**Section 1774.15 Permit Renewals**

a) A valid permit shall carry with it the right of successive renewal, within the approved boundaries of the existing permit, upon expiration of the term of the permit.

b) Application requirements and procedures.

1) An application for renewal of a permit shall be filed with the Department at least one hundred and eighty (180) days before expiration of the existing permit term.

2) An application for renewal of a permit shall be in the form required by the Department and shall include at a minimum:

A) The name and address of the permittee, the term of the renewal requested, and the permit number or other identifier;

B) Evidence that a liability insurance policy or adequate self-insurance under 62 Ill. Adm. Code 1800.60 will be provided by the applicant for the proposed period of renewal;

C) Evidence that the performance bond in effect for the operation will continue in full force and effect for any renewal requested, as well as any additional bond required by the Department pursuant to 62 Ill. Adm. Code 1800;

D) A copy of the proposed newspaper notice and proof of publication of same, as required by 62 Ill. Adm. Code 1778.21; and

E) Additional revised or updated information required by the Department.

3) Applications for renewal shall be subject to the requirements of public notification and public participation contained in 62 Ill. Adm Code 1773.13 and 1773.19(a)(3).

4) If an application for renewal includes any proposed revisions to the permit, such revisions shall be identified and be subject to the requirements of Section 1774.13.

5) If a complete application for renewal of a permit includes a proposal to extend the mining and reclamation operation beyond the permit area boundaries authorized in the existing permit, the portion of the complete application for renewal of a valid permit which addresses any new land areas shall be subject to the full standards applicable to new permit applications under the Act, and 62 Ill. Adm. Code 1773, 1777, 1778, 1779, 1780, 1783, 1784, 1785, and 1800.

c) Approval process.

1) Criteria for approval. The Department shall approve a complete and accurate application for permit renewal, unless it finds, in writing:

A) The terms and conditions of the existing permit are not being satisfactorily met;

B) The present surface coal mining and reclamation operations are not in compliance with the environmental protection standards of the Act and the regulatory program;

C) The requested renewal substantially jeopardizes the operator's continuing ability to comply with the Act and the regulatory program on existing permit areas;

D) The operator has not provided evidence of having liability insurance or self-insurance as required in 62 Ill. Adm. Code 1800.60;

E) The operator has not provided evidence that any performance bond required to be in effect for the operation will continue in full force and effect for the proposed period of renewal, as well as any additional bond the Department might require pursuant to 62 Ill. Adm. Code 1800; or

F) Additional revised or updated information required by the Department has not been provided by the applicant.

2) Burden of proof. In the determination of whether to approve or deny the renewal of a permit, the burden of proof shall be on the opponents of renewal.

d) Renewal term. Any permit renewal shall be for a term not to exceed the period of the original permit established under 62 Ill. Adm. Code 1773.19.

e) Notice of decision. The Department's decision issued pursuant to subsection (c) shall be made before the expiration of the original permit term. Within five (5) working days, the Department shall send copies of its decision to the applicant, to each person who filed comments or objections on the renewal, to each party to any informal conference held on the permit renewal, and to the Office of Surface Mining Reclamation and Enforcement (OSMRE).

f) Administrative and judicial review. Any person having an interest which is or may be adversely affected by the decision of the Department shall have the right to administrative and judicial review set forth in 62 Ill. Adm. Code 1847.3.

(Source: Amended at 17 Ill. Reg. 11083, effective July 1, 1993)