Ohio Sunset Review Committee
Agency Questionnaire

Agency Name Reclamation Commission

Point of Contact Ben Bruns, ODNR Legislative Director

Agency's primary purpose and its various goals and objectives

The Commission is governed pursuant to Ohio Revised Code sections: 1513.05, 1513.13, 1513.131, and 1513.14.

The Reclamation Commission is an adjudicatory board, established pursuant to Ohio Revised Code 1513.05. The general purpose of the Commission is to provide an administrative appeal to any person claiming to be aggrieved or adversely affected by a decision of the Ohio Department of Natural Resources' Chief of the Division of Mineral Resources Management. The Commission is a distinct and separate entity from the Division.

As a quasi-judicial board, the Reclamation Commission operates in a similar manner as a court of law. Any person who feels he/she has been aggrieved or adversely affected by a decision of the Chief may appeal by following the procedures set forth in the Ohio Revised Code and the Commission's rules. Appeals may be filed by mine operators, landowners, citizen groups, governmental units, or other entities. Decisions of the Commission relating to coal mining operations are appealable to the Court of Appeals, while decisions relating to industrial minerals are appealable to the Court of Common Pleas.

Agency's past and anticipated workload, number of staff required to complete workload, and total number of staff

The Reclamation Commission conducts hearings and renders decisions. Based upon the information presented to the Commission in an adjudicatory hearing, the Commission will affirm, vacate or modify the Chief's decision under appeal.

Pursuant to ORC 1513.05, the Commission employs a hearing officer, who must be an attorney admitted to practice in the State of Ohio. The hearing officer provides administrative and legal support to the Commission and performs all tasks related to office operations. The hearing officer is responsible for responding to inquiries from the public and media, as well as fulfilling public records requests filed with the Commission. The Commission also has the authority to hire administrative support but that is currently vacant.

Agency’s past and anticipated budgets and its sources of funding

Per ORC, Council members are entitled to a $150 per diem. The members may also be reimbursed for travel expenses.

In Fiscal Year 2024, the Commission did not hold a hearing. Several appeals were filed but were withdrawn or resolved prior to hearing.

The Commission's total expenditures in Calendar Year 2015 were $2,070. The expense is attributable to the salary of the hearing officer. Per diem and travel reimbursements to Commission members during 2024 were $0 because no appeal made it to the commission for a formal hearing during the year. Expenses fluctuate annually depending on appeal case load and hearings held.

Reimbursements are allocated out of the following funds:

Fund 3B70 (federal coal fund)
Fund 5290 (state mining regulation and safety fund)

The state funds above are predominantly generated through the severance taxes on coal, limestone, dolomite, sand, gravel, clay, sandstone, conglomerate, shale, gypsum and quartzite and used to support the oversight and enforcement of Ohio's mining industries.

Number of members of its governing board or other governing entity and their compensation, if any

There are ten seats on the Reclamation Commission composed of:

- Two current of retired farmers
- One forester, experienced in modern forestry practices
- One agronomist
- One civil engineer or experienced earth grader
- One representative of the coal mining industry
- One representative of the industrial mineral industry
- One coal safety representative
- One industrial minerals safety representative
- One public representative

While there are ten seats on the Commission, only seven members are seated on any particular appeal. Depending on the type of appeal, the coal and industrial minerals representatives interchange participation.

Commission members are appointed by the Governor with the advice and consent of the Senate to five-year terms. One Commission member must be an attorney, admitted to practice in the State of Ohio and familiar with mining issues. Members are required to recuse themselves from any matters that might pose a conflict of interest.

All meetings are open to the public.

Additional notes

The Reclamation Commission is a valuable tool for any person who feels that he or she has been aggrieved or adversely affected by a decision of ODNR's Chief of the Division Mineral Resources Management relating to mining and reclamation issues. In addition, the Reclamation Commission is part of Ohio's approved federal Coal Regulatory program funded through grants by the Office of Surface Mining Reclamation and Enforcement (OSMRE). Any changes to Ohio's program must be approved by OSMRE through a formal Program Amendment process pursuant to the Surface Mining Control Reclamation Act (SMCRA) before being implemented.

ODNR recommends that the Reclamation Commission be retained by the Sunset Review Committee.