



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB5290

Introduced 1/25/2006, by Rep. Kevin A. McCarthy

SYNOPSIS AS INTRODUCED:

225 ILCS 720/1.03

from Ch. 96 1/2, par. 7901.03

Amends the Surface Coal Mining Land Conservation and Reclamation Act.
Makes a technical change in a Section concerning definitions.

LRB094 17144 RAS 52432 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Surface Coal Mining Land Conservation and
5 Reclamation Act is amended by changing Section 1.03 as follows:

6 (225 ILCS 720/1.03) (from Ch. 96 1/2, par. 7901.03)

7 Sec. 1.03. Definitions.

8 (a) Whenever used or referred to in this ~~this~~ Act, unless a
9 different meaning clearly appears from the context:

10 (1) "Affected land" means:

11 (A) in the context of surface mining operations,
12 the areas described in Section 1.03(a) (24) (B), and

13 (B) in the context of underground mining
14 operations, surface areas on which such operations
15 occur or where such activities disturb the natural land
16 surface.

17 (2) "Approximate original contour" means that surface
18 configuration achieved by backfilling and grading of the
19 mined area so that the reclaimed area, including any
20 terracing or access roads, closely resembles the general
21 surface configuration of the land prior to mining and
22 blends into and compliments the drainage pattern of the
23 surrounding terrain, with all highwalls and spoil piles
24 eliminated.

25 (3) "Article" means an Article of this Act.

26 (4) "Department" means the Department of Natural
27 Resources, or such department, bureau, or commission as may
28 lawfully succeed to the powers and duties of such
29 Department.

30 (5) "Director" means the Director of the Department or
31 such officer, bureau or commission as may lawfully succeed
32 to the powers and duties of such Director.

1 (6) "Federal Act" means the Federal Surface Mining
2 Control and Reclamation Act of 1977 (Public Law 95-87).

3 (7) "Imminent danger to the health and safety of the
4 public" means the existence of any condition or practice,
5 or any violation of a permit or other requirement of this
6 Act in a mining and reclamation operation, which condition,
7 practice, or violation could reasonably be expected to
8 cause substantial physical harm to persons outside the
9 permit area before such condition, practice, or violation
10 can be abated. A reasonable expectation of death or serious
11 injury before abatement exists if a rational person,
12 subjected to the same conditions or practices giving rise
13 to the peril, would not expose himself to the danger during
14 the time necessary for abatement.

15 (8) (Blank).

16 (9) "Interagency Committee" means the Interagency
17 Committee on Surface Mining Control and Reclamation
18 created by Section 1.05.

19 (9-a) "Lands eligible for re-mining" means those lands
20 that would otherwise be eligible for expenditures under the
21 Abandoned Mined Lands and Water Reclamation Act.

22 (10) "Mining and reclamation operations" means mining
23 operations and all activities necessary and incident to the
24 reclamation of such operations.

25 (11) "Mining operations" means both surface mining
26 operations and underground mining operations.

27 (12) "Operator" means any person engaged in coal
28 mining, and includes political subdivisions, units of
29 local government and instrumentalities of the State of
30 Illinois, and public utilities.

31 (13) "Permit" means a permit or a revised permit to
32 conduct mining operations and reclamation issued by the
33 Department under this Act.

34 (14) "Permit applicant" or "applicant" means a person
35 applying for a permit.

36 (15) "Permit application" or "application" means an

1 application for a permit under this Act.

2 (16) "Permit area" means the land described in the
3 permit.

4 (17) "Permittee" means a person holding a permit.

5 (18) "Permit term" means the period during which the
6 permittee may engage in mining operations under a permit.

7 (19) "Person" means an individual, partnership,
8 copartnership, firm, joint venture, company, corporation,
9 association, joint stock company, trust, estate, political
10 subdivision, or any other public or private legal entity,
11 or their legal representative, agent or assigns.

12 (20) "Reclamation" means conditioning areas affected
13 by mining operations to achieve the purposes of this Act.

14 (21) "Reclamation plan" means a plan described in
15 Section 2.03.

16 (22) "Regulations" means regulations promulgated under
17 the Federal Act.

18 (23) "Section" means a section of this Act.

19 (24) "Surface mining operations" means (A) activities
20 conducted on the surface of lands in connection with a
21 surface coal mine or surface operations. Such activities
22 include excavation for the purpose of obtaining coal
23 including such common methods as contour, strip, auger,
24 mountaintop removal, box cut, open pit, and area mining,
25 coal recovery from coal waste disposal areas, the uses of
26 explosives and blasting, and in situ distillation or
27 retorting, leaching or other chemical or physical
28 processing, and the cleaning, concentrating, or other
29 processing or preparation, loading of coal at or near the
30 mine site; and (B) the areas on which such activities occur
31 or where such activities disturb the natural land surface.
32 Such areas include any adjacent land the use of which is
33 incidental to any such activities, all lands affected by
34 the construction of new roads or the improvement or use of
35 existing roads to gain access to the site of such
36 activities and for haulage, and excavations, workings,

1 impoundments, dams, refuse banks, dumps, stockpiles,
2 overburden piles, spoil banks, culm banks, tailings, holes
3 or depressions, repair areas, storage areas, processing
4 areas, shipping areas and other areas upon which are sited
5 structures, facilities, or other property or materials on
6 the surface, resulting from or incident to such activities.

7 (25) "Toxic conditions" and "toxic materials" mean any
8 conditions and materials that will not support higher forms
9 of plant or animal life in any place in connection with or
10 as a result of the completion of mining operations.

11 (26) "Underground mining operations" means the
12 underground excavation of coal and (A) surface operations
13 incident to the underground extraction of coal, such as
14 construction, use, maintenance, and reclamation of roads,
15 above-ground repair areas, storage areas, processing
16 areas, shipping areas, areas on which are sited support
17 facilities including hoist and ventilation ducts, areas
18 used for the storage and disposal of waste, and areas on
19 which materials incident to underground mining operations
20 are placed, and (B) underground operations incident to
21 underground excavation of coal, such as underground
22 construction, operation, and reclamation of shafts, adits,
23 underground support facilities, in situ processing, and
24 underground mining, hauling, storage, or blasting.

25 (27) "Unwarranted failure to comply" means the failure
26 of a permittee to prevent the occurrence of or to abate any
27 violation of his permit or any requirement of this Act due
28 to indifference, lack of diligence, or lack of reasonable
29 care.

30 (b) The Department shall by rule define other terms used in
31 this Act if necessary or desirable to achieve the purposes of
32 this Act.

33 (Source: P.A. 90-490, eff. 8-17-97; 91-357, eff. 7-29-99.)