



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Brian Becker, Ohio Department of Natural Resources

FROM: Ethan Wittkorn, Regulatory Policy Advocate

DATE: June 2, 2021

RE: CSI Review – 2021 Industrial Minerals (IM) Rules (OAC 1501:14-1-08, 1501:14-1-15, 1501:14-1-16, 1501:14-2-01, 1501:14-2-02, 1501:14-2-06, 1501:14-2-08, 1501:14-2-10, and 1501:14-5-01)

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This Ohio Department of Natural Resources (Department) rule package consists of seven amended and two no change rules. It was submitted to the CSI Office on April 26, 2021 as part of the statutory five-year rule review, and the public comment period was open through May 17, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on April 26, 2021.

The rules proposed in this package regulate industrial mineral surface mining. Amendments have been proposed to the rules to update references and to include a list of statutes amplified by the rules. Specifically covered in the rules are insurance requirements, hearings, safety standards, and hydrology requirements.

During the early stakeholder outreach period, the Department shared the proposed rules with representatives of the Ohio Aggregates and Industrial Minerals Association (OAIMA) and the Ohio Environmental Council. No comments were submitted during either the early stakeholder outreach

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period or the CSI public comment period.

Surface mining operations in Ohio may face adverse impacts as a result of the rules, potentially including costs associated with the submission of required application materials, meeting insurance requirements, meeting mine safety standards, complying with inspections, and submitting information on dewatering when necessary. The proposed rules serve to provide standards for industrial mineral surface mining operations that will help to better protect the public and environment from any potentially detrimental effects.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.