



# Ohio Legislative Service Commission

## Bill Analysis

Eric Vendel

### **S.B. 137**

129th General Assembly  
(As Introduced)

**Sens.** Stewart, Seitz, Wilson

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## **BILL SUMMARY**

- Requires an applicant for a coal mining operation permit, when the private mineral estate has been severed, to submit either the surface owner's written consent or a conveyance only if surface disturbance will result from the applicant's proposed use of strip mining.
- Requires that the written consent be to surface disturbance that will result from the extraction of coal instead of to the extraction of coal.
- Requires that the conveyance grant the right to extract coal by strip mining methods that cause surface disturbance rather than the right to use strip mining.
- Requires that if the conveyance does not grant that right, the surface-subsurface legal relationship concerning surface disturbance be determined under state law.
- Requires specified set-backs for coal mining operations to be measured horizontally.

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## **CONTENT AND OPERATION**

### **Permit application**

Under current law, the Chief of the Division of Mineral Resources Management in the Department of Natural Resources cannot approve a coal mining operation permit application or an application for revision of an existing permit unless the application demonstrates specified information and factors. One of those demonstrations addresses cases where the private mineral estate has been severed from the private surface estate. In such a case the applicant must submit to the Chief either the written consent of the

surface owner to the extraction of coal by strip mining or a conveyance that expressly grants or reserves the right to extract the coal by strip mining methods.<sup>1</sup>

The bill instead applies the requirement only to cases where the private mineral estate has been so severed and surface disturbance will result from the applicant's proposed use of a strip mining method.<sup>2</sup> It then requires the applicant to submit either the written consent of the surface owner to the surface disturbance that will result from the extraction of coal, rather than to the extraction of coal by strip mining, or a conveyance that expressly grants or reserves the right to extract the coal by strip mining methods that cause surface disturbance.<sup>3</sup>

Current law also states that if the above conveyance does not expressly grant the right to extract coal by strip mining methods, the surface-subsurface legal relationship must be determined under state law. The bill instead states that the surface-subsurface legal relationship concerning surface disturbance must be so determined.

### **Set-back requirements**

Current law generally prohibits coal mining operations, except those that existed on August 3, 1977, from being within 100 feet of the outside right-of-way line of any public road, within 300 feet from any occupied dwelling, within 300 feet of any public building, school, church, community, institutional building, or public park, or within 100 feet of a cemetery. The bill specifies that those distances must be measured horizontally.<sup>4</sup>

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	03-31-11

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<sup>1</sup> R.C. 1513.07(E)(2)(e)(i) and (ii).

<sup>2</sup> R.C. 1513.07(E)(2)(e).

<sup>3</sup> R.C. 1513.07(E)(2)(e)(i) and (ii).

<sup>4</sup> R.C. 1513.073(D)(4) and (5).