**Section 2501.16 Final Selection and Project Deferment**

a) From the most significant abandoned mine sites identified in accordance with Section 2501.13, the Department will select projects for reclamation based upon the following criteria and considerations:

1) Satisfactory funding levels to complete reclamation;

2) A completed application from the owner(s) of property that contains the significant portion of problem conditions on a site;

3) Evidence that a timely Consent for Entry can be obtained from the owner(s) of the project site.

b) Significant sites exhibiting one or more of the following conditions shall be eliminated from consideration for funding for a particular year when:

1) There exists ongoing use and responsibility for reclamation to alleviate problem conditions, associated with active landfill sites, salvage yards, material storage yards, or other uses of mined lands;

2) There is an ongoing or planned remining operation for the site;

3) There is a planned or currently operating secondary coal recovery operation; provided, however, that only the areas within the site which will be affected by such operation shall be eliminated from consideration;

4) There is ongoing or planned reclamation or development of a site by any federal office, the Natural Resource Conservation Service, or other public or private agencies or individuals; or

5) There is ongoing or anticipated successful stabilization by natural processes so that natural reclamation will be effective and efficient considering such factors as cost and potential or existing hazards to human life, the environment, or public or private property.

(Source: Amended at 22 Ill. Reg. 11382, effective June 23, 1998)