**Section 240.1305 Permit Requirements in Mine Areas**

a) Requirements for Areas of Mining Activity

When the location of a well to be drilled for oil or gas, or any purpose in connection with that drilling, will penetrate an active mine or through the mined out and inaccessible or sealed off area of an active mine, or will penetrate those areas in a temporarily abandoned mine, or the undeveloped limits of any such mine property, as included in the shadow areas set forth in an approved mining permit, a drilling permit shall not be issued by the Mining Board until an agreement is reached between the owner of the proposed well and the mine owner, or in the event of failure to reach an agreement, a permit will not be issued until a hearing is held as provided in this Section.

1) Agreement with Mine Owner

A copy of the agreement, jointly signed by the applicant for a permit and the mine owner, agreeing to the drilling of the well and the proposed location shall be filed with the application and accompanied by a map or sketch showing the well location, its relation to shafts and mine buildings and to each coal seam and mine workings underlying applicant's lease. As an alternative, a statement from the mine owner that the location is over the undeveloped limits of the mine shall be filed.

2) Requirements in Absence of Agreement

A) In the absence of the agreement or statement outlined in subsection (a)(1), the applicant shall file with the application for permit a map or sketch showing the well location, its relation to shafts and mine buildings, if any, and its relation to the mine workings underlying applicant's lease, with a sworn statement that a true and exact copy of application and accompanying exhibits were either: mailed postage prepaid by United States registered mail to the coal company or its authorized agent; or sent to the company or its authorized agent by national courier service; or personally delivered to the company or its authorized agent.

B) If, within 10 days after the receipt of the application for permit by the Mining Board, no written objections are filed, the Mining Board shall issue or deny the permit.

C) Upon the filing of objections to the issuance of the permit, the Mining Board shall promptly set the matter for hearing and decisions.

b) Requirements for Areas with Presence of Workable Coal

In inactive mining areas where the existence of workable coal is known and the coal rights are owned by someone other than the lessor under an oil and gas lease, the applicant for a permit to drill a well for oil and gas or to drill any well in connection with the production of oil and gas shall notify the owner of the workable coal either United States Post Office registered mail, return receipt requested, national courier service; or personal delivery. The notice shall show the exact location of the proposed test and the approximate depth of the formation to be tested. The applicant shall provide the Mining Board with a copy of the notice attached to the application for permit, with the evidence of delivery to the owner of the workable coal or a sworn statement that the applicant has the evidence of delivery in the applicant's possession, giving the names and addresses of the owners of the coal rights and date of delivery of the notice.

1) Notice to Owner of the Workable Coal

No permit shall be issued to the applicant until 10 days after receipt of the registered notice by the owner of the workable coal.

2) Maps Available at Well Site

During the drilling of a well, the permittee shall keep at the well site for use of the Mining Board and its representatives an exact copy of the maps and sketches that accompanied the permit application.

(Source: Amended at 48 Ill. Reg. 5734, effective March 27, 2024)