**Section 1774.13 Permit Revisions**

a) During the term of a permit, the permittee may submit an application to the Department for a revision of the permit. The application may be made on the standard Department permit form; however, only those sections of the form that pertain to the revision in question must be completed.

b) Application Requirements and Procedures

1) The Department will approve or disapprove applications for insignificant revisions within 90 days after receipt of the application. Applications for significant revision will be acted upon in accordance with 62 Ill. Adm. Code 1773.13 and 1773.15.

2) A significant revision to a permit shall be obtained for changes in the surface coal mining or reclamation operations described in the original application and approved under the original permit, when the changes constitute a significant departure from the method of conduct of mining or reclamation operations contemplated by the original permit. For purpose of these requirements, significant departures from the methods or conduct of mining or reclamation operations include any change in the mining or reclamation operations, except the following, if not contemplated or provided for in the original permit:

A) For surface mines, changes of direction of mining or location of mining equipment within the permit area;

B) Substitution of mining equipment designed for the same purpose, the use of which is not detrimental to achievement of final reclamation or subsidence control;

C) For underground mines, any change in direction or location of mining within the permit area or shadow area, in response to unanticipated events;

D) Any other change in operations, methods or conduct of mining described in writing to the Department that the Department excuses in writing from requirement of revision on a case-by-case basis after determining that the described change will have no significant potential adverse impact on the achievement of final reclamation plans or subsidence control plans or upon the surrounding area;

E) Any alteration in the reclamation plan or reclamation operations which does not involve significant delay or significant change in land use described in writing to the Department and excused from this requirement of revision on a case-by-case basis. Alternative land use proposals shall comply with 62 Ill. Adm. Code 1816.133 or 1817.133, and shall be approved only after consultation with the landowner or the land management agency with jurisdiction over the lands. If applicable, alternative land use proposals shall comply with 62 Ill. Adm. Code 1785.17(e)(5). A significant revision shall be required for a land use change to any of the following, as defined in 62 Ill. Adm. Code 1701.Appendix A:

i) "Residential";

ii) "Industrial/commercial";

iii) "Recreation"; or

iv) "Developed water resources" that meet the size criteria of 30 CFR 77.216(a);

F) Any temporary change in operations, subsidence control or reclamation plans necessitated by unanticipated and unusually adverse weather conditions, other acts of God, strikes, or other cause beyond the reasonable control of the permittee, after review and approval by the Department in writing, provided that all steps specified by the Department to maximize environmental protection are taken.

3) All significant permit revision applications shall meet the requirements of 62 Ill. Adm. Code 1773.13, 1773.19(a)(3)(A) and (C), and 1778.21.

c) No application for a permit revision shall be approved unless the application demonstrates and the Department finds that reclamation as required by the Act and the regulatory program can be accomplished, applicable requirements under 62 Ill. Adm. Code 1773.15(c) that are pertinent to the revision are met, and the application for a revision complies with all requirements of the Act and the regulatory program.

d) Extensions of the permit area, except for incidental boundary revisions, shall be made by application for a new permit, and shall not be approved under this Part. Extensions of the shadow area, except for incidental boundary revisions, shall be made and approved pursuant to the requirements of this Part. Application for incidental boundary revisions shall be made pursuant to subsection (a). Incidental boundary revisions are those that:

1) Constitute a relatively small percentage of the initial permit acreage;

2) Are contiguous with the permit or shadow area acreage, except that isolated long-term support facilities associated with underground mining activities need not be contiguous provided those facilities do not include coal preparation or coal waste disposal areas. Non-contiguous incidental boundary revisions shall be subject to the performance standards of 62 Ill. Adm. Code 1817.182;

3) Are required for the orderly and continuous mining operation;

4) Would be reclaimed in conformity with the initial plan, except when provided under subsection (d)(2);

5) For the purpose of this Section, incidental boundary changes are described as follows:

|  |  |
| --- | --- |
| Original Permit  Acres | Maximum Size of Boundary Changes Acres |
| Up to 10 | 1 |
| Up to 25 | 2.5 |
| Up to 50 | 5 |
| Up to 75 | 7.5 |
| Up to 100 | 10 |
| Over 100 | 20 |

The maximum size for acreage additions to approved non-contiguous incidental boundary revision areas, as described in subsection (d)(2), shall be based upon the original boundary revision acreage, not the original permit acreage;

6) Notice of an incidental boundary revision application shall be published in a local newspaper in the area of the proposed activities. The notice shall describe the general area of the proposed activities and shall state the name and business address of the permittee, the address of the Department at which written comments on the application may be submitted, and the closing date of the comment period. In no case shall the public comment period be less than seven days. In order to process the incidental boundary revision application, proof of that publication must be submitted to the Department. The notice requirements of this subsection (d)(6) shall not apply to unplanned subsidence areas.

e) A determination as to what constitutes a significant departure shall be made by the Department in consultation with the permittee. Changes that do not alter the final reclamation or mining plan are considered minor and do not require permit revision. However, any request for the changes shall be included in a written request to the Department.

(Source: Amended at 43 Ill. Reg. 12909, effective October 16, 2019)