



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 2/6/2004, by Dale E. Risinger

SYNOPSIS AS INTRODUCED:

225 ILCS 715/5

from Ch. 96 1/2, par. 4506

Amends the Surface-Mined Land Conservation and Reclamation Act. Makes a technical change in a Section concerning an application for a permit.

LRB093 21092 MKM 47137 b

1 AN ACT concerning mining.

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

4 Section 5. The Surface-Mined Land Conservation and
5 Reclamation Act is amended by changing Section 5 as follows:

6 (225 ILCS 715/5) (from Ch. 96 1/2, par. 4506)

7 Sec. 5. Application for permit; bond; fee; permit.

8 (a) Application for a permit shall be made upon a form
9 furnished by the Department, which form shall contain a
10 description of the tract or tracts of land and the estimated
11 number of acres thereof to be affected by surface mining by the
12 applicant to the tenth succeeding June 30, which description
13 shall include the section, township, range, and county in which
14 the land is located and shall otherwise describe the land with
15 sufficient certainty so that it may be located and
16 distinguished from other lands, and a statement that the
17 applicant has the right and power by legal estate owned to mine
18 by surface mining and to reclaim the land so described. The
19 ~~Such~~ application shall be accompanied by: (i) a bond or
20 security meeting the requirements of Section 8 of this Act; and
21 (ii) a fee of \$100 for every acre and fraction of an acre of
22 land to be permitted.

23 (b) An operator desiring to have a permit amended to cover
24 additional land may file an amended application with the
25 Department with such additional fee and bond or security as may
26 be required under the provisions of this Act. Such amendment
27 shall comply with all requirements of this Act.

28 (c) An operator may withdraw any land covered by a permit,
29 excepting affected land, by notifying the Department thereof,
30 in which case the penalty of the bond or security filed by such
31 operator pursuant to the provisions of this Act shall be
32 reduced proportionately.

1 (d) (Blank).

2 (e) Every application, and every amendment to an
3 application, submitted under this Act shall contain the
4 following, except that the Director may waive the requirements
5 of this subsection (e) for amendments if the affected acreage
6 is similar in nature to the acreage stated in the permit to be
7 amended:

8 1. a statement of the ownership of the land and of the
9 minerals to be mined;

10 2. the minerals to be mined;

11 3. the character and composition of the vegetation and
12 wildlife on lands to be affected;

13 4. the current and past uses to which the lands to be
14 affected have been put;

15 5. the current assessed valuation of the lands to be
16 affected and the assessed valuation shown by the two
17 quadrennial assessments next preceding the currently
18 effective assessment;

19 6. the nature, depth and proposed disposition of the
20 overburden;

21 7. the estimated depth to which the mineral deposit
22 will be mined;

23 8. the location of existing roads, and anticipated
24 access and haulage roads planned to be used or constructed
25 in conducting surface mining;

26 9. the technique to be used in surface mining;

27 10. the location and names of all streams, creeks,
28 bodies of water and underground water resources within
29 lands to be affected;

30 11. drainage on and away from the lands to be affected
31 including directional flow of water, natural and
32 artificial drainways and waterways, and streams or
33 tributaries receiving the discharge;

34 12. the location of buildings and utility lines within
35 lands to be affected;

36 13. the results of core drillings of consolidated

1 materials in the overburden when required by the
2 Department, provided that the Department may not require
3 core drillings at the applicant's expense in excess of one
4 core drill for every 25 acres of land to be affected;

5 14. a conservation and reclamation plan and map
6 acceptable to the Department. The operator shall designate
7 which parts of the lands to be affected are proposed to be
8 reclaimed for forest, pasture, crop, horticultural,
9 homesite, recreational, industrial or other uses including
10 food, shelter and ground cover for wildlife and shall show
11 the same by appropriate designation on a reclamation map.
12 The plan shall:

13 (i) provide for timely compliance with all
14 operator duties set forth in Section 6 of this Act by
15 feasible and available means; and

16 (ii) provide for storage of all overburden and
17 refuse.

18 Information respecting the minerals to be mined required by
19 subparagraph (e)2 of this Section, respecting the estimated
20 depth to which the mineral deposit will be mined required by
21 subparagraph (e)7 of this Section, and respecting the results
22 of core drillings required by subparagraph (e)13 of this
23 Section shall be held confidential by the Department upon
24 written request of the applicant.

25 (f) All information required in subsection (e) of this
26 Section, with the exception of that information which is to be
27 held in confidentiality by the Department shall be made
28 available by the operator for public inspection at the county
29 seat of each county containing land to be affected. The county
30 board of each county containing lands to be affected may
31 propose the use for which such lands within its county are to
32 be reclaimed and such proposal shall be considered by the
33 Department, provided that any such proposal must be consistent
34 with all requirements of this Act.

35 Such plan shall be deposited with the county board no less
36 than 60 days prior to any action on the plan by the Department.

1 All actions by the county board pursuant to this Section must
2 be taken within 45 days of receiving the plan.

3 If requested by a county board of a county to be affected
4 under a proposed permit, a public hearing to be conducted by
5 the Department shall be held in such county on the permit
6 applicant's proposed reclamation plan. By rules and
7 regulations the Department shall establish hearing dates which
8 provide county boards reasonable time in which to have reviewed
9 the proposed plans and the procedural rules for the calling and
10 conducting of the public hearing. Such procedural rules shall
11 include provisions for reasonable notice to all parties,
12 including the applicant, and reasonable opportunity for all
13 parties to respond by oral or written testimony, or both, to
14 statements and objections made at the public hearing. County
15 boards and the public shall present their recommendations at
16 these hearings. A complete record of the hearings and all
17 testimony shall be made by the Department and recorded
18 stenographically.

19 (g) The Department shall approve a conservation and
20 reclamation plan if the plan complies with this Act and
21 completion of the plan will in fact achieve every duty of the
22 operator required by this Act. The Department's approval of a
23 plan shall be based upon the advice of technically trained
24 foresters, agronomists, economists, engineers, planners and
25 other relevant experts having experience in reclaiming
26 surface-mined lands, and having scientific or technical
27 knowledge based upon research into reclaiming and utilizing
28 surface-mined lands. The Department shall consider all
29 testimony presented at the public hearings as provided in
30 subsection (f) of this Section. In cases where no public
31 hearing is held on a proposed plan, the Department shall
32 consider written testimony from county boards when submitted no
33 later than 45 days following filing of the proposed plan with
34 the county board. The Department shall immediately serve copies
35 of such written testimony on the applicant and give the
36 applicant a reasonable opportunity to respond by written

1 testimony. The Department shall consider the short and long
2 term impact of the proposed mining on vegetation, wildlife,
3 fish, land use, land values, local tax base, the economy of the
4 region and the State, employment opportunities, air pollution,
5 water pollution, soil contamination, noise pollution and
6 drainage. The Department may consider feasible alternative
7 uses for which reclamation might prepare the land to be
8 affected and may analyze the relative costs and effects of such
9 alternatives. Whenever the Department does not approve the
10 operator's plan, and whenever the plan approved by the
11 Department does not conform to the views of the county board
12 expressed in accordance with subsection (f) of this Section,
13 the Department shall issue a statement of its reasons for its
14 determination and shall make such statement public. The
15 approved plan shall be filed by the applicant with the clerk of
16 each county containing lands to be affected and such plan shall
17 be available for public inspection at the office of the clerk
18 until reclamation is completed and the bond is released in
19 accordance with the provisions of the Act.

20 (h) Upon receipt of a bond or security, all fees due from
21 the operator, and approval of the conservation and reclamation
22 plan by the Department, the Department shall issue a permit to
23 the applicant which shall entitle him to engage thereafter in
24 surface mining on the land therein described until the tenth
25 succeeding June 30, the period for which such permits are
26 issued being hereafter referred to as the "permit period".

27 (i) The operator may transfer any existing permit to a
28 second operator, after first notifying the Department of the
29 intent to transfer said permit. The Department shall transfer
30 any existing permit to a second party upon written notification
31 from both parties and the posting of an adequate performance
32 bond by the new permittee.

33 (Source: P.A. 91-357, eff. 7-29-99; 91-938, eff. 1-11-01.)