguard the 2074  
employees, notify the operator of the condition or practice, and 2075  
require the operator to abate the condition or practice within a 2076  
reasonable period of time. In all such situations, the chief may 2077  
require the operation to cease in the area in which the 2078  
condition or practice is occurring or may require the entire 2079  
operation to cease, if necessary, until the condition or 2080  
practice that could reasonably be expected to cause death or 2081  
serious physical harm is eliminated. 2082

The chief shall complete a report that describes the 2083  
condition or practice and the action taken to eliminate it. The 2084  
chief shall provide two copies of the report to the operator of 2085  
the operation. The operator shall post one copy of the report at 2086  
the operation for review by the employees of the operation. 2087

**Sec. 1514.45.** The chief of the division of mineral 2088  
resources management annually shall conduct a safety performance 2089  
evaluation of all surface mining operations and all underground 2090  
minerals mining operations in the state in accordance with 2091  
rules. The operator of a surface mining operation and the 2092  
operator of an underground minerals mining operation shall 2093  
provide to the chief a copy of the notification of legal 2094  
identity required under 30 C.F.R. part 41, as amended, at the 2095  
same time that the notice is filed with the mine safety and 2096  
health administration in the United States department of labor. 2097

**Sec. 1514.46.** If the operator of a surface or underground 2098  
minerals mining operation requests the division of mineral 2099  
resources management to conduct mine safety training, the chief 2100

of the division of mineral resources management shall conduct 2101  
mine safety training for the employees of that operator. For 2102  
persons who are not employed by a holder of a surface or 2103  
underground minerals mining permit issued under this chapter and 2104  
who seek the training, the chief may charge a fee in an amount 2105  
established in rules for conducting it. The safety training 2106  
shall be conducted in accordance with rules and shall emphasize 2107  
the standards adopted in rules and include any other content 2108  
that the chief determines is beneficial. Any fees collected 2109  
under this section shall be deposited in the state treasury to 2110  
the credit of the mining regulation and safety fund created in 2111  
section 1513.30 of the Revised Code. 2112

**Sec. 1514.48.** A member of a mine rescue team who is acting 2113  
pursuant to 30 C.F.R. Part 49 and provides rescue services at an 2114  
underground minerals mine is an agent of the state and is immune 2115  
from any liability associated with the mine rescue. 2116

**Sec. 1514.50.** (A) The chief of the division of mineral 2117  
resources management or an authorized employee of the division 2118  
of mineral resources management may enter on lands to make 2119  
inspections in accordance with this chapter and rules adopted 2120  
under it when necessary in the discharge of the duties specified 2121  
in this chapter and the rules. No person shall prevent or hinder 2122  
the chief or an authorized employee of the division in the 2123  
performance of those duties. 2124

(B) For purposes of performing reclamation of land 2125  
affected by surface or underground minerals mining operations on 2126  
which the holder of a permit issued under this chapter has 2127  
defaulted or otherwise failed to timely conduct the reclamation 2128  
required by section 1514.05 of the Revised Code, the chief may 2129  
enter on the land and perform reclamation that the chief 2130

determines is necessary to protect public health or safety or 2131  
the environment. In order to perform the reclamation, the chief 2132  
may enter on adjoining land or other land that is necessary to 2133  
access the land on which the surface or underground minerals 2134  
mining occurred and on which the reclamation is to be performed. 2135  
The chief shall provide reasonable advance notice to the owner 2136  
of any land to be entered for the purpose of access for 2137  
reclamation under this chapter. The division shall return the 2138  
land that was used to access the former surface or underground 2139  
minerals mining operation to the same or an improved grade, 2140  
topography, and condition that existed prior to its use by the 2141  
division. 2142

(C) When conducting investigations pursuant to section 2143  
1514.13 or 1514.66 of the Revised Code, the chief or an 2144  
authorized employee of the division may enter on lands to 2145  
conduct water supply surveys, measure ground water levels and 2146  
collect data when necessary to define the cone of depression, or 2147  
perform other duties for the purposes of that section. 2148

**Sec. 1514.60.** As used in sections 1514.60 to 1514.70 of 2149  
the Revised Code: 2150

(A) "Dewatering" has the same meaning as in section 2151  
1514.01 of the Revised Code. 2152

(B) "Mine development" means the construction, blasting, 2153  
excavation, and other activity associated with the development 2154  
of a mine entry, including shafts and exploratory drilling. 2155  
"Mine development" does not include the production of 2156  
underground minerals. 2157

(C) "Mine entry" means an opening in the ground surface, 2158  
mine floor, or highwall face for developing an underground mine, 2159

<u>including the development of shafts for access, safety,</u>	2160
<u>extraction of minerals, ventilation, or other mining purposes.</u>	2161
<u>(D) "Mine property" means all of the following:</u>	2162
<u>(1) The land owned by the underground minerals mining</u>	2163
<u>operator;</u>	2164
<u>(2) The land leased by the operator;</u>	2165
<u>(3) The mineral interest owned by, leased by, or otherwise</u>	2166
<u>under the control of the operator.</u>	2167
<u>(E) "Operation" or "underground minerals mining operation"</u>	2168
<u>means all of the surface or sub-surface premises, facilities,</u>	2169
<u>and equipment used in the process of removing underground</u>	2170
<u>minerals by underground minerals mining from mine property.</u>	2171
<u>Separation by a surface stream or roadway does not preclude the</u>	2172
<u>tracts from being considered contiguous.</u>	2173
<u>(F) "Operator" or "underground minerals mining operator"</u>	2174
<u>means the person engaged in underground minerals mining on mine</u>	2175
<u>property.</u>	2176
<u>(G) "Subsidence" means surface caving or sinking of a part</u>	2177
<u>of the earth's crust due to underground mining excavations that</u>	2178
<u>directly damages land or any structures. "Subsidence" does not</u>	2179
<u>include lateral or vertical ground movement caused by an</u>	2180
<u>earthquake, landslide, soil conditions, soil erosion, soil</u>	2181
<u>freezing and thawing, improperly compacted soil, construction</u>	2182
<u>defects, roots of trees and shrubs, or collapse of storm and</u>	2183
<u>sewer drains.</u>	2184
<u>(H) "Underground minerals" means limestone or dolomite.</u>	2185
<u>(I) "Underground minerals mining" means the underground</u>	2186
<u>mining of limestone or dolomite, including all or any part of</u>	2187

the process followed in the production of limestone or dolomite 2188  
carried out beneath the surface by means of shafts, tunnels, 2189  
room and pillar, or similar mine openings or workings. 2190

**Sec. 1514.61.** (A) In accordance with Chapter 119. of the 2191  
Revised Code, the chief of the division of mineral resources 2192  
management shall adopt rules governing underground minerals 2193  
mining operations that establish all of the following: 2194

(1) The permit application process, the form of which 2195  
shall comply with section 1514.62 of the Revised Code; 2196

(2) Any application fees or other fees associated with the 2197  
permitting and operation of an underground minerals mine. Fees 2198  
collected pursuant to rules adopted under division (A) (3) of 2199  
this section shall be deposited in the state treasury to the 2200  
credit of the mining regulation and safety fund created under 2201  
section 1513.30 of the Revised Code. 2202

(3) Performance standards for underground minerals mining, 2203  
including a periodic compliance review; 2204

(4) Standards and requirements governing the detonation of 2205  
explosives that ensure that explosives are used in such a manner 2206  
so as to prevent damage to adjoining property and injury to 2207  
persons, including special standards and requirements for the 2208  
development of the mine opening, taking into consideration the 2209  
practicalities of that activity; 2210

(5) Information to be included in an annual or final 2211  
report as required under section 1514.68 of the Revised Code; 2212

(6) Procedures for investigating complaints regarding 2213  
dewatering and any procedures, standards, and requirements 2214  
governing water replacement; 2215

(7) Any other requirements that the chief determines is 2216  
necessary for administration of the program for the regulation 2217  
of underground minerals mining consistent with sections 1514.60 2218  
to 1514.69 of the Revised Code. 2219

(B) Notwithstanding any provision of section 121.95 of the 2220  
Revised Code to the contrary, a regulatory restriction contained 2221  
in a rule adopted under this section is not subject to sections 2222  
121.95 to 121.953 of the Revised Code. 2223

**Sec. 1514.62.** In accordance with rules adopted under 2224  
section 1514.61 of the Revised Code, the chief of the division 2225  
of mineral resources management shall prescribe an application 2226  
for an operator to obtain an underground minerals mining permit 2227  
or an amendment to a surface mining permit in accordance with 2228  
division (C) (2) of section 1514.02 of the Revised Code. The 2229  
chief shall require such applicant to include all of the 2230  
following information on the application form: 2231

(A) The name and address of the proposed underground 2232  
minerals mine operator; 2233

(B) The name and address of the owner or lessor of the 2234  
mineral interest in the land upon which the applicant proposes 2235  
to engage in underground minerals mining, if different from the 2236  
operator; 2237

(C) The method and design of the underground mining 2238  
operation that is to be employed by the mine operator to extract 2239  
underground minerals; 2240

(D) The depth of the deposit to be mined; 2241

(E) A certificate of public liability insurance issued by 2242  
an insurance company authorized to do business in this state or 2243  
obtained pursuant to sections 3905.30 to 3905.35 of the Revised 2244

Code covering all underground minerals mining operations of the 2245  
applicant in this state and affording bodily injury and property 2246  
damage protection in amounts of not less than one million 2247  
dollars; 2248

(F) A statement that the applicant has corresponded with 2249  
the county engineer of the county in which the underground 2250  
minerals mining operation is proposed to be located regarding 2251  
any streets and roads under the county engineer's jurisdiction 2252  
under which mining will take place; 2253

(G) A complete plan for underground minerals mining. The 2254  
plan shall show the approximate sequence in which mining 2255  
measures are to occur and the measures the operator will perform 2256  
to prevent damage to adjoining property and to achieve the 2257  
performance standards for mining established by the chief under 2258  
section 1514.61 of the Revised Code. Such plan shall be 2259  
consistent with any federal standard governing underground 2260  
minerals mining. 2261

(H) Any other information that the chief determines is 2262  
necessary and appropriate. 2263

**Sec. 1514.63.** (A) In accordance with rules adopted under 2264  
section 1514.61 of the Revised Code, the chief of the division 2265  
of mineral resources management shall issue an order granting an 2266  
underground minerals mining permit upon the chief's approval of 2267  
an application for the permit and payment of all applicable fees 2268  
established under those rules. However, the chief shall not 2269  
issue a permit if either of the following apply: 2270

(1) The chief determines that the measures set forth in 2271  
the mining plan required under section 1514.62 of the Revised 2272  
Code are likely to be inadequate to prevent damage to adjoining 2273

property or to achieve one or more of the applicable performance 2274  
standards required by the chief. 2275

(2) The land on or under which the underground minerals 2276  
mining is to take place is closer than fifty feet of horizontal 2277  
distance to any adjacent lands in which the operator making 2278  
application does not own, lease, or control the mineral 2279  
interest, unless the owner of such land consents in writing that 2280  
the underground minerals mining may occur closer than fifty feet 2281  
of the horizontal distance. The consent, or a certified copy of 2282  
it, shall be attached to the application as part of the 2283  
permanent record of the application for an underground minerals 2284  
mining permit and runs with the land. As used in division (A) (2) 2285  
of this section, "adjacent lands" does not include any easements 2286  
and any railroad, utility, street, and highway rights-of-way. 2287

(B) The chief may suspend or revoke an underground 2288  
minerals mining permit for a violation of applicable provisions 2289  
of this chapter, a rule adopted under it, a term or condition of 2290  
a permit issued under section 1514.62 of the Revised Code, or an 2291  
order of the chief. Prior to such suspension or revocation, the 2292  
chief shall conduct an investigation and hearing in accordance 2293  
with Chapter 119. of the Revised Code. 2294

(C) (1) Notwithstanding any requirement or obligation to 2295  
the contrary in this chapter, the chief shall issue, upon 2296  
request and without application, an order granting an 2297  
underground minerals mining permit or an amendment to a surface 2298  
mining permit, as applicable, to either of the following: 2299

(a) Any operator of an underground minerals mining 2300  
operation in existence prior to and on the effective date of 2301  
this section; 2302

(b) A person who has begun to undertake development of an 2303  
underground minerals mining operation prior to the effective 2304  
date of this section. 2305

(2) The underground minerals mining permit or amendment to 2306  
a surface mining permit so granted shall include all mine 2307  
property at the time of the application. 2308

(3) An operator or any such person shall have twenty-four 2309  
months after the effective date of this section to request an 2310  
order granting an underground minerals mining permit or an 2311  
amendment to a surface mining permit to conduct underground 2312  
minerals mining from the chief under this division. 2313  
Notwithstanding any other provision of law to the contrary, such 2314  
an order granting a permit or such an amendment is not 2315  
appealable by any person other than the operator or the person 2316  
undertaking development of an underground minerals mining 2317  
operation. 2318

**Sec. 1514.64.** No person shall do any of the following: 2319

(A) Except as provided in division (C) of section 1514.63 2320  
of the Revised Code, engage in underground minerals mining 2321  
without an underground minerals mining permit or amendment to a 2322  
surface mining permit issued by the chief of the division of 2323  
mineral resources management; 2324

(B) Exceed the limits of an underground minerals mining 2325  
permit or amendment to a permit by mining land that is not 2326  
authorized under the permit; 2327

(C) Purposely misrepresent or omit any material fact in an 2328  
application for an underground minerals mining permit or 2329  
amendment, an annual or final report, or any hearing or 2330  
investigation conducted by the chief or the reclamation 2331

<u>commission;</u>	2332
<u>(D) Fail to perform any measure set forth in an approved plan of mining that is necessary to prevent damage to adjoining property or to achieve a performance standard required in rules adopted under section 1514.61 of the Revised Code;</u>	2333 2334 2335 2336
<u>(E) Violate any other applicable requirement of this chapter, a rule adopted under it, a term or condition of a permit or amendment to a permit issued under section 1514.62 or division (C) (2) of section 1514.02 of the Revised Code, or an order of the chief.</u>	2337 2338 2339 2340 2341
<u>Sec. 1514.65. An underground minerals mining operator shall do all of the following:</u>	2342 2343
<u>(A) Prior to mining under a public street, road, or highway, comply with division (B) of section 1563.11 of the Revised Code;</u>	2344 2345 2346
<u>(B) Ensure that the use of explosives for the production of underground minerals is in compliance with the requirements of this chapter.</u>	2347 2348 2349
<u>(C) Ensure that the detonation of explosives is conducted in such a manner so as to prevent damage to adjoining property and injury to persons and is in compliance with the rules adopted under section 1514.61 of the Revised Code.</u>	2350 2351 2352 2353
<u>(D) Provide and maintain financial assurance for the performance and closure required under sections 1514.60 to 1514.70 of the Revised Code and rules adopted under section 1514.61 of the Revised Code in the amount of one million dollars.</u>	2354 2355 2356 2357 2358
<u>Sec. 1514.66. (A) In the event of a complaint of</u>	2359

subsidence, the operator shall immediately investigate the 2360  
complaint and provide the chief with the results of the 2361  
investigation. 2362

(B) If the chief receives a subsidence complaint regarding 2363  
an underground minerals mining operation, the chief shall notify 2364  
the operator. The operator shall immediately conduct an 2365  
investigation and provide the chief with the results of the 2366  
investigation. 2367

**Sec. 1514.67.** (A) At the time of the completion of the 2368  
mine entry, the operator of the underground minerals mine shall 2369  
cause a map to be made of the underground workings of the mine 2370  
and provide the chief of the division of mineral resources 2371  
management with such map. The map shall be consistent with 2372  
federal requirements governing underground minerals mining. 2373

(B) The underground minerals mine operator shall have a 2374  
survey made whenever the workings of the mine have extended four 2375  
hundred feet in any direction from the point shown on the map by 2376  
the last survey of such mine, but not more often than once every 2377  
twelve months or whenever the mine is to be shut down. 2378

(C) Surveys made under this section shall be accurately 2379  
plotted on the original map of the mine. 2380

(D) The underground minerals mine operator shall ensure 2381  
that a copy of the current map with up-to-date survey plots is: 2382

(1) Kept at the mine property; 2383

(2) Filed with the chief. 2384

**Sec. 1514.68.** (A) Within thirty days after each 2385  
anniversary date of issuance of an underground minerals mining 2386  
permit, the operator shall file with the chief of the division 2387

of mineral resources management an annual report, on a form 2388  
prescribed and furnished by the chief. The report shall include 2389  
all of the information required by the chief to be included in 2390  
it under rules adopted under section 1514.61 of the Revised 2391  
Code. Such information shall address the one-year period 2392  
preceding the anniversary date. 2393

(B) The chief may require each annual report to be 2394  
accompanied by a filing fee in the amount prescribed by the 2395  
chief in rules adopted under section 1514.61 of the Revised 2396  
Code. 2397

(C) Within thirty days after the completion of the 2398  
underground minerals mining operation, the operator shall submit 2399  
a final report containing the same information required in an 2400  
annual report, but covering the time from the last annual report 2401  
to the completion of the operation. 2402

**Sec. 1514.69.** At least twelve months prior to the 2403  
completion of an underground minerals mining operation, the 2404  
underground minerals mine operator shall notify the chief of the 2405  
division of mineral resources management that the operator 2406  
intends to cease mining. The operator also shall notify the 2407  
chief as to the steps the operator intends to take to ensure the 2408  
protection of public safety upon closure. 2409

**Sec. 1514.70.** Each operator shall carry out on a 2410  
continuing basis a program to improve the roof control system of 2411  
each underground minerals mine and the means and measures to 2412  
accomplish the system. The roof and ribs of all active 2413  
underground roadways, travelways, and working places shall be 2414  
supported or otherwise controlled adequately to protect persons 2415  
from falls of the roof or ribs. 2416

Each operator shall adopt a roof control plan and 2417  
revisions thereof suitable to the roof conditions and mining 2418  
system of each underground minerals mine in a manner determined 2419  
by the chief of the division of mineral resources management. 2420  
The plan and any revisions thereof is subject to the chief's 2421  
approval. 2422

The plan shall show the type of support and spacing 2423  
approved by the chief. The chief shall review the plan 2424  
periodically, at least every six months, taking into 2425  
consideration any falls of roof or ribs or inadequacy of support 2426  
of roof or ribs. No person may proceed beyond the last permanent 2427  
support unless adequate temporary support is provided or unless 2428  
such temporary support is not required under the approved roof 2429  
control plan and the absence of such support will not pose a 2430  
hazard to the miners. A copy of the plan shall be furnished to 2431  
the chief or the chief's authorized representative and shall be 2432  
available to the miners and their representatives. 2433

No person shall refuse or neglect to comply with this 2434  
section. 2435

**Sec. 1514.71.** (A) The chief of the division of mineral 2436  
resources management shall terminate an underground minerals 2437  
mining permit issued under this chapter upon the application of 2438  
the operator if all of the following occur: 2439

(1) The operator submits a final map and report, and the 2440  
chief determines that such final map and report are accurate; 2441

(2) All surface areas have been reclaimed; 2442

(3) The chief determines that measures in the closure plan 2443  
have been completed. 2444

(B) Upon termination, the chief shall release any 2445

requirement for financial assurance set forth in division (D) of 2446  
section 1514.65 of the Revised Code. 2447

**Sec. 1514.99.** (A) Whoever violates division (A) (1) or (2) 2448  
of section 1514.10 or division (A) of section 1514.64 of the 2449  
Revised Code may be fined not more than five thousand dollars 2450  
plus not more than one thousand dollars per acre of land 2451  
affected, and is responsible for achieving reclamation of the 2452  
land as required pursuant to this chapter. 2453

(B) Whoever violates division (B) of section 1514.10 or 2454  
division (B) of section 1514.64 of the Revised Code may be fined 2455  
not more than one thousand dollars per acre of land affected 2456  
that is not under permit, and is responsible for achieving 2457  
reclamation of the land as required pursuant to this chapter. 2458

(C) Whoever violates division (C) of section 1514.10 or 2459  
division (C) of section 1514.64 of the Revised Code may be fined 2460  
not less than one hundred nor more than one thousand dollars, or 2461  
imprisoned not more than six months, or both. 2462

(D) Whoever violates division (D), (E), (F), or (G) of 2463  
section 1514.10 or division (D) or (E) of section 1514.64 of the 2464  
Revised Code may be fined not less than one hundred nor more 2465  
than one thousand dollars for a first offense. For each 2466  
subsequent offense, on one or more permits held by such persons, 2467  
such person may be fined not less than two hundred nor more than 2468  
five thousand dollars, or imprisoned not more than six months, 2469  
or both. The permit of any person convicted of a third offense 2470  
may be revoked by the court at the time of that conviction, and 2471  
the court at that time may further order that no permit or 2472  
amendment to a permit may be issued to that person under this 2473  
chapter for a period of five years from the date of the 2474  
conviction. Nothing contained in this section shall be construed 2475

to limit or affect the authority of the chief of the division of mineral resources management granted by this chapter. 2476  
2477

(E) Whoever violates an order of the chief of the division of mineral resources management issued under this chapter is guilty of a minor misdemeanor. 2478  
2479  
2480

**Sec. 1563.11.** (A) Unless a permit has been issued by the director of transportation, or the board of county commissioners, or the board of township trustees, or such other public authority that is charged by law with the maintenance of a public road, and the approval of the chief of the division of mineral resources management has been obtained, no person, firm, or corporation, engaged in mining or quarrying any mineral, coal, stone, or clay, shall: 2481  
2482  
2483  
2484  
2485  
2486  
2487  
2488

(1) Extend any part of an open pit excavation closer than fifty feet of horizontal distance to any part of a public road; 2489  
2490

(2) Deposit mine refuse or removed overburden: 2491

(a) Closer to a public road than a line parallel to the boundary line of such road and fifty feet of horizontal distance away from such road and at the same elevation as the elevation of the crown of such road; 2492  
2493  
2494  
2495

(b) Higher than a line beginning at a point fifty feet of horizontal distance away from such road and at the same elevation as the elevation of the crown of such road, and extending from such beginning point upward and away from such road at an angle of forty degrees from the horizontal plane. 2496  
2497  
2498  
2499  
2500

Any person, firm, or corporation desiring such a permit shall apply in writing therefor to the proper public authority, and shall describe in such application the excavating or depositing of mine refuse or removed overburden that it will do 2501  
2502  
2503  
2504

and for which it requests a permit. The applicant shall also 2505  
furnish such public authority with such additional data and 2506  
information concerning such work as such public authority may 2507  
request and that shall be relevant, in making the determination 2508  
that such public authority is required to make as to the amount 2509  
of bond or other security the applicant shall be required to 2510  
deposit before such a permit is issued to the applicant. 2511

Upon receipt of such an application such public authority 2512  
shall promptly consider what damage, if any, may be done to such 2513  
public highway by the excavating or depositing of mine refuse or 2514  
removed overburden for which the permit is requested, and 2515  
estimate the reasonable cost of repairing such damage, if any 2516  
should occur, and fix the amount of such estimate of cost as the 2517  
amount of bond or other security that the applicant shall 2518  
deposit with such public authority upon issuance of the permit 2519  
requested, to ensure payment of the cost of repairing any such 2520  
damage that might occur. Such public authority shall promptly 2521  
notify the applicant of the amount of bond or other security it 2522  
has so fixed. 2523

Upon approval of the chief and deposit with the public 2524  
authority of a surety bond signed by the applicant as principal, 2525  
and by a surety company authorized to transact business in this 2526  
state as surety, or of cash or other security satisfactory to 2527  
such public authority, in the amount fixed by such authority, 2528  
and conditioned upon the payment to such public authority by 2529  
applicant of the cost of repairing any damage to such public 2530  
road occurring as a result of the excavating or depositing of 2531  
mine refuse or removed overburden for which the permit was 2532  
issued, the public authority shall issue to the applicant the 2533  
permit for which the applicant applied. 2534

If, at the end of three years after such excavation or 2535  
deposit of mine refuse or removed overburden is made, the 2536  
licensee shall have paid or caused to be paid all cost of 2537  
repairing any damage to such public road occurring within such 2538  
time as a result of such excavating or depositing for which such 2539  
permit was issued, or, if within such period of time no such 2540  
damage to such shall have occurred, the bond or cash or other 2541  
security deposited with the public authority upon the issuance 2542  
of such permit, shall be released and returned to such 2543  
applicant. 2544

(B) Any person, firm, or corporation owning any land 2545  
containing ~~mineral~~minerals, including underground minerals as 2546  
defined in section 1514.60 of the Revised Code, coal, stone, or 2547  
clay, and over any portion of which any state, county, or 2548  
township road or public highway passes, may drill, excavate, 2549  
mine, or quarry through or under such road. Before the work is 2550  
commenced, such person, firm, or corporation shall execute and 2551  
deliver to the director of transportation in case of state 2552  
roads, to the board of county commissioners in case of county 2553  
roads, or to the board of township trustees in case of township 2554  
roads, a bond, with good and sufficient surety in such amount as 2555  
shall be considered by the director, the board of county 2556  
commissioners, or the board of township trustees, sufficient to 2557  
cover any damages that may accrue by excavating, mining, or 2558  
quarrying through or under any such road, the same to be 2559  
approved by such director, board of county commissioners, or 2560  
board of township trustees. Such bond shall be conditioned that 2561  
while crossing over or mining or quarrying under any such road, 2562  
a safe and unobstructed passageway or road shall be kept open by 2563  
such person, firm, or corporation for the public use, and as 2564  
soon as practicable, such road shall be fully restored to its 2565

original safe and passable condition. When such crossing is made 2566  
by excavation at a depth of more than thirty feet below the 2567  
surface of such road, the person, firm, or corporation making 2568  
the same shall be liable to the director, board of county 2569  
commissioners, or board of township trustees for any damage that 2570  
may accrue by such excavation, and shall be held to fully repair 2571  
any such damage and to restore such road to its original safe 2572  
and passable condition. The right to mine or quarry across or 2573  
under public highways as provided in this section, shall accrue 2574  
to the owner, lessee, or agent of the land upon or through which 2575  
such highway passes. 2576

As used in this section, "road" or "highway" means the 2577  
entire right of way as well as the improved portion thereof, and 2578  
includes bridges, viaducts, grade separations, appurtenances, 2579  
and approaches on or to such road or highway. 2580

**Section 2.** That existing sections 1514.01, 1514.02, 2581  
1514.021, 1514.022, 1514.023, 1514.024, 1514.03, 1514.04, 2582  
1514.05, 1514.07, 1514.071, 1514.08, 1514.09, 1514.11, 1514.13, 2583  
1514.40, 1514.41, 1514.42, 1514.43, 1514.44, 1514.45, 1514.46, 2584  
1514.50, 1514.99, and 1563.11 of the Revised Code are hereby 2585  
repealed. 2586

**Section 3.** The Division of Mineral Resources Management 2587  
shall conduct a study to determine a centralized location for 2588  
conducting safety education and training for activities 2589  
regulated under Chapter 1514. of the Revised Code. Not later 2590  
than one year after the effective date of this section, the 2591  
Division shall send a report of its findings to the Governor, 2592  
the President of the Senate, and the Speaker of the House of 2593  
Representatives. 2594