

TITLE 62: MINING
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES

PART 1703
EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO
GOVERNMENT-FINANCED HIGHWAY OR OTHER CONSTRUCTION

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AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 43 Ill. Reg. 12893, effective October 16, 2019.

Section 1703.5 Scope

- a) This Part establishes the procedures for determining those surface coal mining and reclamation operations that are exempt from the Act and this Part because the extraction of coal is an incidental part of federal, State or local government-financed highway or other construction.
- b) This Part exempts the extraction of coal that is incidental to government-financed construction from the requirements of the Act and this Part, if that extraction meets specified criteria which ensure the construction is government-financed and that the extraction of coal is incidental to it.

Section 1703.10 Responsibility

- a) The Department is responsible for enforcing the requirements of this Part.
- b) Any person conducting coal extraction as an incidental part of government-financed construction is responsible for possessing, on the site of the extraction operation, the documentation required by 30 CFR 707.12.

Section 1703.15 Applicability

- a) Coal extraction that is an incidental part of government-financed construction is exempt from the Act and this Part.

- b) Any person who conducts or intends to conduct coal extraction that does not satisfy subsection (a) shall not proceed until a permit has been obtained from the regulatory authority under a State regulatory program, federal regulatory program, or federal lands program.

Section 1703.20 Information To Be Maintained on Site

Any person extracting coal incident to government-financed highway or other construction who extracts more than 250 tons of coal or affects more than two acres shall maintain, on the site of the extraction operation and available for inspection, documents that show:

- a) a description of the construction project;
- b) the exact location of the construction, right-of-way or the boundaries of the area that will be directly affected by the construction; and
- c) the government agency that is providing:
 - 1) the financing; and
 - 2) the kind and amount of public financing, including the percentage of the entire construction costs represented by the government financing.