



Ohio Administrative Code Rule 1501:13-1-10 Availability of records.

Effective: February 14, 2022

(A) The chief shall make available to the public for inspection and copying, at reasonable times, all documents relating to:

(1) Applications for permits, revisions, renewals, and transfers, assignments or sales of permit rights; and

(2) Inspection and enforcement actions.

(B)

(1) Copies of such records, reports, inspection materials or information obtained by the chief shall be made immediately available to the public at the local district offices of the division of mineral resources management closest to the coal mining and reclamation operations until at least five years after expiration of the period during which the subject operation is active or is covered by any portion of a reclamation performance security.

(2) To ensure compliance with paragraph (B)(1) of this rule the chief shall, at the division of mineral resources management district office responsible for inspection of the operation or, if no such office is maintained in the county where the mining is occurring or proposed to occur, at the office of the county recorder of that county or at the county office of the natural resources conservation service of the United States department of agriculture, either:

(a) Make copies of all records, reports, inspection materials, and other subject information available for public inspection; or

(b) Post for public inspection a description of the information available for mailing and a procedure for obtaining such information and, upon request, provide copies of subject information promptly by mail or electronic mail.



(i) If a resident of the area where the mining is occurring or proposed to occur makes a request under paragraph (B)(2)(b) of this rule, the division shall provide copies for no charge.

(ii) If a person other than a resident of the area where the mining is occurring or proposed to occur makes a request under paragraph (B)(2)(b) of this rule, the division shall follow the policy of the department of natural resources in charging for copies.

(C) Records which are confidential and unavailable to the public include:

(1) Information that pertains only to the analysis of the chemical and physical properties of the coal to be mined, except information on the components of such coal which are potentially toxic in the environment;

(2) Preparatory materials relating to hearings and enforcement proceedings which are investigative in nature, and information provided by an information source or witness to whom confidentiality has been promised;

(3) Information submitted to the chief if the person submitting it requests in writing at the time of submission that it be kept confidential and the information concerns trade secrets or is privileged commercial or financial information relating to the competitive rights of persons intending to conduct coal exploration; and

(4) Information on the nature and location of archeological resources as required under the Archeological Resources Protection Act of 1979, 16 U.S.C. 470aa et seq., as amended.

(D) Except as otherwise limited by paragraph (C)(1) of this rule, information pertaining to coal seams, test borings, core samplings or soil samples in an application shall be made available to any person with an interest which is or may be adversely affected.

(E) The availability of other records or documents in the possession of the chief is subject to section 149.43 of the Revised Code, Chapter 1347. of the Revised Code, and other state and federal laws as may be applicable.



(F) The chief shall provide for procedures, including notice and opportunity to be heard for persons both seeking and opposing disclosure, to maintain information required to be kept confidential under this rule separately from other portions of the permit application. This information shall be clearly identified by the applicant and submitted separately from other portions of the application.

(G) For dates of federal rules and federal laws referenced in this rule, see rule 1501:13-1-14 of the Administrative Code.