**Section 300.10 Introduction**

a) Authority

This Subpart implements the Surface Mined Land Conservation and Reclamation Act of 1971. This Part applies to all surface mining activity conducted in the State. Any rules previously promulgated pursuant to the Act are declared null and void on January 6, 1976. Upon approval, conditional or unconditional, of the Illinois permanent program by the Secretary of the Interior, the following rules and statutory provisions become inapplicable to operations mining coal: Rules 201-5, 301-2, 401-3, 501-2, 601-2, 701-9, 801-2, 901-2, 1001-2, and 1201-3, and Sections 4, 5, 8, 11, and 12 of the Surface Mined Land Conservation and Reclamation Act. Eight months after the date of such approval, the remainder of this Part shall become inapplicable to operations mining coal.

b) Definitions

Whenever used or referred to in this Subpart, unless a different meaning clearly appears from the context:

"Acid forming materials" means those materials capable of producing toxic conditions when exposed.

"Act" means the Surface Mined Land Conservation and Reclamation Act (the Act).

"Affected land" in addition to the meaning described in the Act means an area of land from which, on or after September 17, 1971, overburden is removed for surface mining or upon which overburden or refuse is deposited. It also means any area of land utilized at surface coal mines for drainage ditches, haulage roads, earth stockpile areas, and borrow pits.

"Amendment" means any request by a holder of a surface mining permit issued by the Department to the Department to change such permit by adding or transferring acreage within a geographically distinct mining site covered by that permit. This definition shall not be construed to include an alteration or correction of an application for a permit under Section 300.20(e)(3) of this Part.

"Area coal strip mines" means those mines whose operations involve more than five cuts in an unmined topography with slopes less than 20% grade.

"Boxcut" means the first open cut which results in the placing of overburden on unmined land adjacent to the initial pit and normally outside of the area to be mined.

"Consolidated materials" means materials of sufficient hardness or ability to resist weathering and to inhibit erosion or sloughing.

"Department" means Department of Natural Resources, or such department, bureau, or commission as may lawfully succeed to the powers and duties of such Department.

"Director" means the Director of the Department of Natural Resources or such officer, bureau, or commission as may lawfully succeed to the powers and duties of such Director.

"Final cut" means the last pit created in a surface mined area.

"Geographically distinct mining site" means pit or pits associated with the same processing plant, which have similar soil types, vegetation, topography and land uses.

"Gob" means that portion of refuse consisting of waste coal, rock, pyrites, slate, or other unmerchantable material of relatively large size which is separated from the mineral in the cleaning process.

"Haulage road" means the area upon which the mined mineral is moved by truck or other vehicles from the pit to either a preparation plant, or to the nearest public road whenever a preparation plant is not used; but, in no case, shall this definition be construed to include a public road.

"Highwall" means that side of the pit adjacent to unmined land.

"Interested persons" means any individual, partnership, corporation, association, or public or private organization which has made a timely request to the Director for notice with respect to a public hearing under Section 5(f) of the Act. This definition shall be construed to include any county board which is entitled to notice under the Act or this Part.

"Operator" means any person, firm, partnership, or corporation engaged in and controlling a surface mining operation, and includes political subdivisions and instrumentalities of the State of Illinois.

"Overburden" means all of the earth and other materials which lie above natural deposits of coal, clay, stone, sand, gravel, or other minerals, and also means such earth and other materials disturbed from their natural state in the process of surface mining.

"Permit period" means the period of time from the date of issuance of the surface mining permit until the tenth succeeding June 30 or until the termination date on the permit, if said date will occur prior to the tenth succeeding June 30.

"Pit" means a tract of land, from which overburden has been or is being removed for the purpose of surface mining.

"Reclamation" means conditioning areas affected by surface mining to achieve the purpose of the Act and rules made pursuant thereto.

"Record" means, in the case where a hearing is held, that compilation of information presented to the Department in the matter, including, but not limited to, the transcript of any hearing and any prehearing conference held, submissions and documents, the original application for permit and other pertinent materials; in the case where no hearing is held, "record" means that compilation of information presented to the Department in the matter.

"Refuse" means all waste materials directly connected with the cleaning and preparation of minerals mined by surface mining and discarded equipment and machinery.

"Slurry" means that portion of refuse separated from the mineral in the cleaning process, consisting of fines and clays in the preparation plant effluent, and which is readily pumpable.

"Surface mining" means the mining of any minerals by removing the overburden lying above natural deposits thereof, and mining directly from the natural deposits thereby exposed, or the deposition of overburden therefrom.

"Surface mining permit" means a permit, granted by the Department, to engage in surface mining.

"Toxic conditions" means any conditions that will not support higher forms of plant or animal life in any place in connection with or as a result of the completion of surface mining.

(Source: Amended at 26 Ill. Reg. 4372, effective March 11, 2002)