



Ohio Administrative Code

Rule 1501:13-3-03 Areas where mining is prohibited or limited.

Effective: August 9, 2018

(A) Subject to valid existing rights and qualification for the exception for existing operations under paragraph (B) of this rule, no coal mining operations shall be conducted:

(1) On any lands within the boundaries of the national park system, the national wildlife refuge system, the national system of trails, the national wilderness preservation system, the wild and scenic rivers system, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276 (a)) or study rivers or study river corridors as established in any guidelines pursuant to that act, national recreation areas designated by act of congress, or any nature preserve dedicated pursuant to Chapter 1517. of the Revised Code;

(2) On any federal lands within the boundaries of any national forest unless approval is granted by the United States secretary of interior;

(3) On any lands on which mining will adversely affect any publicly owned park or any places included on the "National Register of Historic Places," unless approved jointly by the chief and the federal, state, or local agency with jurisdiction over the park or places. The "National Register of Historic Places" is administered by the national parks service, U.S. department of the interior; its website for Ohio sites is <http://www.nationalregisterofhistoricplaces.com/oh/state.html>;

(4) Within one hundred feet measured horizontally of the outside right-of-way line of any public road, except:

(a) Where mine access roads or haulage roads join such right-of-way line; or

(b) Where a permit has been issued by the director of transportation, or the board of county commissioners, or the board of township trustees, or such other public authority that is charged by law with the maintenance of the public road subject to the requirements of paragraph (C) of rule 1501:13-3-04 of the Administrative Code and the approval of the chief;



(5) Within three hundred feet measured horizontally of any occupied dwelling unless the owner of the dwelling has provided a written waiver consenting to coal mining operations closer than three hundred feet as provided in paragraph (D) of rule 1501:13-3-04 of the Administrative Code;

(6) Within three hundred feet measured horizontally of any public building, school, church, community or institutional building or public park;

(7) Within one hundred feet measured horizontally of a cemetery. Cemeteries may be relocated if authorized by applicable state law or regulations; or

(8) Within one thousand feet of the normal waterlines of any river dedicated as a component of the scenic rivers program pursuant to sections 1547.81 to 1547.86 of the Revised Code.

(B) Exception for existing operations. The prohibitions and limitations of paragraph (A) of this rule do not apply to coal mining operations for which a valid permit, issued under Chapter 1513. of the Revised Code and these rules, exists when the land comes under the protection of division (D) of section 1513.073 of the Revised Code or this rule. This exception applies only to lands within the permit area as it exists when the land comes under the protection of division (D) of section 1513.073 of the Revised Code or this rule.

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