

AGGREGATE RECLAMATION

SURFACE MINING FOR MINERALS OTHER THAN COAL IN ILLINOIS THE SURFACE-MINED LAND CONSERVATION AND RECLAMATION ACT AND HOW IT AFFECTS THE MINE OPERATOR

THE SURFACE MINED-LAND CONSERVATION AND RECLAMATION ACT - SMLCRA

The purpose of this law is to provide for the conservation and reclamation of land affected by surface mining in order to restore it to optimum future productive use including, but not limited to forests, pasture land, cropland, wildlife, and residential, recreational or industrial sites.

WHO MUST COMPLY?

SMLCRA covers all operators engaging in non-coal surface mining. Surface mining means the mining of any minerals by removing the overburden lying above natural deposits and mining directly from the natural deposits. Minerals include materials such as stone, clay, sand, gravel, peat, silica and other materials surface mined, except for coal. Active operators must register with the Mine Safety and Training Division (MS&TD) and are subject to annual fees.

PERMITTING REQUIREMENTS

Before beginning any surface mining activity, contact the Illinois Department of Natural Resources, Office of Mines and Minerals, Mine Safety and Training Division, One Natural Resources Way, Springfield, IL 62702-1271, (217) 782-9976.

An initial determination will be made if a surface mining permit will be required. A permit is required where the overburden is greater than 10 feet or where the operation will affect more than 10 acres in a fiscal year; from July 1 through June 30. Yearly affected acreage is the acreage total of the areas from which overburden is removed and deposited, not including the previous year(s) disturbance. Areas that are used for mineral processing or storage, and have not been surface mined are not considered affected acreage under the Act. A MS&TD field representative will be available to discuss site conditions and to provide guidance for questions on the application.

Completed applications are required to be filed in duplicate with the County Clerk in the county where the operation is sited and must be submitted in triplicate to the Office of Mines and Minerals, along with a receipt signed by the County Clerk as proof of filing. The County Board may request a public hearing or submit comments on the proposed reclamation plan within 45 days after the filing of an application.

The application is also forwarded to the Department's endangered species coordinator for endangered species evaluation unless the operator has previously undergone a review. Site descriptions may be submitted for endangered species evaluation up to three years prior to submittal of a surface mining application.

The Department may not act on an application prior to 60 days after filing, and must take action within 120 days, unless written notice is given to the applicant to extend the review period.

If the application is approved, the applicant must post a suitable reclamation bond, letter of credit, or certificate of deposit to insure adequate reclamation of the site. Bond amounts range from \$600 to \$5,000 per acre. Permit fees are \$100 per acre.

The permit term is a maximum of ten years for overburden removal, but does not limit the time for mineral extraction. Permittees are required to obtain a separate permit for all areas used for disposal of waste material (refuse) that are directly connected with the cleaning and preparation of minerals mined by surface mining.

REGISTRATION FEES

Annual registration fees are charged for the previous year's activity, regardless of whether a site is permitted or not. Fee rates are: \$300 per operator, \$100 per active site and \$250 per active site which conducts blasting operations. Operators will be billed on July 1 of each year.

WHAT IF THE ACT IS VIOLATED?

The Department shall give written notice to the operator for any violation of the Act or regulations. If corrective measures are not commenced by the operator within 45 days, the MS&TD may proceed with bond forfeiture.

Any person required by the Act to have a permit who engages in surface mining without a permit is guilty of a business offense and shall be fined not less than \$50 nor more than \$1,000 per day. The MS&TD, through the Attorney General's Office, may close down at once any operator found to be surface mining without a permit or in violation of the Act.

WHO ADMINISTERS THE ACT?

The staff of the Mine Safety and Training Division makes routine inspections of all permitted sites and periodic inspections of non-permitted sites to check on-site conditions and the necessity for a permit. All field representatives have the authority to enter upon the land of an operator at all reasonable times for the purpose of inspection to determine compliance with the Act.

WHAT RECLAMATION IS REQUIRED?

Reclamation means the reasonable rehabilitation of the affected land to useful purposes, while keeping to a minimum the impact on the surrounding areas. The permit must contain a reclamation plan that outlines the method to be used in restoring the land to a condition suitable for its future use. Common examples of uses for reclaimed land include pastures, forests, wildlife areas, and residential, recreational, and industrial sites.

Grading and revegetation of areas to the required slopes must be completed within three years after the expiration of the active use of the land.

The bond is held by the MS&TD until successful reclamation has been completed. In the event the operator fails to complete reclamation a violation may be issued and the bond can be seized and utilized by the MS&TD to complete reclamation.

BLASTING

The Act was amended in June of 1995 authorizing the regulation of blasting. Blasting regulations went into effect on July 1, 1997. The regulations include; air blast and ground vibration standards, the training, examining and licensing of all persons responsible for blasting, restricting blasting to licensed blasters, maintenance of blasting records, ability to issue notices of violations and/or cessation orders and assess civil penalties for blasting non-compliance. (Please see the "Aggregate Blasting" page.)

LAWS OF OTHER AGENCIES

The issuance of a permit under the Act does not relieve the permittee from his/her duty to comply with other applicable state and local laws regulating the commencement, location and operation of surface mining facilities, with the exception of blasting. Blasting regulation is a sole function of the state and may not be pre-empted by local ordinance.