**Section 1773.5 Definitions**

For purposes of this Part, owned or controlled and owns or controls means any one or a combination of the relationships specified in subsections (a) and (b) below:

a) Ownership or control is evidenced by:

1) Being a permittee of a surface coal mining operation;

2) Based on instruments of ownership or voting securities, owning of record in excess of fifty (50) percent of an entity; or

3) Having any other relationship which gives one person authority directly or indirectly to determine the manner in which an applicant, an operator, or other entity conducts surface coal mining operations.

b) The following relationships are presumed to constitute ownership or control unless a person can demonstrate that the person subject to the presumption does not in fact have the authority directly or indirectly to determine the manner in which the relevant surface coal mining operation is conducted.

1) Being an officer or director of an entity;

2) Being the operator of a surface coal mining operation;

3) Having the ability to commit the financial or real property assets or working resources of an entity;

4) Being a general partner in a partnership;

5) Based on the instruments of ownership or the voting securities of a corporate entity, owning of record ten (10) through fifty (50) percent of the entity; or

6) Owning or controlling coal to be mined by another person under a lease, sublease or other contract and having the right to receive such coal after mining or having authority to determine the manner in which that person or another person conducts a surface coal mining operation.

(Source: Amended at 15 Ill. Reg. 17274, effective January 1, 1992)