

LEGAL NOTICE
STATE OF OHIO
DEPARTMENT OF NATURAL RESOURCES
NOTICE OF INTENTION TO ADOPT, AMEND, AND RESCIND
AND TO HOLD A PUBLIC HEARING ON COAL RULES

The Chief for the Division of Mineral Resources Management, pursuant to sections 1513.02, 1513.07, 1513.16, and 1513.35 and Chapter 119. of the Revised Code, hereby gives notice of his intention to adopt two coal rules, amend 38 coal rules, and rescind two coal rules.

The rules that the Chief proposes to adopt are:

- 1501:13-4-08.1 Application, supplemental and hydrologic maps, and cross-sections, designs and plans for underground workings.
- 1501:13-4-10 Uniform color code and map symbols.

The rules that the Chief proposes to amend are:

- 1501:13-1-01 Effective date and applicability.
- 1501:13-1-02 Definitions.
- 1501:13-1-10 Availability of records.
- 1501:13-1-13 Rule references.
- 1501:13-1-14 Incorporation by reference.
- 1501:13-3-01 Standards for demonstration of valid existing rights.
- 1501:13-4-03 Permit applications; requirements for legal, financial, compliance and related information.
- 1501:13-4-04 Permit application requirements for information on environmental resources.
- 1501:13-4-05 Permit application requirements for reclamation and operations plans.
- 1501:13-4-08 Hydrologic map and cross-sections.
- 1501:13-4-09 General map requirements.
- 1501:13-4-11 Maps showing reaffected of permit area.
- 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.
- 1501:13-5-01 Review, public participation, and approval or disapproval of permit applications and permit terms and conditions.
- 1501:13-6-03 Small operator assistance program.
- 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.
- 1501:13-7-05 Procedures, criteria, and schedule for release of performance security for permits reliant on the reclamation forfeiture fund.

1501:13-7-05.1 Procedures, criteria, and schedule for release of performance security for permits not reliant on the reclamation forfeiture fund.
1501:13-7-06 Performance security forfeiture criteria and procedures.
1501:13-7-07 Liability insurance.
1501:13-8-01 Coal exploration; performance standards.
1501:13-9-01 Signs and markers.
1501:13-9-02 Casing and sealing of drilled holes.
1501:13-9-07 Disposal of excess spoil.
1501:13-9-08 Protection of underground mining.
1501:13-9-11 Protection of fish, wildlife, and related environmental values.
1501:13-9-12 Slides and other damage.
1501:13-9-15 Revegetation.
1501:13-9-16 Cessation of operations.
1501:13-9-17 Postmining use of land.
1501:13-10-01 Roads: performance standards.
1501:13-11-02 Support facilities and utility installations.
1501:13-12-01 Underground operations.
1501:13-13-03 Operations on prime farmland.
1501:13-14-01 Inspections.

The rules that the Chief proposes to rescind are:

1501:13-4-10 Uniform color code and map symbols. *Current rule proposed for rescission, to be replaced with proposed new rule with the same number and title, which will have updated and new map symbols.*
1501:13-7-04 Self-bonding.

The reasons for adopting, amending and rescinding these coal rules are the following:

- To comply with the five-year-review requirements of section 106.03 of the Revised Code.
- To update the rules due to changes in Ohio law.
- To revise the rules so they are as effective as Federal requirements.
- To revise the mapping requirements so they are easier to understand and follow.
- To rescind the self-bonding rule and revise other performance bond rules so that self-bonding cannot be used as performance security.
- To allow the applicant/permittee to certify that a current proof of liability insurance and rider is part of the centralized ownership and control file.
- To protect underground mining from other underground mining and from coal exploration drilling.
- To clarify a Phase III bond release requirement related to seeding after minor repairs.
- To update the publication dates of the Code of Federal Regulations and the United States Code.
- To make numerous small corrections and clarifications.

A public hearing on the proposed new rules, rule amendments, and rule rescissions will be held at 9:00 AM on Tuesday, December 8, 2015, in the H-3 Conference Room of the Ohio Department of Natural Resources, Division of Mineral Resources Management, 2045 Morse Road, Building H-3, Columbus, Ohio 43229. At the public hearing, any person affected by the proposed new rules, rule amendments, or rule rescissions 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 new rules, rule amendments, or rule rescissions, if adopted, will be unreasonable or unlawful.

Written positions, arguments, or contentions regarding these proposed new rules, rule amendments, or rule rescissions 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 December 9, 2015.

Copies of the proposed new rules, rule amendments, and rule rescissions are available on the Register of Ohio website, <http://www.registerofohio.state.oh.us/index.jsp>. Copies will also be posted under the "JCARR Review" tab on this Ohio Department of Natural Resources website page: <http://minerals.ohiodnr.gov/laws-regulations/proposed-rule-changes-csi-review>. For persons who do not have access to the Internet, copies of the proposed new rules, rule amendments, and rule rescissions 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.