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LAND RECLAMATION DIVISION MEMORANDUM NO. 90-10

TO: ALL SURFACE AND UNDERGROUND MINE COAL OPERATORS

FROM: Paul J. Ehret, Supervisor
Land Reclamation Division

DATE: November 14, 1990

RE: Bond Release Newspaper Advertisement Certifications

On July 5, 1989 the Division mailed LRD Memorandum No. 89-9 concerning Permanent Program Bond Release Requests to all coal mine operators. The memorandum contained the following statements:

> The applicant must also submit the certificate of publication for the bond release within 30 days of filing (receipt of the required copies in Springfield Office). This results in a very tight schedule for submission of all copies of the release request and receiving the certificate of publication.

The Division had come to this conclusion because of the requirement of 62 Ill. Adm. Code 1800.40(a)(2) that "within thirty (30) days after an application for bond release has been filed with the Department, the operator shall submit a copy of an advertisement placed ... in a newspaper of general circulation...."

After further review, it has now been determined that submission of a copy of the news ad as part of the bond release application meets the requirements of 62 Ill. Adm. Code 1800.40(a)(2).

In order to verify that the news ad has been run the required number of times and with the same wording as proposed in the application, the Division will require the certification of publication be submitted to the Division within forty five (45) days of the filing of the application. This should eliminate the possibility of the applicant not getting the certification submitted on time.

The Division will require that the first publication of the news ad take place within five (5) calendar days of the filing of the application with the Division. This is required so the time frames for review of the application by the Division and the time frame for requests for a public hearing will nearly coincide.

In summary:

1. The certification of publication shall be submitted within forty five (45) days of the filing of the application at the Division's Springfield Office, and

2. The first publication of the news ad shall take place in a newspaper of general circulation in the locality of the coal mining operation within five (5) calendar days of the filing of the application at the Division's Springfield Office.

If you should have any questions concerning bond release applications please contact Donald Pflederer at our Springfield Office.

(a) Grading Release. The area to be released is to be outlined in orange with a Sanford Sharpie felt tip marker.

(b) Vegetation Releases. The area to be release is to be outlined with a solid blue line by a ballpoint pen.

(c) ADJ Releases of Reaffected Bonded acreage. All ADJ release acreage will be outlined with a broken blue line by a ballpoint pen.

The following shall be written on the Master Photo inside the released area where possible for each release:

Date of the release.
Permit number.
Number of acres released by reclamation standard or vegetation type.

(5) Incorporation of information into the Division recordkeeping system at the completion of the bond release procedures.

The following are to be sent as a package to the Springfield office for inclusion into the Division recordkeeping system. Copy of each is to be retained by the field inspector:

Bond Release Application (original signature).
Bond Release Report.
MLCR-7
A copy of the book entry.

4. The Surface Coal Mining Land Conservation and Reclamation Act (SCMLCRA), The Permanent Program, Law IV. Effective dates of the SCMLCRA are from February 1, 1983 to present.

a. Bond Release Application Processing Time Restraints (see Time Line - Figure IV-B-9).

Operator may submit the bond release application to Department for completeness review. There is no time limit on completion of completeness review. If operator chooses to submit application for completeness review, three copies should be submitted, one for inspector, one for Springfield and one for OSM.

The Permanent Program Bond Release Checklist (Figure IV-B-10) can be used to assist inspector in completeness and application review.

Inspector drafts letter telling operator application is

complete with indicated minor changes, if necessary, or letter telling operator application is incomplete outlining deficiencies (Figure IV-B-11 and Figure IV-B-12).

*1st Day - Required copies of Bond Release Application filed with Department. Start of review process.

A copy of Bond Release Application is forwarded to the Interagency Committee (Figure IV-B-13).

Notice of receipt of Bond Release Application is sent by Department to the municipality nearest the mine and the county board by certified mail. The county board is also sent a copy of the application (Figure IV-B-14). This fulfills the requirements of 1800.40(e).

2nd Day - Though not required, last day for operator to place newspaper ad in order for inspection and hearing request deadlines to nearly coincide.

30th Day - Copy of newspaper ad is required to be filed with the Department within 30 days after receipt of the release application. Submission of the copy of newspaper ad with the Bond Release Application meets this requirement.

Inspection of site is to be completed within 30 days of filing of application, weather permitting. "Landowners" (see 1800.40(b)(1)) must be notified of their right to accompany inspector on inspection (Figure IV-B-15).

45th Day - By policy, the Department requires that certification of newspaper ad publication be sent to the Department within 45 days of the filing of the Bond Release Application.

Last day to file objections to the release or request a hearing is 30 days after last newspaper ad is published. If hearing is requested, go to Hearing Requested section below.

60th Day - Department's decision (Figure IV-B-16) on the bond release application is due 60 days after the filing date of the complete application or 30 days from the close of the hearing. Permittee, surety, county and nearest municipality are notified of decision by certified mail (Figure IV-B-17). A copy of the decision is forwarded to the Interagency Committee (Figure IV-B-18).

95th Day -Permittee and any affected person have 35 days after date of decision to request judical review. Bond may be released after this date if no judical review is requested.