**Section 280.30 Existing Surface Mines**

a) Permits

1) The Section 4 permits of all existing surface mines are hereby deemed to incorporate Section 17 conditions. The additional terms and requirements of such permits are that holders shall comply with Section 502(c) and 522(e) of the Federal Act, with the Federal Regulations and with these Regulations. Section 4 permits with Section 17 conditions include all structures or facilities used in connection with, or to facilitate mining where such structures or facilities are located within the boundaries of a Section 4 permit.

2) Where structures or facilities used in connection with, or to facilitate mining, are not included in a present surface mining permit, a permittee must file an application on a form designated by the Authority no later than February 28, 1979, or such further time as allowed in writing by the Authority.

b) Actions Required of Existing Surface Mines. In addition to other requirements which are applicable by their terms, all permittees of existing surface mines shall request the following determinations pursuant to the Federal Regulations, and obtain approval from the Authority before commencing or performing any of the acts indicated in the respective sections of the Federal Regulations referenced below.

1) Structures or Facilities. All structures or facilities used in connection with, or to facilitate mining must comply with the performance standards contained in the regulations unless otherwise exempted by the Authority. Exemptions granted on a case by case basis pursuant to written request where it is shown that granting the exemption will have no adverse impact on health, safety or the environment.

2) Signs and Markers, 30 CFR 715.12(c). Permittees shall obtain approval for means of perimeter marking other than clear, durable and easily recognized markers prior to use.

3) Alternative Post-Mining Land Use, 30 CFR 715.13(d). All reclamation plans approved prior to May 3, 1978, remain in full force and effect and are deemed to have been issued in compliance with 30 CFR 715.13(d). Owners and operators shall obtain approval of changes in previously approved post-mining land use. If a reclamation plan revision is proposed, an application for amendment pursuant to Illinois law must be made and county review afforded in conjunction with determination under 30 CFR 715.13(d).

4) Final Graded Slope Measurements, 30 CFR 715.14(a). Permittees shall obtain approval of pre-mining slope measurements prior to mining, of final graded slope measurement prior to final slope completion, and of final grade.

5) Final Graded Slope Variations and Terracing, 30 CFR 715.14(b). Permittees shall obtain approval prior to regrading or terracing.

6) Small Depressions, 30 CFR 715.14(d). Approval of the use of small depressions shall be obtained by the permittee prior to use.

7) Thin Overburden, 30 CFR 715.14(f) and (g). If thin overburden exists, permittees shall obtain approval for transport, backfill and grade plans prior to first transport.

8) Stabilizing Rills and Gullies, 30 CFR 715.14(i). If significant additional erosion and sedimentation occurs or threatens to occur, or if the approved post-mining land use will be adversly disrupted, permittees shall obtain advance approval of rill and gully correction measures to be used.

9) Use of Waste Material and Backfilling, 30 CFR 715.14(j). If waste materials are causing or threatening to cause the formation of acids, toxic materials, combustible materials or upward migration of salts, permittees shall request an immediate determination of the adequacy of cover from the Regulatory Authority. Permittees shall request approval of stabilization techniques and use of waste materials as fill in advance, if not already specified in Section 4 permits.

10) Disposal of Surplus Spoil, 30 CFR 715.15. Permittees shall obtain approval prior to disposal of surplus spoil.

11) Topsoil Handling and Supplemental Material. Topsoil shall be handled in a manner consistent with the topsoil handling requirements of 30 CFR 715.16 on all lands mined after May 3, 1978. Requests under 30 CFR 715.16(a)(4) for use of selected overburden material shall be approved prior to use.

12) Topsoil Storage, 30 CFR 715.16(c). No topsoil shall be stockpiled without prior approval of the Regulatory Authority. Requests to move stockpiled topsoil prior to redistribution shall be obtained in advance.

13) Exemption from Use of Sedimentation Ponds. All permittees must comply with 30 CFR 715.17(a), unless an exemption for the use of sediment ponds is requested and obtained from the Regulatory Authority.

14) Approval of Surface Water Monitoring Program, 30 CFR 715.15(b)(1). All permittees must have a surface water monitoring program approved and on file with the Authority.

15) Stream Channel Diversions, 30 CFR 715.17(d). All permittees must submit a permit amendment application at least 120 days prior to desired use, if not already approved in a Section 4 permit.

16) Mining Through a Perennial or Intermittent Stream, 30 CFR 715.17(d)(3). Permittees shall obtain approval prior to such mining.

17) Sedimentation Pond Storage Volume and Control Technology, 30 CFR 715.17(e) and 715.17(e)(2). Permittees shall obtain approval prior to use of alternative storage volume and control technology. If a permit amendment is required, submittal of an application at least 120 days before desired approval is required.

18) Acid and Toxic Materials, 30 CFR 715.17(g) and 715.14(j). Permittees shall identify to the Regulatory Authority materials that will be toxic to vegetation or that will adversely affect water quality if not treated or buried, if treatment or burial not in conformity with 30 CFR 715.14(j) is desired.

19) Monitoring Groundwater, 30 CFR 715.17(h)(3). All permittees must have a groundwater monitoring program approved and on file with the Authority.

20) Permanent Water Impoundments, 30 CFR 715.17(k). Permittees must submit a permit amendment application at least 120 days prior to desired approval unless permanent water impoundments are already approved in an existing permit.

21) Temporary Fords Across Dry Streams, 30 CFR 715.17(1)(2). Permittees must obtain approval prior to construction of temporary fords.

22) Permission to Leave Dams or Avoid Regrading, Revegetation and Stabilization, 30 CFR 715.17(b)(8). Unless already approved by permit, permittees must submit a permit amendment application.

23) Use of Explosives. All employees supervising blasting operations shall possess a Certificate of Competency issued by the Regulatory Authority. Those working with transportation, storage and use shall be trained prior to performing any duties.

24) Blasting Schedules.

A) If blasting is planned, a permittee shall submit a Blasting Plan at least 45 days prior to blasting, and shall follow all notice and publication requirements of 30 CFR 715.19. Schedules shall be deemed approved unless objections are noted to the operator by the Regulatory Authority, or by any owner or occupant of a manmade dwelling within one-half mile of the blasting area or site. Such objections should be in writing, should contain the name, address and telephone number of the objector, the reason for the objection, and if the objector desires, a suggested alternative schedule more convenient to the objector. After receipt of an objection to a blasting schedule the Authority shall approve the schedule or make such appropriate adjustments necessary for the protection of life and property.

B) All publications and notice to the public under Section 715.19 shall include the following language:

 "Any person who objects to this schedule is requested to notify the........(name of operator)........and the Land Reclamation Division, Illinois Department of Natural Resources, Office of Mines and Minerals, 524 South Second Street, Springfield, Illinois 62701".

25) Preblasting Survey. On written request to the Regulatory Authority by a resident or owner of a manmade dwelling or structure that is located within one-half mile of any part of the permit area, the permittee shall conduct a preblasting survey pursuant to 30 CFR 715.19(b).

26) Blasting Procedures will be followed as per 30 CFR 715.19(e)(l)(i) through (vi).

A) Blasting distances which are less than distances set out in Section 715.19(e)(l)(vii) shall be allowed only after inspection by the Regulatory Authority and a showing by the permittee that the blasting standards of 30 CFR 715.19(e)(2)(i) through (vi) shall be met.

B) Records of blasting opertions will be retained for three years and shall contain information as outlined in 30 CFR 715.19(e)(4).

C) The Authority may reduce maximum peak particle velocity pursuant to 30 CFR 715.19(e)(2)(ii) or prescribe such other conditions as are in its judgment necessary to prevent:

i) injury to persons,

ii) damage to public and private property outside the permit area,

iii) adverse impacts on any underground mine, and

iv) change in the course, channel, or availability of ground or surface water outside the permit area.

27) Revegetation. Permittees shall comply with 30 CFR 715.20.

28) Methods of Revegetation. All existing permittees shall be deemed to have submitted and received approval of a revegetation plan, including species selected and planting plans, Pursuant to 30 CFR 715.20(e), as to areas covered by existing permits. The Regulatory Authority in consultation with the landowner and the permittee shall determine when the area is ready for livestock grazing.

29) Introduced Non-native Species, 30 CFR 715.20(b). Permittee shall obtain approval of the Authority before introducing non-native species.

30) Reference Areas. Permittees shall submit to the Authority a proposed designation of reference areas together with documentation showing that the reference areas meet the requirements of 30 CFR 715.20(f). The estimating techniques used to determine the degree of success in the revegetated area shall be determined by the Authority. Where there is no physically available reference area due to prior mining, permittees shall propose a reference plan that will assure restoration in harmony with surrounding land. The Authority shall determine the appropriateness of such reference plans.

31) Prime Farmland Determinations. Existing surface mines, or portions thereof, which were not under permit before August 3, 1977, are subject to requirements concerning prime farmland determinations for lands not under permit before August 3, 1977. Reference is hereby made to Section 280.70 of these Regulations.

c) Permit Fees and Bonds

1) Additional permit fees and bonds shall be deposited pursuant to notice from the Authority, as and when required pursuant to Section 5(a) of the Act.

2) All permittees shall file with the Authority an amendment or revision to the bond filed in connection with a Section 4 permit, executed in accordance with the Act which states that, in addition to any prior requirements, the bond shall be conditioned upon faithful compliance with the Federal Act, the Federal Surface Regulations, the Illinois Act and these Regulations. Said amendments must be filed no later than February 28, 1979.

3) All permittees shall file with the Authority an amendment or revision to the bond filed in connection with a Section 4 permit, executed in accordance with the Act which includes in its coverage all surface structures or facilities now required to be permitted under the initial program. Said amendment or revision must be filed with the Authority no later than February 28, 1979.