



Sen. Kyle McCarter

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09600SB3107sam001

LRB096 16383 ASK 38343 a

1 AMENDMENT TO SENATE BILL 3107

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3107 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Longwall Coal Mining Public Notification Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Illinois Department of Natural  
8 Resources.

9 "Owner or operator" means any person who owns, leases,  
10 controls, or supervises a coal mine in which longwall coal  
11 mining is proposed.

12 "Longwall coal mining" means mining (1) done under  
13 hydraulic roof supports or shields that are advanced as the  
14 seam is cut, (2) in which a cutting head moves back and forth  
15 across a panel of coal, (3) where the cut coal falls onto a  
16 flexible conveyor for removal, and (4) in which the roof in the

1 mined out areas falls as the supports or shields advance.

2 Section 10. Filing notice of intent to conduct longwall  
3 coal mining.

4 (a) An owner or operator shall file a notice of intent to  
5 commence longwall coal mining with the Department prior to  
6 commencing longwall coal mining. The owner or operator shall  
7 file the notice of intent with the Department at least 60  
8 calendar days prior to the anticipated date of commencing with  
9 longwall coal mining. The notice of intent filed with the  
10 Department shall remain valid for one year.

11 (b) The notice of intent shall include the following:

12 (1) the name and address of the owner or operator of  
13 the coal mine;

14 (2) a legal description of the territory where the  
15 owner or operator is proposing to conduct longwall coal  
16 mining;

17 (3) the estimated length of time the longwall coal  
18 mining will last; and

19 (4) the anticipated date of the commencement of  
20 longwall coal mining.

21 (c) The Department shall, within 15 calendar days after  
22 receipt of a notice of intent, notify the owner or operator as  
23 to whether his or her notice of intent is complete or requires  
24 additional information or clarification.

25 (d) If a notice of intent is not filed with the Department

1 that complies with subsection (b) of this Section, as  
2 determined by the Department, prior to the commencing of  
3 longwall coal mining, then the Department shall hold an  
4 administrative hearing, as set out by rule. Upon determination  
5 of a failure to file a notice of intent, the Department shall  
6 impose a civil administrative penalty in an amount no more than  
7 \$1,000 and shall enter an administrative order directing the  
8 owner or operator to file a notice of intent within 10 business  
9 days after receiving the order from the Department.

10 If a notice of intent is not filed with the Department  
11 within 10 business days after the owner or operator receives  
12 the administrative order from the Department, then the  
13 Department shall impose a civil administrative penalty in an  
14 amount no less than \$1,000 and no more than \$2,500 and shall  
15 enter an administrative order prohibiting the operation of the  
16 longwall coal mine until there is full compliance with this  
17 Act. Penalties under this subsection (d) not paid within 60  
18 days of notice from the Department shall be submitted to the  
19 Attorney General's office or an approved private collection  
20 agency.

21 Section 15. Public informational meeting; longwall coal  
22 mining.

23 (a) Within 14 days after receiving a notice of intent to  
24 commence longwall coal mining, the Department shall send a copy  
25 of the notice to the county board of the county in which the

1 longwall coal mining is proposed and shall publish a public  
2 notice in a newspaper of general circulation within the county.  
3 Within 30 days after receiving a copy of the notice from the  
4 Department, the county board may request that the Department  
5 conduct a public informational meeting concerning the proposed  
6 longwall coal mining that is subject to this Act. During this  
7 30 day period, county residents may petition the county board  
8 of the county where the proposed long wall coal mining will  
9 occur to request that the Department conduct a public  
10 informational meeting. If the county board is petitioned by 75  
11 or more of the county's residents who are registered voters,  
12 then the county board shall request that the Department conduct  
13 a public informational meeting.

14 If the county board requests that the Department conduct  
15 the public informational meeting, then the Department shall  
16 conduct the public informational meeting within 30 days after  
17 receiving the county board's request. If the Department  
18 conducts a public informational meeting, then it shall cause  
19 notice of the public informational meeting to be published in a  
20 newspaper of general circulation in the county and in the State  
21 newspaper and shall send a copy of the notice to the county  
22 board. Upon receipt of the notice of a public informational  
23 meeting, the county board shall post the notice on the public  
24 informational board at the county courthouse at least 10 days  
25 before the meeting.

26 The owner or operator who submitted the notice of intent to

1 commence longwall coal mining to the Department shall appear at  
2 the public informational meeting and answer questions offered  
3 by members of the public concerning any subject or issue listed  
4 under subsection (b) of this Section. At the public  
5 informational meeting, the Department shall afford members of  
6 the public an opportunity to ask both the Department and the  
7 owner or operator questions and present oral or written  
8 comments concerning the proposed longwall coal mining.

9 (b) At the public informational meeting, the Department  
10 shall receive evidence, by testimony or otherwise, on the  
11 following subjects or issues:

12 (1) Whether the slope of the territory located above  
13 the proposed longwall coal mining is less than 5 degrees  
14 and whether the proposed longwall coal mining may result in  
15 substantial harm to the territory.

16 (2) Compensation for any subsidence resulting from the  
17 longwall coal mining.

18 (3) Planned placement of roads to be constructed by the  
19 owner or operator.

20 (4) Identified points of entry upon the surface for  
21 mining operations.

22 (5) Planned construction and placement of pits used for  
23 mining operations.

24 (6) Planned restoration of fences to be cut in order to  
25 make entry upon the surface for mining operations.

26 (7) Any potential use of waters on the surface of the

1 lands.

2 (8) Planned removal of trees.

3 (9) Planned surface water drainage changes caused by  
4 mining operations.

5 (10) Mitigation efforts to return the land to its  
6 original productive state.

7 (c) The county board may submit at, or within 30 days  
8 after, the public informational meeting an advisory,  
9 non-binding recommendation to the Department on the proposed  
10 longwall coal mining. The advisory, non-binding recommendation  
11 shall contain, at a minimum, the following:

12 (1) a statement on whether the proposed longwall coal  
13 mining adequately addresses the subjects or issues listed  
14 under subsection (b) of this Section; and

15 (2) a statement containing the information and  
16 criteria used by the county board in determining whether  
17 the proposed longwall coal mining adequately addresses the  
18 subjects and issues listed under subsection (b) of this  
19 Section.

20 (d) If a county board requests a public informational  
21 meeting pursuant to subsection (a) of this Section, then the  
22 longwall coal mining proposed in the notice of intent may not  
23 begin until after the following has occurred:

24 (1) the public informational meeting has been held;

25 (2) the Department has reviewed the county board's  
26 recommendation, if submitted by the county board in

1 compliance with subsection (c) of this Section; and  
2 (3) the owner or operator has been notified by the  
3 Department that all applicable requirements under this Act  
4 and the Surface Coal Mining Land Conservation and  
5 Reclamation Act have been met.".