

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

The Chief of the Division of Mineral Resources Management, pursuant to sections 1513.02, 1513.07, 1513.072, 1513.16, 1513.161, 1513.35, 1514.08, 1514.081, and 1514.40 and Chapter 119. of the Revised Code, hereby gives notice of his intention to amend the following coal mining rules and industrial minerals surface mining rules:

1501:13-1-10 Availability of records.
1501:13-1-14 Incorporation by reference.
1501:13-4-05 Permit application requirements for reclamation and operations plans.
1501:13-4-09 General map requirements.
1501:13-4-12 Requirements for permits for special categories of mining.
1501:13-4-13 Underground mining permit application requirements for information on environmental resources.
1501:13-4-14 Underground mining permit application requirements for reclamation and operations plans.
1501:13-7-01 General requirements for providing performance security for coal mining and reclamation operations.
1501:13-7-03 Form, conditions, and terms of performance security.
1501:13-7-06 Performance security forfeiture criteria and procedures.
1501:13-9-04 Protection of the hydrologic system.
1501:13-11-02 Support facilities and utility installations.
1501:13-12-03 Subsidence control.
1501:13-13-08 Restoration off the permit area by means of mitigation.
1501:13-14-01 Inspections.
1501:13-14-03 Civil penalties.
1501:14-1-04 Procedure for filing applications.
1501:14-1-16 Incorporation by reference.
1501:14-2-01 Incorporation by reference of mine safety standards.

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 correct, in three coal rules, references to Class B and C dams and a technical release document.
- To revise a coal rule regarding the use of a single open-channel spillway.
- To update information in a coal rule regarding Department of Agriculture handbooks 436 and 18.
- To remove a reference to a coal rule that was previously rescinded.
- To be consistent with language usage of other coal rules.
- To make several small corrections and clarifications to the coal rules.

- To update the publication dates of the Code of Federal Regulations and the United States Code of the incorporation by reference rules; and, at the end of each incorporation by reference rule, to update the list of statutes that the rule amplifies.
- To update outdated modes of communication.

A public hearing on the proposed rule amendments will be held at 10:00 a.m. on Wednesday, January 5, 2022. This public hearing will be held at Ohio Department of Natural Resources, Assembly Center, 2045 Morse Road, Building E, 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.state.oh.us. Such written positions, arguments, or contentions must be post-marked or e-mailed by January 6, 2022.

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.