

LEGAL NOTICE
STATE OF OHIO
DEPARTMENT OF NATURAL RESOURCES
NOTICE OF INTENTION TO AMEND AND HOLD A PUBLIC HEARING ON
MINE SAFETY AND INDUSTRIAL MINERALS SURFACE MINING RULES

The Chief of the Division of Mineral Resources Management, pursuant to sections 1514.02, 1514.08, and 1514.40 and Chapter 119. of the Revised Code, hereby gives notice of his intention to amend the following industrial minerals surface mining and mine safety rules:

Mine Safety Rules

- 1501:10-1-02 Fire detection devices.
- 1501:10-1-03 Tag lines and tie-off lines.
- 1501:10-1-04 Mine medical responders.
- 1501:10-1-05 Additional requirements for the certification of mine forepersons or forepersons of gaseous mines and mine forepersons or forepersons of nongaseous mines.
- 1501:10-1-06 Accident reporting; investigation by chief; annual report.
- 1501:10-1-07 Incorporation by reference.
- 1501:10-2-02 Definitions for Chapter 1501:10-2 of the Administrative Code.
- 1501:10-2-03 General requirements for underground use of diesel-powered equipment.
- 1501:10-2-04 Diesel-powered equipment package.
- 1501:10-2-05 Exhaust emissions control and conditioning systems.
- 1501:10-2-06 Ventilation.
- 1501:10-2-07 Exhaust emissions monitoring and control.
- 1501:10-2-08 Underground diesel fuel storage facilities.
- 1501:10-2-09 Transfer of diesel fuel.
- 1501:10-2-10 Containers for transport of diesel fuel.
- 1501:10-2-11 Fire suppression for equipment and transportation.
- 1501:10-2-12 Fire suppression for underground diesel fuel storage facilities.
- 1501:10-2-13 Prohibition on the use of certain starting aids.
- 1501:10-2-14 Fueling.
- 1501:10-2-15 Fire and safety training.
- 1501:10-2-16 Maintenance.
- 1501:10-2-17 Records.
- 1501:10-2-18 Duties of equipment operator.

Mine Safety Rules (continued)

- 1501:10-2-19 Schedule of maintenance.
- 1501:10-2-20 Establishing baseline exhaust emissions values for monitoring and control.
- 1501:10-2-21 Equipment maintenance diagnostic testing.
- 1501:10-2-22 General requirements for training diesel-powered equipment operators.
- 1501:10-2-23 Equipment-specific training for diesel-powered equipment operators.
- 1501:10-2-24 Diesel mechanic training.
- 1501:10-2-25 Additional requirements for operation of diesel-powered equipment.
- 1501:10-2-26 Underground mine inspector diesel inspection training.
- 1501:10-2-27 Diesel technical advisory committee.

Industrial Minerals Surface Mining Rules

- 1501:14-1-01 Definitions.
- 1501:14-1-05 Permit transfers.
- 1501:14-1-08 Certificate of public liability insurance.
- 1501:14-1-09 Payment of fees and filing of performance bond.
- 1501:14-1-16 Incorporation by reference.
- 1501:14-2-01 Incorporation by reference of mine safety standards.
- 1501:14-2-02 Safety standards governing surface mining operations.
- 1501:14-2-03 Criteria, standards and procedures governing annual safety performance evaluations of surface mining operations that are inspected by MSHA.
- 1501:14-2-05 Mine safety inspections of surface mining operations that are inspected by MSHA.
- 1501:14-2-06 Mine safety training.
- 1501:14-2-08 Training in lieu of employing certified mine foreperson.
- 1501:14-2-10 Mine safety inspections of surface mining operations that are not inspected by MSHA.
- 1501:14-3-12 Beneficial quarry fill.
- 1501:14-3-13 Controlled placement of lime mining wastes (LMW).
- 1501:14-5-01 Hydrology.
- 1501:14-5-04 Watercourse variances.
- 1501:14-6-01 Permit application requirements for the beneficial use of lime mining wastes (LMH) within an industrial minerals permit.
- 1501:14-6-02 Distance limitations on the placement of lime mining wastes (LMH).

The reasons for amending these rules are the following:

- To comply with the five-year review requirements of Section 106.03 of the Revised Code.
- To remove regulatory restrictions and offer clarification.
- To eliminate fees.
- To update the publication dates of the Code of Federal Regulations and the United States Code.
- To rescind unnecessary rule 1501:10-2-27.

A public hearing on the rules with amendments will be held on Monday, May 13, 2024, at 10:00 AM. This public hearing will be held at Ohio Department of Natural Resources, 2045 Morse Road, Building H2 Conference Room, Columbus, Ohio 43229. At the public hearing, any person affected by the proposed rule amendments may appear and be heard in person, or by the person's attorney, or both, and may present the person's positions, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the proposed rule amendments, if adopted, will be unreasonable or unlawful.

Written positions, arguments, or contentions regarding these proposed rule amendments may also be submitted to the Division of Mineral Resources Management at the address below or to the following e-mail address: minerals.rules@dnr.ohio.gov. Comments must be post-marked or e-mailed by Tuesday, May 14, 2024.

Copies of the proposed rule amendments are available on the Register of Ohio website, <http://www.registerofohio.state.oh.us/>.

Copies will also be posted under the "JCARR Review and Public Comment" tab on this Ohio Department of Natural Resources website page: <https://ohiodnr.gov/wps/portal/gov/odnr/rules-and-regulations/rule-changes/proposed-rule-changes/Mineral-Resources-proposed-rule-changes>.

For persons who do not have access to the Internet, copies of the proposed rule amendments are available from the Ohio Department of Natural Resources, Division of Mineral Resources Management, 2045 Morse Road, Building H-2, Columbus, Ohio 43229. If you have any questions, please call the Division of Mineral Resources Management at (614) 265-6633.