**Section 1795.6 Eligibility for Assistance**

An applicant is eligible for assistance if he or she:

a) Intends to apply for a permit pursuant to the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720] (State Act);

b) Establishes that his or her probable total attributed annual production from all locations on which the operator is issued the surface coal mining and reclamation operations permit will not exceed 300,000 tons. Production from the following operations shall be attributed to the applicant:

1) The pro rata share, based upon percentage of ownership of applicant, of coal produced by operations in which the applicant owns more than a ten (10) percent interest;

2) The pro rata share, based upon percentage of ownership of applicant, of coal produced in other operations by persons who own more than ten (10) percent of the applicant's operation;

3) All coal produced by operations owned by persons who directly or indirectly control the applicant by reason of direction of the management;

4) All coal produced by operations owned by members of the applicant's family and the applicant's relatives, unless it is established that there is no direct or indirect business relationship between or among them;

c) Is not restricted in any manner from receiving a permit under the permanent regulatory program; and

d) Does not organize or reorganize his or her company solely for the purposes of obtaining assistance under the SOAP.

(Source: Amended at 20 Ill. Reg. 2124, effective January 19, 1996)