**Section 280.10 Definitions**

Except where the context clearly requires special meaning, the following terms shall have the following definitions:

"Adjudicative Hearing" means a formal hearing pursuant to rules of the Authority, consistent with the Illinois Administrative Procedure Act [5 ILCS 100].

"Application" means an application for a permit for a new mine, or an application for an amendment where amendment of a Section 4 permit is required.

"Combined permit" is the permit issued to a new surface coal mining operation which is required to meet the requirements of Section 4 and Section 17 of the Surface-Mined Land Conservation and Reclamation Act and these regulations; or, a previously issued Section 4 permit into which these regulations incorporate Section 17 conditions.

"Complete Application" means an application which appears to the Authority to contain information required by the Authority before application processing begins.

"Consultation" means a discussion, in person, by telephone or by written communication, concerning possible standards and conditions of a permit, or factors affecting a determination.

"Determination" is an action by the Authority that grants permission, directs reclamation or other regulated effort, stipulates performance standards or criteria, or like action which is within the power and judgement of the Authority. Determinations may occur in the course of operations by a permittee; any determination applicable to permitted operations shall operate as a condition of the applicable permit.

*"Director" means the Director of* the *Department of* *Natural Resources* *or such officer, bureau or commission as may lawfully succeed to the powers and duties of such Director.*

"Existing Surface Mine" means the area within the definition of surface coal mining operations, which possessed a permit under Section 4 of the Surface-Mined Land Conversation and Reclamation Act prior to February 3, 1978.

"Existing Underground Coal Mine" means the area included within the definition of surface coal mining operations, as to which notice of opening was filed pursuant to the Coal Mining Act [225 ILCS 705 before February 3, 1978.

"Federal Act" means the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87; 30 U.S.C. 1201, et. seq.).

"Federal Surface Regulations" means performance standards, procedures, definitions, requirements and the provisions of the following interim rules of the Department of Interior, Office of Surface Mining: 30 CFR 700.5, 700.11, 710.2, 710.5, 710.11, 710.12, Part 715 (all), Part 716 (all), and Part 720 (all).

"Federal Underground Mine Regulations" means 30 CFR 717, and such other regulations as are referred to therein.

"Findings" means a factual, technical or legal finding of the Regulatory Authority.

"Illinois Act" or "Act" means the Surface-Mined Land Conservation and Reclamation Act, as amended by P.A. 80-1342 [225 ILCS 715].

"Interagency Committee" or "IC" means the Interagency Committee on Surface Mining Conservation and Reclamation established for a given permit application pursuant to Section 17 (f) (1) of the Illinois Act.

"Meeting" means a public meeting, not including a hearing.

"Mine" means a coal mine.

"New Mine" means a surface coal mining operation upon which construction commenced after February 2, 1978, or which was opened for the first time after February 2, 1978.

"Office of Surface Mining" or "OSM" means the Office of Surface Mining Reclamation and Enforcement in the United States Department of the Interior.

"Person" means any individual, proprietorship, partnership, corporation, joint venture, unit of local government, county, state or the United States.

"Prime Farmland" means lands defined as prime farmlands by 30 CFR 716.7(a)(1) and (b).

"Public Hearing" means a quasi-legislative type hearing held pursuant to rules of the Authority, consistent with the Illinois Administrative Procedure Act [5 ILCS 100] but may include presentation of testimony and evidence, and an opportunity for cross-examination.

"Regulatory Authority" or "Authority" means the Director and Land Reclamation Division in the Illinois Department of Natural Resources.

"Request for Determination" means a written request by a permittee or owner or operator of a surface coal mining operation for permission or a certification of compliance from the Regulatory Authority, where a permit application is not required, and includes requests for approvals required to be given by the Regulatory Authority pursuant to the Federal Surface Regulations or the Federal Underground Mine Regulations where no public hearing is required.

"Section 4 permit" means a permit required by Section 4 of the Illinois Act.

"Section 17 conditions" are those conditions of a permit imposed pursuant to Section 17 of the Illinois Act and these regulations upon an existing surface mine.

"Section 17 permit" is the permit issued in accordance with Section 17 of the Illinois Act and these regulations to surface coal mining operations that are not subject to Section 4 of the Illinois Act.

"Section 4 Regulations" means the Rules of the Illinois Department of Natural Resources adopted pursuant to Section 12 of the Illinois Act and applicable to persons or operations required to obtain a permit pursuant to Section 4 of the Illinois Act.

"Surface coal mining operation" includes both surface and underground coal mining operations as defined in Section 701 (28) of the Federal Act and 30 CFR 700.5

"Surface Mining" means surface mining for coal as defined in the Illinois Act, Section 3(c) [225 ILCS 715/3].