**Section 1840.14 Availability of Records**

a) The Department shall make available to the Office of Surface Mining Reclamation and Enforcement (OSMRE), upon request, copies of all documents relating to applications for and approvals of existing, new, or revised coal exploration approvals or surface coal mining and reclamation operation permits and all documents relating to inspection and enforcement actions.

b) Copies of all records, reports, inspection materials, or information obtained by the Department shall be made immediately available to the public in the area of mining until at least five years after expiration of the period during which the subject operation is active or is covered by any portion of a reclamation bond so that they are conveniently available to residents of that area, except:

1) As otherwise provided by the Freedom of Information Act [5 ILCS 140]; and

2) For information not required to be made available under 62 Ill. Adm. Code 1772.15 and 1773.13(d) or subsection (d) of this Section.

c) The Department shall ensure compliance with subsection (b) by either:

1) Making copies of all records, reports, inspection materials, and other subject information available for public inspection at a Federal, State or local government office in the county where the mining is occurring or proposed to occur; or

2) At the Department's option and expense, if the document is ten pages or less in length, providing copies of subject information promptly by mail at the request of any resident of the area where the mining is occurring or proposed to occur; however, the Department shall maintain for public inspection, at a Federal, State or local government office in the county where the mining is occurring or proposed to occur, a description of the information available for mailing and the procedure for obtaining such information.

d) In order to protect preparation for hearings and enforcement proceedings, the Department may enter into agreements with the Director of the OSMRE regarding procedures for the special handling of investigative and enforcement reports and other such materials, which may limit or refuse availability of investigatory records compiled for law enforcement purposes.

(Source: Amended at 24 Ill. Reg. 5905, effective March 21, 2000)