**Section 280.50 New Surface Mines**

The regulations and requirements of this Part shall apply to surface coal mining operations except underground coal mines which did not have a Section 4 permit prior to February 3, 1978.

a) Application. An application shall be submitted upon forms supplied by the Authority. Additional documentation shall accompany an application form as necessary or appropriate to establish that all Federal Surface Regulations will be met by the applicant.

b) Mines Possessing Section 4 Permits Before August 11, 1978. Mines possessing permits pursuant to Section 4 issued by the Department of Natural Resources, Office of Mines and Minerals prior to the effective date of Section 17 of the Illinois Act, shall be entitled to continue in operation, subject to compliance with the Federal Surface Regulations provided an application is currently on file with the Authority. (Such mines shall request determinations required of existing surface mines in Part 3 hereof.) If a permittee does not have a complete application on file with the Authority, or the Authority denies an application, operations of mines to which this paragraph applies shall cease forthwith, reasonable security measures for the protection of property and safety excepted, and shall not commence again until such application is filed or approved by the Regulatory Authority.

c) No person shall open or operate a surface coal mining operation which is not subject to Section 4, or exempt under Section 17, without a Section 17 permit.

d) No person shall open or operate a surface coal mining operation for which a Section 4 permit would have been required but was not issued before August 11, 1978, without a combined permit.

e) Processing an Application

1) Applications will be received by the Authority and reviewed for completeness. Such review shall be as to form only, for purposes of initiating review, and shall not preclude later requests for more complete or additional information from the applicant. The authority will notify the applicant as to whether the application is complete.

2) When an application is found to be complete, the Authority shall forward copies for Interagency Committee review, and shall see to it that copies are filed by the permit applicant with the appropriate County Board. The Interagency Committee shall review each application in accordance with its designated responsibilities and expertise. Comments shall be returned to the Authority within 45 days of receipt of the complete application by the Authority, and copies thereof will be sent to the applicant and filed with the County Clerk of the appropriate County.

3) Prime farmland review shall be conducted in accordance with Section 280.70 hereof.

4) The Authority shall consider all written comments received, including comments of a County Board. The Authority may discuss comments with the applicant, Interagency Committee Members or other technically trained experts and may require additional information to be provided. If review and comment reveals that inadequate information has been received from an applicant, the applicant will be asked to supply additional information. Failure to supply satisfactory information in support of an application is grounds for permit denial.

f) Permit Grant. Permits shall be granted by the Authority provided:

1) that Prime Farmland Review is completed pursuant to Section 280.70 hereof.

2) that the application shows compliance with all Federal Regulations; and

3) that all provisions and conditions deemed necessary or appropriate by the Authority to assure compliance with the Act and all regulations are agreed to by the applicant.

g) Permit Denial. Permit denial shall occur whenever the Authority determines:

1) that Prime Farmland requirements under Section 280.70 hereof will not be met; or

2) when, based upon the application and comments in the record, it is the judgment of the Authority that 62 Ill. Adm. Code 300 on Federal Regulations will not be met.

h) Determinations. After a permit is issued, determinations shall be requested in accordance with Section 280.30 hereof.