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TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule LSA Document #05-288

DIGEST

Amends 312 IAC 16-1 to delete a citation to 312 IAC 17-3, the enabling statute for which was repealed by P.L.80-2005, SECTION 6, and to add definitions for eight terms utilized within IC 14-37-7 and 312 IAC 16-5-4. Effective 30 days after filing with the Secretary of State.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

The Natural Resources Commission has the authority to adopt rules under IC 14-10-2-4 and IC 14-37-3-15. The Department of Natural Resources (DNR) maintains a database on over 325 oil and gas operators interacting with the division. Approximately 95 percent of those operators would qualify as small businesses. The DNR estimates that no new annual administrative costs would be incurred by a small business to comply with this rule, as it only defines terms in 312 IAC 16-5-4.

312 IAC 16-1-1	312 IAC 16-1-32.6
312 IAC 16-1-2.5	312 IAC 16-1-39.6
312 IAC 16-1-28.3	312 IAC 16-1-39.8
312 IAC 16-1-31.2	312 IAC 16-1-52
312 IAC 16-1-32.5	

SECTION 1. 312 IAC 16-1-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 16-1-1 Definitions

Authority: IC 14-37-3

Affected: IC 14-37

Sec. 1. The definitions in this rule apply throughout this article. ~~and 312 IAC 17-3: (Natural Resources Commission; 312 IAC 16-1-1; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2326; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315)~~

SECTION 2. 312 IAC 16-1-2.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-2.5 “Active underground mine” defined

Authority: IC 14-37-3

Affected: IC 14-34; IC 14-37

Sec. 2.5. “Active underground mine” means an underground coal mine permitted under IC 14-34 that is currently producing coal. (Natural Resources Commission; 312 IAC 16-1-2.5)

SECTION 3. 312 IAC 16-1-28.3 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-28.3 “Inactive underground mine” defined

Authority: IC 14-37-3

Affected: IC 14-34-19; IC 14-37

Sec 28.3. “Inactive underground mine” means an underground coal mine within the jurisdiction of IC 14-34, except an abandoned coal mine under the jurisdiction of IC 14-34-19 that is not currently producing coal. (Natural Resources Commission; 312 IAC 16-1-28.3)

SECTION 4. 312 IAC 16-1-31.2 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-31.2 “Intermediate string of casing” defined

Authority: IC 14-37-3

Affected: IC 14-37

Sec. 31.2. “Intermediate string of casing” means a length of pipe set below the surface casing string, but before the production casing is run, to isolate one (1) or more zones. (Natural Resources Commission; 312 IAC 16-1-31.2)

SECTION 5. 312 IAC 16-1-32.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-32.5 “Mine floor” defined

Authority: IC 14-37-3

Affected: IC 14-37

Sec. 32.5. “Mine floor” means the upper surface of a stratum underlying a coal seam, whether or not the coal seam has been extracted. (Natural Resources Commission; 312 IAC 16-1-32.5)

SECTION 6. 312 IAC 16-1-32.6 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-32.6 “Mine plan” defined

Authority: IC 14-37-3

Affected: IC 14-37

Sec 32.6. “Mine plan” means a map filed under 312 IAC 16-5-4(b) by a person having title or legal interest showing the land on which a commercially mineable coal resource exists. (Natural Resources Commission; 312 IAC 16-1-32.6)

SECTION 7. 312 IAC 16-1-39.6 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-39.6 “Permit boundary” defined

Authority: IC 14-37-3

Affected: IC 14-34; IC 14-37

Sec 39.6. “Permit boundary” means that area on which mining operations will affect the ground surface or in which underground mine workings are, or will be, located as designated on the maps approved by the division of reclamation as a part of the mining permit issued under IC 14-34. (Natural Resources Commission; 312 IAC 16-1-39.6)

SECTION 8. 312 IAC 16-1-39.8 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-39.8 “Pillar” defined

Authority: IC 14-37-3

Affected: IC 14-37

Sec. 39.8. “Pillar” means a column of coal or rock remaining after removal of coal for the purpose of supporting the overlying strata and materials. (Natural Resources Commission; 312 IAC 16-1-39.8)

SECTION 9. 312 IAC 16-1-52 IS ADDED TO READ AS FOLLOWS:

312 IAC 16-1-52 “Workable limits” defined

Authority: IC 14-37-3

Affected: IC 14-37

Sec. 52. “Workable limits” means the boundary of the coal resource that can be mined using current mining technology. (Natural Resources Commission; 312 IAC 16-1-52)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 27, 2006 at 10:00 a.m., at the Department of Natural Resources, Division of Reclamation Field Office, located at State Road 48, approximately one mile west of Jasonville city limits, Jasonville, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments to 312 IAC 16-1 to delete a citation to 312 IAC 17-3, the enabling statute for which was repealed by P.L.80-2005, SECTION 6, and to add definitions for eight terms utilized within IC 14-37-7 and 312 IAC 16-5-4.

Upon review, the department of natural resources has determined that this rule will not impose costs or requirements upon regulated entities under IC 4-22-2-24(d)(3).

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Rick Cockrum
Chairman
Natural Resources Commission