**Section 1785.23 Minor Underground Mine Facilities Not at or Adjacent to the Processing or Preparation Facility or Area**

a) Any person who intends to conduct underground mining activities which require establishment or use of minor underground mine facilities not at or adjacent to the processing or preparation facility or area shall obtain a permit from the Department.

b) Minor underground mine facilities include air shafts, fan and ventilation buildings, small support buildings or sheds, access power holes, other small miscellaneous structures and associated roads.

c) Contents of application for permit. Each application for a permit shall contain, at a minimum, the following information:

1) The name, address, and telephone number of the applicant;

2) Reclamation and operations plans, including:

A) A narrative description of the proposed minor disturbance area, cross-referenced to the map required under subsection (c)(4), including surface topography; geological, surface water, and other physical features; and vegetative cover;

B) A narrative description of the methods to be used in the operations and reclamation, including, but not limited to, the types and uses of equipment, drilling, blasting, road or other access route construction, and excavated earth and other debris disposal activities;

C) An estimated timetable for conducting and completing each phase of the reclamation;

D) The estimated amounts of coal to be removed and a description of the methods to be used to determine those amounts; and

E) A description of the measures to be used to comply with the applicable requirements of 62 Ill. Adm. Code 1817.182;

3) The name and address of the owner of record of the surface land;

4) A map at a scale of 1:24,000 or larger, showing the areas of land to be disturbed by the proposed operations and reclamation. The map shall specifically show existing roads, occupied dwellings, and pipelines; proposed location of trenches, roads, and other access routes and structures to be constructed; the location of land excavations to be conducted; water or coal exploratory holes and wells to be drilled or altered; earth or debris disposal areas; existing bodies of surface water; historic, topographic, cultural, and drainage features; and

5) If the surface is owned by a person other than the applicant, a description of the basis upon which the applicant claims the right to enter that land for the purpose of conducting operations and reclamation.

d) Public notice and opportunity to comment. Public notice of the application and opportunity to comment shall be provided as follows:

1) Within 5 days after filing of an application with the Department, public notice shall be posted by the applicant at the courthouse or other public office designated by the Department in the vicinity of the proposed permit area and shall be published in a local newspaper in the area of the proposed activities;

2) The public notice shall state the name and business address of the person seeking the permit, the date of filing of the application, the address of the Department at which written comments on the application may be submitted, the closing date of the comment period, and a description of the general area of the proposed activities. In no case shall the public comment period be less than 30 days;

3) Any person with an interest which is or may be adversely affected shall have the right to file written comments on the application within the public comment period; and

4) Other State agencies deemed appropriate by the Department shall be given copies of the application and provided 30 days from the date of receipt to submit comments.

e) Applications: Approval or disapproval of minor underground mining activities not at or near the mine site.

1) The Department shall make its final decision to approve, deny or require modification of the completed application for a permit within 20 days following the close of the public comment period; or

2) The Department shall approve a complete application filed in accordance with this Section if it finds in writing that the applicant has demonstrated that the activities and reclamation described in the application will be conducted in accordance with the State Act and 62 Ill. Adm. Code 1817.182.

f) Terms of approval. Each permit issued by the Department shall contain conditions necessary to ensure that the activities and reclamation will be conducted in compliance with the State Act and 62 Ill. Adm. Code 1817.182.

g) Applications: Notice and hearing for minor underground mining facilities.

1) The Department shall notify the applicant, each person who filed comments or objections to the permit application and the appropriate local government officials, in writing, of its decision to approve or deny the application. If the application is denied, the notice to the applicant shall include a statement of the reason for disapproval.

2) Any person with interests which are or may be adversely affected by a decision of the Department pursuant to subsection (g)(1) above shall have the opportunity for administrative and judicial review as set forth in 62 Ill. Adm. Code 1847.3.

h) Minor facility compliance duties.

1) Minor underground mine facilities not at or adjacent to the processing or preparation facility or area shall be conducted in accordance with 62 Ill. Adm. Code 1817.182 and any conditions on approval of such activities.

2) Any person who utilizes or establishes such minor facilities in violation of the State Act, this Section or 62 Ill. Adm. Code 1817.182 shall be subject to the provisions of Sections 8.01 to 8.10 of the State Act and 62 Ill. Adm. Code 1840 through 1845.

(Source: Amended at 26 Ill. Reg. 4283, effective March 6, 2002)