**Section 280.40 Existing Underground Coal Mines**

a) Permits

1) All existing underground mines are deemed to possess a Section 17 permit. Section 17 permits include all structures and facilities used in connection with or to facilitate mining. The terms and conditions of such permits are that holders shall comply with Section 502(c) and 522(e) of the Federal Act, and with 30 CFR 710.11, and 717, except 717.17(e), and with Illinois law and these Regulations.

2) All owners or operators of existing underground coal mines, in addition to other requirements which are applicable by their terms, must submit an application to the Regulatory Authority no later than February 28, 1979, upon forms supplied by the Authority. Additional documentation shall accompany an application form as necessary or appropriate to demonstrate compliance with Federal Underground Mine Regulations.

3) No owner or operator of an existing undergound coal mine shall develop or operate an underground coal mine after February 28, 1979, or such further time as allowed in writing by the Authority, unless an application has been submitted to the Authority.

b) Actions Required of Existing Underground Coal Mines. In addition to other requirements which are applicable by their terms, all permittees of existing underground coal mines shall request the following determinations pursuant to the Federal Regulations, and obtain approval from the Authority before commencing or performing any of the acts indicated in the respective sections of the Federal Regulations referenced below.

1) Signs and Markers. All existing underground coal mines shall have signs and markers in place in accordance with 30 CFR 717.12.

2) Regrading of Roads and Support Facilities, 30 CFR 717.14(a). Upon completion of underground mining, all permittees shall comply with the backfilling and grading requirements of 30 CFR 717.14(a). Permittees shall obtain final approval of grading from the Authority consistent with approved reclamation practice and 30 CFR 717.14(a)(1) and(2).

3) Terracing. Permittees shall obtain written approval of the Regulatory Authority for terracing as an appropriate substitution for construction of lower grades on reclaimed lands, pursuant to the standards of 30 CFR 717.14(b).

4) Regrading or Stabilizing Rills and Gullies is required whenever significant erosion or sedimentation is threatened pursuant to 30 CFR 717.14(d). Whenever such a threat exists permittees shall immediately request a determination from the Authority of the steps to be taken.

5) Protection of the Hydrologic System shall be accomplished pursuant to a plan consistent with 30 CFR 717.17. All existing underground coal mines shall have a plan approved and on file with the Authority.

6) Water Quality Standards and Effluent Limitations of 30 CFR 717.17(a) shall be met in accordance with the Clean Water Act (33 U.S.C. 1251) or its amendments. The Regulatory Authority may grant exemptions on written request pursuant to Section 717.17(a), but such exemptions shall not exempt a permittee from applicable standards or limitations under the Clean Water Act(33 U.S.C. 1251) or its amendments, the Environmental Protection Act, or the Rules of the Illinois Pollution Control Board.

7) Surface Water Monitoring Programs, 30 CFR 717.17(b). All existing underground coal mines shall have a surface water monitoring program approved and on file with the Authority.

8) Diversions of Overland Flows shall be consistent with good reclamation practice and shall meet the requirements of 30 CFR 717.17(c). No diversion structures shall be left in place after mining without written approval of the Authority, as well as other state and federal agencies having jurisdiction over such structures.

9) Stream Channel Diversions shall be approved by the Regulatory Authority pursuant to standards set forth in 30 CFR 717.17(d). Such approval shall not exempt the permittee from other applicable requirements of state or federal law regarding stream diversion.

10) Sediment Control Measures (Reserved)

11) Acid and Toxic Materials shall be handled and disposed of so as to avoid drainage into ground and surface waters, consistent with 30 CFR 717.17(g). Permittees shall obtain approval by the Regulatory Authority of methods consistent with 30 CFR 717.17(g) in advance.

12) Ground Water Monitoring, 30 CFR 717.17(b). All existing underground coal mines shall have a ground water monitoring plan approved and on file with the Authority.

13) Hydrological Impact of Roads. Roads constructed since May 3, 1978, shall be subject to 30 CFR 717.17(j). Permittees shall request a determination of the Authority in advance of construction or modification of roads when varying from the standards of 717.17(j).

14) Standards for Dams. 30 CFR 717.18 shall apply only to dams constructed after May 3, 1978. Plans for such dams shall be submitted in advance and approval obtained prior to construction. The submittal shall be made immediately in the case of dams upon which construction began after May 3, 1978. All approvals by the Authority required by 30 CFR 717.18 shall be obtained in advance of construction, modification, or removal.

c) Bond Requirements. All owners or operators of existing underground coal mines shall have on file with the Authority a bond which meets all the requirements of Section 5(a) and 8 of the Act, 62 Ill. Adm. Code 300.40,(a),(b) and(c). Bond release shall be in accordance with 62 Ill. Adm. Code 300.180(a) and (b). The conditions of the bond filed with the Authority shall be that the owner or operator comply with Federal Underground Mine Regulations, 30 CFR 717, that reclamation shall be completed in accordance with the plan, and that all operations shall be placed and maintained in compliance with 30 CFR 717(except Section 717.17(e)), and with Section 8 of the Act.

d) Other Provisions. As provided by Section 17 of the Act, Sections 2, 3, 5(a), 8, 9, 10, 11, 13 and 13(a), 15 and 16 of the Act are applicable to existing underground coal mines, which shall be deemed surface mining operations in the context of the cited Sections for purposes of this paragraph. Permit fees and bond as required under Section 5(a) of the Act shall be deposited pursuant to notice from the Authority.