**Section 404.101 Construction and Operating Permits: State Permits**

a) Except as provided in 35 Ill. Adm. Code 404.102 and 404.103, a person must obtain:

1) A construction permit before preparing land for mining activities or constructing a mine related facility that could generate refuse, result in a discharge, or potentially cause water pollution; and

2) An operating permit before carrying out mining activities.

b) The Agency may issue joint construction and operating permits. Whether a State permit is construction, operating, or joint must be determined from the document's language. The permit title is not determinative.

(Source: Amended at 43 Ill. Reg. 11597, effective September 25, 2019)