



Sen. William R. Haine

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LRB095 10696 RAS 33780 a

1 AMENDMENT TO SENATE BILL 357

2 AMENDMENT NO. _____. Amend Senate Bill 357, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Illinois Underground Aggregate Blasting Act.

7 Section 5. Statement of Policy. It is declared to be the
8 policy of this State to provide for the protection of lands
9 affected by underground aggregate mining operations by
10 regulating underground blasting to limit property damage to
11 surface landowners and to protect the general welfare.

12 Section 10. Definitions. In this Act:

13 "Aggregate mining industry" means producers, by
14 underground mining method, of all minerals other than coal,
15 including without limitation sand, gravel, silica sand, shale,

1 clay, limestone, and any other mineral which may be so mined
2 for the production of a commodity.

3 "Blasting operations" means the process of shot design,
4 layout, drilling, loading, detonation, and record keeping.

5 "Department" means the Department of Natural Resources.

6 "Operator" means any person, firm, partnership or
7 corporation engaged in and controlling an underground mining
8 operation. "Operator" includes political subdivisions and
9 instrumentalities of this State.

10 "Underground mining" means extraction of all minerals,
11 other than coal, including without limitation sand, gravel,
12 silica sand, shale, clay, limestone, and any other mineral
13 which may be so mined from beneath the surface for the
14 production of a commodity.

15 Section 15. Blasting operations; regulation.

16 (a) Blasting operations at underground mining sites
17 operated by the aggregate mining industry shall be conducted
18 only in accordance with State and federal law and rules adopted
19 by the Department, with the advice of the aggregate mining
20 industry.

21 (b) Rules adopted pursuant to this Section shall be
22 consistent with the Department's rules governing other
23 blasting operations within the State to the extent applicable
24 to underground aggregate blasting and shall include provisions
25 requiring each of the following:

1 (1) The maintenance of blasting records for a period of
2 at least 3 years and that the records be made available for
3 Department inspection and copying; however, these on-site
4 blasting records, as they relate to detonation, are deemed
5 to be proprietary information.

6 (2) The control of blasting operations so as to prevent
7 injury to persons and damage to public and private property
8 outside the blasting site.

9 (3) That all blasting operations be conducted or
10 supervised by trained and competent persons licensed by the
11 Department.

12 (4) That blasting operations be subject to ground
13 vibration monitoring, as necessary to limit property
14 damage and protect public safety.

15 (5) The issuance of notices of violation in the event
16 of a violation of the Department's blasting rules.

17 (6) The issuance of orders requiring the cessation of
18 blasting operations in the event of a violation of the
19 Department's blasting rules that may cause injury to
20 persons or damage to public and private property outside
21 the blasting site.

22 (7) The assessment of civil penalties and the
23 initiation of formal administrative hearings to resolve
24 violations of the Department's blasting rules.

25 (c) The Department shall adopt rules requiring the
26 training, examination, and licensing of persons engaging in or

1 responsible for the blasting operation or use of explosives in
2 underground aggregate mining operations. The rules shall
3 include an administrative enforcement process designed to
4 correct infractions of the terms of blasting licenses issued by
5 the Department. These rules may also include a fee schedule
6 designed to defray the costs associated with the Department's
7 examination and licensing of persons engaging in or responsible
8 for the blasting operation or use of explosives in aggregate
9 mining operations. These rules shall be consistent with the
10 Department's existing rules governing other blasting
11 operations within the State.

12 (d) The initial rules adopted under this Section shall
13 become effective one year after the rules are adopted by the
14 Department.

15 Section 20. Entry upon land for inspection. A designated
16 representative of the Department may enter upon the lands of
17 the operator at all reasonable times for the purpose of
18 inspection in order to determine whether the provisions of this
19 Act have been complied with.

20 Section 25. New mine; notice. Any operator desiring to
21 open a new underground mining operation shall notify the
22 Department of his or her intention before any work is commenced
23 and furnish the Department with a legal description of the
24 proposed location of the mine and the post office address.

1 Section 30. Administration.

2 (a) In addition to the duties and powers of the Department
3 prescribed by the Civil Administrative Code of Illinois, the
4 Department shall have full power and authority to carry out and
5 administer the provisions of this Act. These powers shall
6 include without limitation the imposition of the following fees
7 to enable the Department to carry out the requirements of this
8 Act:

9 (1) A registration fee of \$300 assessed on July 1 of
10 each calendar year that is due from each operator engaged
11 in and controlling an underground mining operation. The
12 registration fee shall be accompanied by a registration
13 form, provided by the Department, which shall indicate the
14 mailing address and telephone number of the operator, the
15 location of all mining operations controlled by the
16 operator, the minerals being mined, and other information
17 deemed necessary by the Department. A \$300 registration fee
18 is the maximum registration fee due from a single operator
19 each calendar year regardless of the number of sites under
20 the operator's control.

21 (2) An additional fee of \$100 assessed on July 1 of
22 each calendar year for each site that was actively engaged
23 in underground mining during the preceding 12 months that
24 is due from the operator engaged in and controlling the
25 underground mining operation.

1 (3) An additional fee of \$250 assessed on July 1 of
2 each calendar year that is due from each operator engaged
3 in and controlling an underground mining operation where
4 blasting operations occurred during the preceding 12
5 months.

6 (b) Fees shall be assessed by the Department commencing
7 July 1, 2008 for every underground mine operator, active
8 underground mining site, and active underground aggregate
9 blasting operation of record as of that date and on July 1 of
10 each year thereafter. The fees under this Section are in
11 addition to any other fees required by law and shall be
12 deposited into the Aggregate Operations Regulatory Fund.

13 (c) All fees assessed under this Section shall be submitted
14 to the Department no later than 30 days after the date listed
15 on the Department's annual fee assessment letter sent to the
16 underground mine operator. If the operator is delinquent in the
17 payment of the fees assessed under this Section, no further
18 documentation of compliance may be issued to the operator until
19 the delinquent fees have been paid. Moreover, if the operator
20 is delinquent for more than 60 days in the payment of fees
21 assessed under this Section, the Department shall take action
22 to enjoin further underground mining and aggregate blasting
23 operations until all delinquent fees are paid. No liability
24 whatsoever shall accrue to the Department in closing down any
25 operator pursuant to this Section.

1 Section 35. Illinois Administrative Procedure Act. The
2 Illinois Administrative Procedure Act is hereby expressly
3 adopted and shall apply to all administrative rules and
4 procedures of the Department under this Act.

5 Section 40. Severability clause. If any Section,
6 subdivision, clause, sentence, or paragraph in this Act shall
7 be held to be unconstitutional, the unconstitutionality
8 thereof shall not affect the remaining parts of this Act.

9 Section 43. Local ordinances, resolutions, and agreements.
10 Notwithstanding the provisions of Section 45 of this Act, the
11 provisions of any ordinance or resolution adopted by a unit of
12 local government or any agreement entered into between the
13 operator of an underground aggregate mine and a unit of local
14 government before the effective date of this Act that concern
15 the times during which blasting operations are permitted within
16 the unit of local government shall remain in full force and
17 effect until such time as the ordinance or resolution is
18 repealed or the agreement is mutually rescinded by the parties.

19 Section 45. Home rule. The regulation of blasting
20 operations at underground aggregate mining operations is an
21 exclusive power and function of the State. A home rule unit may
22 not regulate blasting operations at underground aggregate
23 mining operations, except as provided in Section 43 of this

1 Act. This Section is a denial and limitation of home rule
2 powers and functions under subsection (h) of Section 6 of
3 Article VII of the Illinois Constitution."