



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Brian Becker, Ohio Department of Natural Resources

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: September 2, 2021

RE: **CSI Review – Industrial Mineral Rules: Outdated Modes of Communication (OAC 1501:14-1-04)**

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 Department as provided for in ORC 107.54.

Analysis

This rule package consists of one amended rule proposed by the Ohio Department of Natural Resources (ODNR) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on July 16, 2021, and the public comment period was held open through August 6, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on July 16, 2021.

Ohio Administrative Code 1501:14-1-04 establishes procedures for filing applications for an industrial minerals surface mining permit, including requirements for the application to include all necessary information in a specific format. The rule is amended to allow electronic signatures on any application or form that requires a permittee's signature. This change was made as a result of research conducted for the CSI regulatory reform project using an artificial intelligence software tool.

During the CSI public comment period, ODNR notified stakeholders of the opportunity to provide feedback on the proposed rule. No comments were received during that time.

77 South High Street | 30th Floor | Columbus, Ohio 43215-6117
CSIOhio@governor.ohio.gov

The business community impacted by the rule includes all industrial mineral surface mining operators, as well as businesses applying for an operating permit. The adverse impact created by the rule is the submission of detailed information as required in ORC 1514, including business information, lists of minerals, test results, and reclamation plans. ODNR states that the rule is necessary to ensure that mines are constructed properly and do not pose a risk to the public or environment.

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