



Synopsis of House Committee Amendments^{*}

Bill Rowland

Legislative Service Commission

Sub. S.B. 386

127th General Assembly
(H. Agriculture & Natural Resources)

Removes all provisions in the Senate-passed version of the bill that transfer the authority to issue section 401 water quality certifications, permits to install, and national pollutant discharge elimination system (NPDES) permits from the Director of Environmental Protection to the Chief of the Division of Mineral Resources Management in the Department of Natural Resources.

Restores the Chief's authority to require modification of an application for a coal mining and reclamation permit that was removed in the Senate-passed version of the bill.

Removes provisions in the Senate-passed version of the bill that deem a coal mining and reclamation permit to be approved if the Chief of the Division of Mineral Resources Management has not acted on the application for the permit within certain specified time frames.

Changes the time frame established in the Senate-passed version of the bill from 180 days to 240 days within which a coal mining and reclamation permit must be granted or denied after the application is determined to be complete by the Chief, and restores the requirement that, if an informal conference has been held on an application, the Chief must issue a written finding granting or denying the permit within 60 days of the conference rather than within 14 days as in the Senate-passed version of the bill.

Requires the Chief to provide notice of expected delays in complying with the 240-day time frame for granting or denying a coal mining and reclamation permit not later than 210 days after the application for the permit is determined to be complete.

Removes the bill's requirement that the Chief approve staff overtime and hire independent contractors to review applications for coal mining and reclamation permits under specified circumstances.

Removes the bill's requirement that money in the existing Coal Mining Administration and Reclamation Reserve Fund be used by the Division of Mineral

^{*} This synopsis does not address amendments that may have been adopted on the House floor.

Resources Management to hire additional full-time review staff for the purpose of meeting the bill's mandatory review deadlines for coal mining and reclamation permits.

Removes the Chief's authority in the Senate-passed version of the bill to request an increase in the coal severance tax in order to offset the costs of additional full-time technical permit review staff.

Removes a provision in the Senate-passed version of the bill that does all of the following: authorizes a permit applicant to resubmit a denied permit application, requires the Chief to grant or deny the resubmitted application not later than 30 days after the application is resubmitted, and deems the application approved if the Chief does not act within that 30-day time frame.

Restores current law that declares that the beneficial use of coal combustion byproducts is not subject to provisions of the Water Pollution Control Law governing permits to install and plan approvals of disposal systems and removes the Senate-passed provision that declares instead that the beneficial use of coal combustion byproducts is not subject to the entire Water Pollution Control Law.

Restores current law that declares that no coal mining permit application must be approved unless certain circumstances apply, and removes the Senate-passed provision that declares instead that a permit application must be approved if certain circumstances apply.

Restores the requirement in current law, removed in the Senate-passed version of the bill, that an application for a section 401 water quality certification include a use attainability analysis if the project includes a stream for which a specific aquatic life use designation has not been made.

Requires the Director of Environmental Protection and the Director of Natural Resources to jointly establish procedures regarding the coordination of the issuance of coal mining and reclamation permits under the Coal Mining and Reclamation Law and the issuance of certain environmental permits and certifications under the Water Pollution Control Law, and requires the procedures to include the creation of a Joint Agency Coal Task Force.

Requires the Director of Environmental Protection and the Director of Natural Resources to jointly determine if the state of Ohio may administer the section 404 program under the Federal Water Pollution Control Act in lieu of the United States Army Corps of Engineers.