STATE OF ILLINOIS

DEPARTMENT OF MINES AND MINERALS

LAND RECLAMATION DIVISION

BRAD EVILSIZER
Director

227 SOUTH 7TH ST. — RM. 204
SPRINGFIELD, ILLINOIS 62706
TELEPHONE: (217) 782-4970

LAND RECLAMATION DIVISION MEMORANDUM NO. 83-7

TO: Recipients of Illinois Rules and Regulations
The Surface Coal Mining Land Conservation & Reclamation Act

FROM: Douglas Downing, Supervisor
Land Reclamation Division

DATE: August 12, 1983

RE: Proposed Amendments, Sections 1786.19(h)
Illinois State Program Rules and Regulations

On June 16, 1983, the Office of Surface Mining published a notice in the Federal Register imposing a new condition on the Illinois Permanent Regulatory Program. The condition requires Illinois to amend its Rule 1786.19(h) to specifically provide that fees required by Section 402 of the Federal Surface Mining Control and Reclamation Act must be paid prior to issuance of a permit.

A public hearing will be held on the proposed change required by the newly imposed program condition on September 21, 1983, at 11:00 a.m. in Room D-1 of the Stratton Building, Springfield, Illinois. Written comments should be submitted to the Department no later than September 23, 1983, at the following address:

Illinois Department of Mines and Minerals
Land Reclamation Division
227 South 7th, Room 204
Springfield, Illinois 62706

A copy of the Notice of Proposed Rulemaking is enclosed.

[illegible]
[illegible] DISTRICT OFFICE

[illegible] 1983

DEPT. OF MINES AND MINERALS
LAND RECLAMATION DIV.

Illinois Department of Mines and Minerals

NOTICE OF PROPOSED RULEMAKING

Agency: Illinois Department of Mines and Minerals

Title or Name of Rule(s) and Proposed Action: Surface Coal Mining Land Conservation and Reclamation Act, State Program Rules and Regulations; Amendment to Section 1786.19(h).

Summary and Purpose of Proposed Rulemaking: The Department of Mines and Minerals is proposing to amend its rules in accordance with a new condition imposed on its permanent regulatory program by the Office of Surface Mining, U. S. Department of Interior. The condition, published in the June 16, 1983 Federal Register (48FR27550), requires that language be added to Illinois Rule 1786.19(h) making it no less effective than the provisions of 30 CFR 786.19(h).

Illinois received notification of this new condition on June 13, 1983. Illinois is required to submit a proposed amendment or a description of an amendment to be proposed to the Secretary of Interior no later than 60 days after receipt of notification of this new condition.

The rule as amended will make it clear that the State will deny permit applications and permit revision applications unless the applicant has submitted proof that all Federal reclamation fees required under 30 CFR Subchapter R have been paid. Although the current Illinois rule does not specifically state this, it has been the Illinois' policy that prior to the issuance of any permit, proof that these fees have been paid must have been submitted to the Department.

Will this Proposed Rulemaking Replace an Emergency Rule Currently in Effect? No.

Statement of Statewide Policy Objectives (if applicable): N/A

Submission of Comments: All comments must indicate the identify and address of the commenter. A brief description of the commenter's interest is helpful. Comments must specify the regulatory paragraph to which they are directed. If possible, please submit two copies of your comments and begin comments on each specific regulatory paragraph on a separate sheet of 8-1/2 x 11 inch paper. Comments should be sent to:

Permanent Program Regulation Comment Docket
Illinois Department of Mines and Minerals
Land Reclamation Division
227 South 7th Street, Room 204
Springfield, Illinois 62706

Submittals may include data, views, arguments and other comments relevant to the proposal. All comments are due in Springfield at the above address no later than 5:00 p.m. on September 23, 1983. Comments received thereafter may not be considered in this rulemaking. Persons desiring the opportunity to present oral testimony and data, views, arguments or other comment may do so at a public hearing on September 21, 1983. Comments in written form may also be presented at these hearings. A public hearing will be held in Springfield on September 21, 1983, at 11:00 a.m. in Room D-1 of the Stratton Office Building, 401 S. Spring Street. Persons wishing to comment at the hearings should register in advance, by notifying the Department by mail received before the day of the hearing at the above mailing address in Springfield, or by telephone (217-782-4970: Mary Jo Murray). Commenters may also register at the hearing. The hearing is subject to adjournment when no person is present who has not commented or had the opportunity to do so. Questions about the hearing may be telephoned to the Department. Everyone is encouraged to submit his comments in advance of the September 21, 1983, hearing, to better enable questioning and understanding by the Department.

The Department reserves the right to limit the time for each commenter to make oral comments to 15 minutes, and to continue the hearing upon notice posted or given at the hearing. The right to cross-examine witnesses will be granted to interested persons if requested, as provided by law. All written comments received by September 23, 1983, and all oral comments made at the hearings, will be reviewed and considered fully by the Department.

Initial Regulatory Flexibility Analysis: N/A

The full text of the Proposed Amendment is as follows:

Illinois Department of Mines and Minerals

TEXT OF PROPOSED AMENDMENT

§1786.19 Criteria for permit approval or denial.

No permit or revision application shall be approved, unless the application affirmatively demonstrates and the Department finds in writing, on the basis of information set forth in the application or from information otherwise available, which is documented in the approval and made available to the applicant, that -

* * *

(h) The applicant has submitted proof that all fees required by these regulations and 30 CFR Chapter VII, Subchapter R have been paid.