**Section 300.90 Amendments to Permits**

a) Surface Mined Affected Lands

1) Amendment to Increase Affected Acreage

 An operator may make application to amend his surface mining permit to include additional acreage at any time during the permit period. The fee for such an amendment to a permit shall be at a rate per acre consistent with the prescribed rate for the new total estimated acreage to be affected and such fee shall be submitted upon request by the Department. The additional bond or security which shall be required, if such an amended permit is granted shall be at a rate per acre consistent with the Act and Section 300.40(b) of this Part. The Director shall notify the applicant of the amount of the additional bond or security to be filed and the additional fees to be submitted by the applicant before the amended permit will be issued.

2) Amendment to Transfer Acreage Under Permit Within a Geographically Distinct Mining Site

 An operator may make application to amend his surface mining permit by requesting to transfer acreage from within an area under permit to another area outside the permit area but within the same geographically distinct mining site at any time during the permit period. Upon approval of the Department, such amendment shall be allowed without additional fees except as may be provided elsewhere in this subsection.

3) Requirements for Amendments to Permits Under Subsections (a)(1) and (a)(2)

 Any application for an amendment to a surface mining permit allowed under subsections (a)(1) and (a)(2) of this Section shall be governed by those provisions of the Act and this Part that apply to applications for a surface mining permit. Such provisions and rules shall include, but are not limited to, provisions and rules concerning notice to county boards, dates of application, responsibilities of county clerks, times for hearings, county board proposals, and Departmental consideration of reclamation proposals and recommendations generally.

4) Request to Reduce Affected Acreage

 An operator may make application to withdraw acreage covered by permit, except affected land, at any time during the permit period. Upon approval by the Department, the bond shall be reduced proportionally but there shall be no refund of fees.

b) Amendments to Permits for Refuse Disposal Lands

 An operator may make application to increase acreage or to transfer acreage under permit within a geographically distinct disposal site at any time during the permit period for the Slurry Pond Disposal Permits or for Gob Refuse Disposal Permits. An application for an amendment shall be made in the fashion referred to in subsection (a)(3). The fee for an amendment to a permit to increase acreage shall be at a rate per acre consistent with the prescribed rate for the new total estimated acreage to be affected, and the fee shall be submitted upon request of the Department. The additional bond or security which shall be required, if an amended permit is granted, shall be at a rate per acre consistent with the Act and Section 300.40(b) of this Part. The Director shall notify the applicant for the amount of the additional bond or security to be filed and the additional fees to be submitted by the applicant before the amended permit will be issued.

(Source: Amended at 26 Ill. Reg. 4372, effective March 11, 2002)