**Section 300.20 Permits**

a) Who Must Apply For a Permit

1) A surface mining permit shall be required where:

A) Overburden exceeds 10 feet in depth, or

B) Where the surface mining and overburden area will affect more than 10 acres during the period of one year which shall be measured from July 1 to June 30 of the following year.

2) Gob refuse disposal areas and slurry ponds created or laterally extended in conjunction with surface mining operations for which a permit is necessary as described in (a)(1) above shall be required to have Gob Refuse Disposal Permits or Slurry Pond Refuse Disposal Permits issued by the Department.

b) How to Calculate Affected Acreage

1) In order to calculate affected acreage for permit purposes under the Act and this Part, land shall be counted as being affected only one time during the life of a bond, and said land shall be affected during the permit period it is initially mined or converted to refuse disposal use.

2) "Affected land," following reclamation and release of bond, shall be considered to revert back to its original character as unmined land and should an application be made to reopen or remine the same land or a portion thereof, the same land shall be governed by the provisions of the Act as if such land never before had been mined or affected.

c) Types of Permits

1) The following types of permits shall be issued by the Department:

A) Surface Mining Permit

B) Gob Refuse Disposal Permit

C) Slurry Pond Refuse Disposal Permit

2) No operator who holds a permit to engage in surface mining by this Department may create or extend gob piles or slurry ponds for refuse disposal without a permit for such gob refuse or slurry pond refuse issued by the Department upon conditions consistent with the Act and this Part.

d) Where and How to Apply For a Permit

1) Applications, notices, and other communications under the Act and this Part shall be:

A) delivered to an authorized representative of the Surface Mined Land Reclamation Division of the Department, or

B) addressed to:

Illinois Department of Natural Resources

Office of Mines and Minerals

One Natural Resources Way

Springfield, Illinois 62702-1271

2) For purposes of the Act and of this Part, applications, notices, and other communications shall be deemed to have reached the Department on that day when it is actually received by the Department or an authorized representative of the Department.

3) All forms submitted to the Department shall be executed by the operator, or his authorized representative.

4) A separate permit shall be required for each geographically distinct mining site.

5) A separate application shall be submitted for each type permit.

6) Applications for permits shall be submitted on official forms provided by the Department.

e) Validity Period of a Permit; Mandatory Action by the Department; Alterations and Corrections to Applications; Penalties for Failure to Comply

1) Validity Period of a Permit

A) A surface mining permit shall be effective from the date of its issuance 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.

B) A gob refuse disposal permit shall be valid from the date of issuance for the active life of the disposal area.

C) A slurry pond refuse disposal permit shall be valid from the date of issuance for the active life of the disposal area.

2) Mandatory Action by the Department; Notice of Later Decision

A) The Department shall take final action on an application and plan within 120 days after the date of the filing of an application for a permit under Section 300.60(a) of this Part. If no action on an application is taken by the Department within this time period, the permit applied for is deemed to be granted and the reclamation plan submitted with that application is deemed to be approved. But, if the Department gives written notice to the applicant that it will taken action later than 120 days after the date of the filing of an application for a permit, then the permit applied for is not deemed to be granted and the reclamation plan is not deemed to be approved when the 120 day period elapses.

B) In the event the Department gives written notice of a later decision (other than for a correction or alteration to an application as provided for in Section 300.20(e)(4)) the Department shall establish a reasonable time for the final action.

3) Applications for Refuse Disposal Permits

Applications for Refuse Disposal Permits are subject to the same requirements of the Act and this Part as are applicable to the applications for Surface Mining Permits, except as may otherwise be specifically provided by the Act or this Part.

4) Alterations or Corrections to Applications for Permits

The Department may from time to time require an applicant to alter or correct his application. Such requirement shall be in writing to the applicant and such written communication to the applicant shall be considered to be notice of a later decision under subparagraph (e)(2)(A) of this Section. A copy of such written requirement shall be sent by first class mail to the County Clerk at the county seat of each county containing lands to be affected under the permit applied for, with directions that such copy be forwarded to the residence of the presiding officer of the county board or commissioner. After such alteration or correction is made by the applicant, is received by the Department, and is deemed satisfactory to the Department, the 120 day period begins again, less the number of days between the date of filing of the application for a permit and the date of notice given by the Department.

5) Penalties for Failure to Comply

Anyone who engages in surface mining or any of its related activities without a permit as required by the Act and this Part is subject to the penalties set forth in the Act and in this Part.

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