**Section 405.109 Abandonment Plan**

a) A State or NPDES permit must include, as a condition, an abandonment plan.

b) An abandonment plan must be incorporated into the permit by reference if it:

1) Contains a time schedule for executing and completing the plan within a reasonable time after abandonment considering any potential adverse environmental impact pending the plan's completion and the amount of time necessary to complete all steps within it. One year is assumed to be a reasonable time unless the operator demonstrates that a longer time is reasonable; and

2) Shows that the mine related facilities and mining activities will be abandoned without violating the Act or Subtitle D.

c) If the abandonment plan does not meet subsection (b) requirements, the Agency may either deny the permit or issue it with a modified abandonment plan.

d) The time limit under subsection (b)(1) is inapplicable to abandonment plans for surface coal mines that are approved as reclamation plans under the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

e) Any abandonment plan constituting a substantial change from the permitted abandonment plan is a revised abandonment plan.

f) A permittee must apply for a new, modified, or supplemental NPDES or State permit before implementing a revised abandonment plan within the time limits of 35 Ill. Adm. Code 403.104(c).

(Source: Amended at 43 Ill. Reg. 11606, effective September 25, 2019)