



Ohio Administrative Code

Rule 1513-3-04 Appeals to the reclamation commission.

Effective: November 1, 2018

(A) Any person exercising their right to appeal to the reclamation commission under section 1513.13 of the Revised Code shall file such appeal to the commission pursuant to this rule.

(B) A notice of appeal shall:

(1) Be in writing and may be in the form of a letter or a legal pleading;

(2) Identify the name, address, telephone number and email address, if available, of the appellant;

(3) Identify the name, address, telephone number and email address, if available, of appellant's counsel, if appellant is represented by counsel;

(4) Identify the notice, order or decision of the chief of the division of mineral resources management to be reviewed, and include a copy of the written notice, order or decision to be reviewed;

(5) Pursuant to section 1513.13 of the Revised Code, identify the grounds upon which review is being sought, the manner in which appellant is aggrieved or adversely affected by the action of the chief of the division of mineral resources management and the relief sought on appeal;

(6) Be signed by the appellant or by an attorney admitted to practice before the supreme court of Ohio, or an attorney admitted to practice by the commission pursuant to a motion to appear pro hac vice, and

(7) Where review of the assessment of a civil penalty is sought, the appellant shall comply with the requirements of section 1513.02 of the Revised Code and shall include and forward to the commission the amount of the penalty for placement in a penalty fund.



(C) A notice of appeal may:

- (1) Identify the area to which the notice, order or decision relates;
- (2) State whether or not the appellant requests that the commission view the site in question; and
- (3) State whether or not the appellant waives its right to have a hearing held within the time requirements set forth under division (B) of section 1513.13 of the Revised Code.

(D) Failure to comply with the provisions of section 1513.13 of the Revised Code governing the filing of appeals with the commission shall be sufficient basis for dismissing the appeal. The effect of such a dismissal shall be to leave in effect the action of the chief of the division of mineral resources management from which the dismissed appeal has been made and shall not constitute an affirmance of said action by the commission.

(E) Filing of the notice of appeal.

(1) The notice of appeal shall be filed within thirty days after service of the notice, order or decision by the chief of the division of mineral resources management and shall be filed in accordance with paragraph (B) of rule 1513-3-05 of the Administrative Code.

(2) Where review of the approval or disapproval of a permit application is sought, the appellant shall comply with the requirements of section 1513.07 of the Revised Code and shall file such notice within thirty days of notification of the final decision of the chief of the division of mineral resources management on the permit application.

(3) The original and one copy of the notice of appeal shall be filed with the reclamation commission.

(4) A notice of appeal shall be deemed filed when a complete notice in compliance with the rules of this chapter is determined to be filed with the commission under the provisions of paragraph (B) of rule 1513-3-05 of the Administrative Code.

(5) A copy of the notice of appeal shall be filed with the chief of the division of mineral resources



management within three days of the filing of such notice with the commission.

(F) A notice of appeal may be amended without leave of the commission during the time allowed for original filing or a notice of appeal may be amended by leave of the commission at any time after the time allowed for original filing. Amendment of a notice of appeal may not be employed to cure jurisdictional defects in the filing, unless the amendment is filed within the time allowed for original filing of the notice of appeal.