

**TITLE 62: MINING**  
**CHAPTER I: DEPARTMENT OF NATURAL RESOURCES**

**PART 1779**  
**SURFACE MINING PERMIT APPLICATIONS - MINIMUM REQUIREMENTS**  
**FOR INFORMATION ON ENVIRONMENTAL RESOURCES**

Section	
1779.4	Responsibilities
1779.5	Use of Existing Data
1779.6	Use of Expert Opinion
1779.7	Seasonal Water Quality Data (Repealed)
1779.11	General Requirements
1779.12	General Environmental Resources Information
1779.13	Description of Hydrology and Geology: General Requirements (Repealed)
1779.14	Geology Description (Repealed)
1779.15	Ground Water Information (Repealed)
1779.16	Surface Water Information (Repealed)
1779.17	Alternative Water Supply Information (Repealed)
1779.19	Vegetation Information
1779.20	Fish and Wildlife Resources Information (Repealed)
1779.21	Soil Resources Information
1779.22	Land Use Information (Repealed)
1779.24	Maps: General Requirements
1779.25	Cross Sections, Maps and Plans
1779.27	Prime Farmland Investigation (Repealed)

**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. 10013; amended at 11 Ill. Reg. 8585, effective July 1, 1987; amended at 14 Ill. Reg. 11924, effective January 1, 1991; amended at 17 Ill. Reg. 11118, effective July 1, 1993; amended at 20 Ill. Reg. 2146, effective January 19, 1996; recodified from the Department of Mines and Minerals to the Department of Natural Resources at 22 Ill. Reg. 7712.

**Section 1779.4            Responsibilities**

- a) It is the responsibility of the permit applicant to provide, except where specifically exempted in this Part, all information required by this Part in the application.

- b) It is the responsibility of State and Federal government agencies to provide information for applications as specifically required by this Part.

#### **Section 1779.5 Use of Existing Data**

Permit applicants may comply with the requirements of 62 Ill. Adm. Code 1778, 1779, 1780, 1783, 1784 by reliance upon accurate data already in the possession of the applicant or the Illinois Department of Natural Resources (Department), through incorporating such data by reference into permit applications, provided that the incorporated information is made publicly available under Article II of the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1985, ch. 96 1/2, pars. 7902.01 - 7902.11) (State Act), and 62 Ill. Adm. Code 1773.

(Source: Amended at 11 Ill. Reg. 8585, effective July 1, 1987)

#### **Section 1779.6 Use of Expert Opinion**

Permit applicants may comply with 62 Ill. Adm. Code 1778, 1779, 1780, 1783 and 1784 by providing accurate descriptive and predictive information relating to geology, water quantity for a particular permit area, based upon expert opinion extrapolation from known data on the geology, water quality and quantity of similar areas, rather than by the collection of new data for the particular site, provided that the data used by an expert are included within the permit application, the expert opinion is approved by the Department, and made available to the public for review and inspection.

(Source: Amended at 11 Ill. Reg. 8585, effective July 1, 1987)

#### **Section 1779.7 Seasonal Water Quality Data (Repealed)**

(Source: Repealed at 11 Ill. Reg. 8585, effective July 1, 1987)

#### **Section 1779.11 General Requirements**

Each permit application shall include a description of the existing, premining environmental resources within the proposed permit area and adjacent areas that may be affected or impacted by the proposed surface mining activities.

#### **Section 1779.12 General Environmental Resources Information**

Each application shall describe and identify:

- a) The lands subject to surface coal mining operations over the estimated life of those operations and the size, sequence, and timing of the subareas for which it is anticipated that individual permits for mining will be sought; and the nature of cultural, archeological and historic resources listed or eligible for listing on the National Register of Historic Places in accordance with the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.) and known archeological features within the proposed permit and adjacent areas. The description shall be based on all available information, including, but not limited to, data of State and local archeological, historical, and cultural preservation agencies.
- b) If the information provided pursuant to subsection (a) is not adequate to enable the Department to make the finding required in 62 Ill. Adm. Code 1773.15(c)(12) because information available to the Department indicates a substantial likelihood of currently unknown resources which would be eligible for the National Register of Historic Places within the proposed permit or adjacent areas, the Department shall require the applicant to submit additional information to enable the Department to identify and evaluate such resources. Indications of cultural, archeological, and historical resources shall be based upon such factors including, but not limited to, topographic and physiographic characteristics and other cultural, archeological, and historical resource data for the proposed permit or adjacent areas. An applicant shall be required to conduct field investigations under this subsection as determined necessary by the Department in consultation with the Illinois State Historic Preservation Agency, if such field investigation will provide the information required by subsection (a). A field investigation is a pedestrian archeological survey supplemented by shovel testing, where appropriate.

(Source: Amended at 14 Ill. Reg. 11924, effective January 1, 1991)

**Section 1779.13 Description of Hydrology and Geology: General Requirements (Repealed)**

(Source: Repealed at 11 Ill. Reg. 8585, effective July 1, 1987)

**Section 1779.14 Geology Description (Repealed)**

(Source: Repealed at 11 Ill. Reg. 8585, effective July 1, 1987)

**Section 1779.15 Ground Water Information (Repealed)**

(Source: Repealed at 11 Ill. Reg. 8585, effective July 1, 1987)

**Section 1779.16 Surface Water Information (Repealed)**

(Source: Repealed at 11 Ill. Reg. 8585, effective July 1, 1987)

**Section 1779.17 Alternative Water Supply Information (Repealed)**

(Source: Repealed at 11 Ill. Reg. 8585, effective July 1, 1987)

**Section 1779.19 Vegetation Information**

- a) The permit application shall contain a map that delineates existing vegetative types and a description of the plant communities within the proposed permit area and within any proposed reference area. This description shall include information adequate to predict the potential for reestablishing vegetation.
- b) When a map or aerial photograph is required sufficient adjacent areas shall be included to allow evaluation of vegetation as important habitat for fish and wildlife for those species of fish and wildlife identified under 62 Ill. Adm. Code 1780.16.

(Source: Amended at 17 Ill. Reg. 11031, effective July 1, 1993)

**Section 1779.20 Fish and Wildlife Resources Information (Repealed)**

(Source: Repealed at 14 Ill. Reg. 11924, effective January 1, 1991)

**Section 1779.21 Soil Resources Information**

- a) The applicant shall provide adequate soil survey information for the permit area consisting of the following:
  - 1) A map delineating different soils;
  - 2) Soil identification;
  - 3) Soil description including topsoil (A Horizon) thickness and sample location; and
  - 4) Present and potential productivity of existing soils.

- b) Where the applicant proposes to use selected overburden materials as a supplement or substitute for topsoil, the application shall provide results of the analyses, trials, and tests required under 62 Ill. Adm. Code 1816.22.

(Source: Amended at 11 Ill. Reg. 8585, effective July 1, 1987)

**Section 1779.22 Land Use Information (Repealed)**

(Source: Repealed at 20 Ill. Reg. 2146, effective January 19, 1996)

**Section 1779.24 Maps: General Requirements**

The permit application shall include maps showing:

- a) All boundaries of lands and names of present owners of record of those lands, both surface and subsurface, included in or contiguous to the permit area;
- b) The boundaries of land within the proposed permit area upon which the applicant has the legal right to enter and begin surface mining activities;
- c) The boundaries of all areas proposed to be affected over the estimated total life of the proposed surface mining activities, with a description of size, sequence, and timing of the subareas for which it is anticipated that additional permits will be sought;
- d) The location of all buildings on and within one thousand (1,000) feet of the proposed permit area, with identification of the current use of the buildings;
- e) The location of surface and subsurface man-made features within, passing through, or passing over the proposed permit area, including, but not limited to major electric transmission lines, pipelines, and agricultural drainage tile fields;
- f) The location and boundaries of any proposed reference areas for determining the success of revegetation;
- g) The locations of water supply intakes for current users of surface water flowing into, out of, and within a hydrologic area defined by the Department, and those surface waters which will receive discharges from affected areas in the proposed permit area;
- h) Each public road located in or within one hundred (100) feet of the proposed permit area;

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- i) The boundaries of any public park and locations of any cultural or historical resources listed or eligible for listing in the National Register of Historic Places and known archeological sites within the permit and adjacent areas.
  - j) Each public or private cemetery located in or within one hundred (100) feet of the proposed permit area;
  - k) Any land within the proposed permit area which is within the boundaries of any units of the National System of Trails or the Wild and Scenic Rivers System, including rivers under study for inclusion in the Wild and Scenic Rivers System; and
  - l) Other relevant information required by the Department.

(Source: Amended at 11 Ill. Reg. 8585, effective July 1, 1987)

**Section 1779.25      Cross Sections, Maps and Plans**

- a) The application shall include cross sections, maps, and plans showing:
  - 1) Elevations and locations of test borings and core samplings;
  - 2) Elevations and locations of monitoring stations used to gather data for water quality and quantity, fish and wildlife, and air quality, if required, in preparation of the application;
  - 3) Nature, depth, and thickness of the coal seams to be mined, any coal or rider seams above the seam to be mined, each stratum of the overburden, and the stratum immediately below the lowest coal seam to be mined;
  - 4) All coal crop lines and the strike and dip of the coal to be mined within the proposed permit area;
  - 5) Location and extent of known workings of active, inactive, or abandoned underground mines, including mine openings to the surface within the proposed permit and adjacent areas;
  - 6) Location and extent of subsurface water, if encountered, within the proposed permit or adjacent areas;

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- 7) Location of surface water bodies such as streams, lakes, ponds, springs, constructed or natural drains, and irrigation ditches within the proposed permit and adjacent areas;
  - 8) Location and extent of existing or previously surface-mined areas within the proposed permit area;
  - 9) Location, and dimensions of existing areas of spoil, waste, and noncoal waste disposal, dams, embankments, other impoundments, and water treatment and air pollution control facilities within the proposed permit area;
  - 10) Location, and depth if available, of gas and oil wells within the proposed permit area and water wells in the permit area and adjacent area;
- b) Maps, plans, and cross-sections included in a permit application which are required by this Section shall be prepared by, or under the direction of, and sealed by a qualified registered professional engineer licensed under the Professional Engineering Practice Act of 1989 [225 ILCS 325] or a registered professional land surveyor licensed under the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330] with assistance from experts in related fields such as geology and landscape architecture and shall be updated as required by the Department.

(Source: Amended at 20 Ill. Reg. 2146, effective January 19, 1996)

**Section 1779.27 Prime Farmland Investigation (Repealed)**

(Source: Repealed at 11 Ill. Reg. 8585, effective July 1, 1987)