

Draft Rule 1501:14-1-09, dated 4/1/2014

This is a summary of the changes made to this rule.

(F). New paragraph to clarify that IM fees are to be deposited into the Surface Mining Fund created in ORC section 1514.06.

*****DRAFT - NOT FOR FILING*****

Dated 4/1/2014

1501:14-1-09 Payment of fees and filing of performance bond.

- (A) The applicant shall file the required fees and surety bond, cash, an irrevocable letter of credit, or certificates of deposit within the time prescribed by the chief in the notification of intention to issue an order granting a surface mining permit, a renewal of a surface mining permit, or an amendment to a surface mining permit.
- (1) The requirement of division (A) of section 1514.04 of the Revised Code that the applicant file a surety bond, cash, an irrevocable letter of credit, or certificates of deposit in the amount of ten thousand dollars shall not apply to permits of twenty or fewer acres issued prior to August 15, 2002. These permits shall instead file a surety bond, cash, an irrevocable letter of credit, or certificates of deposit in the amount of two thousand dollars, or five hundred dollars per acre of land to be affected, whichever is greater.
- (2) The requirement of division (A) of section 1514.04 of the Revised Code that, if the amount of land to be affected is more than twenty acres, the applicant file a surety bond, cash, an irrevocable letter of credit, or certificates of deposit in the amount of five hundred dollars per acre of land to be affected that exceeds twenty acres shall apply to all surface mining applications and to all existing permits regardless of issuance date.
- (B) If the applicant fails to file the required fees and/or surety bond, cash, letter of credit, or certificates of deposit within the time prescribed by the chief pursuant to paragraph (A) of this rule, the chief shall issue an order denying the issuance of the surface mining permit, renewal of the surface mining permit, or amendment to the surface mining permit, except that the chief may extend such time for good cause shown.
- (C) All performance bond shall be filed in the name of the applicant or permittee and in a format prescribed by the chief and shall meet the requirements for signature specified in paragraph (D) of rule 1501:14-1-04 of the Administrative Code.
- (D) All performance bond shall be filed at the address, "Division of Mineral Resources Management, Bonding Section, 2045 Morse Road, Building H-3, Columbus, Ohio 43229."
- (E) If the performance bond is in the form of a certificate of deposit, the applicant shall submit to the chief the original certificate of deposit and the assignment for the certificate of deposit.
- (F) The required fees shall be deposited with the treasurer of state to the credit of the surface mining fund created under section 1514.06 of the Revised Code.