



Ohio Administrative Code

Rule 1501:13-3-05 Criteria for designating areas unsuitable for coal mining operations.

Effective: February 12, 2009

(A) Criteria for designating lands as unsuitable.

(1) Upon petition, an area shall be designated as unsuitable for all or certain types of coal mining operations, if the chief determines that reclamation is not technologically and economically feasible.

(2) Upon petition, an area may be designated as unsuitable for certain types of coal mining operations, if the operations will:

(a) Be incompatible with existing state or local land use plans or programs;

(b) Affect fragile or historic lands in which the operations could result in significant damage to important historic, cultural, scientific, or esthetic values or natural systems;

(c) Affect renewable resource lands in which the operations could result in a substantial loss or reduction of long-range productivity of water supply or of food or fiber products or of aquifers and aquifer recharge areas;

(d) Affect natural hazard lands in which the operations could substantially endanger life and property. Such lands include areas subject to frequent flooding and areas of unstable geology; or

(e) Conflict with or otherwise violate additional criteria the chief may adopt.

(B) Land exempt from designation as unsuitable for coal mining operations. The requirements of this rule do not apply to:

(1) Lands on which coal mining operations were being conducted on August 3, 1977;

(2) Lands covered by a permit issued under Chapter 1513. of the Revised Code; or



(3) Lands where substantial legal and financial commitments in coal mining operations were in existence prior to January 4, 1977.

(C) A determination by the chief that a person holds or does not hold a valid existing right or that coal mining operations did or did not exist as of August 3, 1977 may be appealed pursuant to the procedures set forth in section 1513.13 of the Revised Code.