

TITLE 62: MINING  
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
 PART 1762  
 CRITERIA FOR DESIGNATING AREAS AS UNSUITABLE FOR  
 SURFACE COAL MINING OPERATIONS

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AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 16436; amended at 11 Ill. Reg. 8031, effective July 1, 1987; amended at 27 Ill. Reg. 4646, effective February 26, 2003; amended at 29 Ill. Reg. 8345, effective May 27, 2005.

**Section 1762.1 Scope**

This Part establishes the minimum criteria to be used in determining whether lands should be designated as unsuitable for all or certain types of surface coal mining operations.

(Source: Amended at 6 Ill. Reg. 1, effective June 1, 1982)

**Section 1762.11 Criteria for Designating Lands as Unsuitable**

- a) Upon petition, an area shall be designated as unsuitable for all or certain types of surface coal mining operations, if the Department determines that reclamation is not technologically and economically feasible under the Surface Coal Mining and Conservation and Reclamation Act (the State Act), and these regulations.
- b) Upon petition, an area may be (but is not required to be) designated as unsuitable for certain types of surface coal mining operations, if the operations will:
  - 1) Be incompatible with existing State or local land use plans or programs;

- 2) Affect fragile or historic lands in which the operations could result in significant damage to important historic, cultural, scientific, or esthetic values or natural systems;
- 3) Affect renewable resource lands in which the operations could result in a substantial loss or reduction of long-range productivity of water supply, or of food or fiber products; or
- 4) Affect natural hazard lands in which the operations could substantially endanger life and property, such lands to include areas subject to frequent flooding and areas of unstable geology.

(Source: Amended at 6 Ill. Reg. 1, effective June 1, 1982)

### **Section 1762.13 Land Exempt From Designation as Unsuitable for Surface Coal Mining Operations**

The requirements of this Part do not apply to:

- a) Lands on which surface coal mining operations were being conducted on the date of enactment;
- b) Lands covered by a permit issued under the Act; or
- c) Lands where substantial legal and financial commitments in surface coal mining operations were in existence prior to January 4, 1977.

### **Section 1762.14 Applicability to Lands Designated as Unsuitable by Congress**

If the Department determines that the proposed surface coal mining operation is not prohibited under Section 7.01 of the State Act and 62 Ill. Adm. Code 1761.11, it may nevertheless, pursuant to appropriate petitions, designate such lands as unsuitable for all or certain types of surface coal mining operations pursuant to 62 Ill. Adm. Code 1762 or 1764.

(Source: Amended at 27 Ill. Reg. 4646, effective February 26, 2003)

### **Section 1762.15 Exploration on Lands Designated as Unsuitable for Surface Coal Mining Operations**

Designation of any area as unsuitable for all or certain types of surface coal mining operations pursuant to Section 7.02(a), (b) and (c) of the State Act and 62 Ill. Adm. Code 1761 through 1764 does not prohibit coal exploration operations in the area, if conducted in accordance with

the State Act and 62 Ill. Adm. Code 1700 through 1850 and other applicable requirements. Exploration operations on any lands designated unsuitable for surface coal mining operations must be approved by the Department under 62 Ill. Adm. Code 1772 to insure that exploration does not interfere with any value for which the area has been designated unsuitable for surface coal mining.

(Source: Amended at 29 Ill. Reg. 8345, effective May 27, 2005)