



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3107

Introduced 2/8/2010, by Sen. Kyle McCarter

SYNOPSIS AS INTRODUCED:

See Index

Amends the Coal Mining Act. Requires an owner or operator to file a notice of intent to commence longwall coal mining with the Department of Natural Resources prior to commencing longwall coal mining. Provides that the notice of intent must be filed with the Department at least 60 calendar days prior to the anticipated date of commencing with longwall coal mining and that the filed notice of intent shall remain valid for one year. Sets forth provisions concerning failures to file a notice of intent, administrative hearings, penalties, and orders. Requires the Department within 7 days after receiving a notice of intent to send a copy of the notice to the county board of the county in which the longwall coal mining is proposed and publish a public notice in a newspaper of general circulation within the county. Requires the Department to hold a public informational hearing if the county board requests one within 30 days after receiving a copy of the notice of intent from the Department. Requires the Department to receive evidence at the public informational meeting, by testimony or otherwise, on certain specified subjects or issues. Provides that the county board shall submit within a certain time period an advisory, non-binding recommendation to the Department on the proposed longwall coal mining. Provides that if a public informational meeting is requested, then longwall coal mining may not begin until after the meeting has been held, the Department has reviewed and replied to the county board's recommendation, and the owner or operator has been notified by the Department that all applicable requirements have been met. Defines "longwall coal mining" and "owner or operator". Makes other changes.

LRB096 16383 ASK 31648 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Coal Mining Act is amended by adding the
5 heading of Article 40 and Sections 40.01, 40.05, and 40.10 as
6 follows:

7 (225 ILCS 705/Art. 40 heading new)

8 ARTICLE 40. Longwall Coal Mining

9 (225 ILCS 705/40.01 new)

10 Sec. 40.01. Definitions. For the purposes of this Article,
11 unless the context otherwise requires:

12 "Department" means the Illinois Department of Natural
13 Resources.

14 "Owner or operator" means any person who owns, leases,
15 controls, or supervises a coal mine in which longwall coal
16 mining is proposed.

17 "Longwall coal mining" means mining (1) done under
18 hydraulic roof supports or shields that are advanced as the
19 seam is cut, (2) in which a cutting head moves back and forth
20 across a panel of coal, (3) where the cut coal falls onto a
21 flexible conveyor for removal, and (4) in which the roof in the
22 mined out areas falls as the supports or shields advance.

1 (225 ILCS 705/40.05 new)

2 Sec. 40.05. Filing notice of intent to conduct longwall
3 coal mining.

4 (a) An owner or operator shall file a notice of intent to
5 commence longwall coal mining with the Department prior to
6 commencing longwall coal mining. The owner or operator shall
7 file the notice of intent with the Department at least 60
8 calendar days prior to the anticipated date of commencing with
9 longwall coal mining. The notice of intent filed with the
10 Department shall remain valid for one year.

11 (b) The notice of intent shall include the following:

12 (1) the name and address of the owner or operator of
13 the coal mine;

14 (2) a legal description of the territory where the
15 owner or operator is proposing to conduct longwall coal
16 mining;

17 (3) the estimated length of time the longwall coal
18 mining will last; and

19 (4) the anticipated date of the commencement of
20 longwall coal mining.

21 (c) The Department shall, within 15 calendar days after
22 receipt of a notice of intent, notify the owner or operator as
23 to whether his or her notice of intent is complete or requires
24 additional information or clarification.

25 (d) If a notice of intent is not filed with the Department

1 that complies with subsection (b) of this Section, as
2 determined by the Department, prior to the commencing of
3 longwall coal mining, then the Department shall hold an
4 administrative hearing, as set out by rule. Upon determination
5 of a failure to file a notice of intent, the Department shall
6 impose a civil administrative penalty in an amount no more than
7 \$1,000 and shall enter an administrative order directing the
8 owner or operator to file a notice of intent within 10 business
9 days after receiving the order from the Department.

10 If a notice of intent is not filed with the Department
11 within 10 business days after the owner or operator receives
12 the administrative order from the Department, then the
13 Department shall impose a civil administrative penalty in an
14 amount no less than \$1,000 and no more than \$2,500 and shall
15 enter an administrative order prohibiting the operation of the
16 longwall coal mine until there is full compliance with this
17 Act. Penalties under this subsection (d) not paid within 60
18 days of notice from the Department shall be submitted to the
19 Attorney General's office or an approved private collection
20 agency.

21 (225 ILCS 705/40.10 new)

22 Sec. 40.10. Public informational meeting; longwall coal
23 mining.

24 (a) Within 7 days after receiving a notice of intent to
25 commence longwall coal mining, the Department shall send a copy

1 of the notice to the county board of the county in which the
2 longwall coal mining is proposed and shall publish a public
3 notice in a newspaper of general circulation within the county.
4 Within 30 days after receiving a copy of the notice from the
5 Department, the county board may request that the Department
6 conduct a public informational meeting concerning the proposed
7 longwall coal mining that is subject to this Act. During this
8 30 day period, county residents may petition the county board
9 of the county where the proposed long wall coal mining will
10 occur to request that the Department conduct a public
11 informational meeting. If the county board is petitioned by 75
12 or more of the county's residents who are registered voters,
13 then the county board shall request that the Department conduct
14 a public informational meeting.

15 If the county board requests that the Department conduct
16 the public informational meeting, then the Department shall
17 conduct the public informational meeting within 15 days after
18 receiving the county board's request. If the Department
19 conducts a public informational meeting, then it shall cause
20 notice of the public informational meeting to be published in a
21 newspaper of general circulation in the county and in the State
22 newspaper and shall send a copy of the notice to the county
23 board. Upon receipt of the notice of a public informational
24 meeting, the county board shall post the notice on the public
25 informational board at the county courthouse at least 10 days
26 before the meeting.

1 The owner or operator who submitted the notice of intent to
2 commence longwall coal mining to the Department shall appear at
3 the public informational meeting. At the public informational
4 meeting, the Department shall afford members of the public an
5 opportunity to ask questions and present oral or written
6 comments concerning the proposed longwall coal mining.

7 (b) At the public informational meeting, the Department
8 shall receive evidence, by testimony or otherwise, on the
9 following subjects or issues:

10 (1) Whether the slope of the territory located above
11 the proposed longwall coal mining is less than 5 degrees
12 and whether the proposed longwall coal mining may result in
13 substantial harm to the territory.

14 (2) Compensation for any subsidence resulting from the
15 longwall coal mining.

16 (3) Planned placement of roads to be constructed by the
17 owner or operator.

18 (4) Identified points of entry upon the surface for
19 mining operations.

20 (5) Planned construction and placement of pits used for
21 mining operations.

22 (6) Planned restoration of fences to be cut in order to
23 make entry upon the surface for mining operations.

24 (7) Any potential use of waters on the surface of the
25 lands.

26 (8) Planned removal of trees.

1 (9) Planned surface water drainage changes caused by
2 mining operations.

3 (c) The county board shall submit at, or within 30 days
4 after, the public informational meeting an advisory,
5 non-binding recommendation to the Department on the proposed
6 longwall coal mining. The advisory, non-binding recommendation
7 shall contain, at a minimum, the following:

8 (1) a statement on whether the proposed longwall coal
9 mining adequately addresses the subjects or issues listed
10 under subsection (b) of this Section; and

11 (2) a statement containing the information and
12 criteria used by the county board in determining whether
13 the proposed longwall coal mining adequately addresses the
14 subjects and issues listed under subsection (b) of this
15 Section.

16 (d) If a county board requests a public informational
17 meeting pursuant to subsection (a) of this Section, then the
18 longwall coal mining proposed in the notice of intent may not
19 begin until after the following has occurred:

20 (1) the public informational meeting has been held;

21 (2) the Department has reviewed the county board's
22 recommendation;

23 (3) the Department has replied to the county board's
24 recommendation indicating if the proposed longwall coal
25 mining is or will be in compliance with the requirements of
26 the law; and

1 (4) the owner or operator has been notified by the
2 Department that all applicable requirements under this
3 Article have been met.

1 INDEX

2 Statutes amended in order of appearance

3 225 ILCS 705/Art. 40

4 heading new

5 225 ILCS 705/40.01 new

6 225 ILCS 705/40.05 new

7 225 ILCS 705/40.10 new