**Section 1773.13 Public Participation in Permit Processing**

a) Filing and public notice.

1) Upon submission of an administratively complete application, an applicant for a permit, significant revision of a permit under 62 Ill. Adm. Code 1774.13, or renewal of a permit under 62 Ill. Adm. Code 1774.15, shall place an advertisement in a local newspaper of general circulation in the locality of the proposed surface coal mining and reclamation operation at least once a week for 4 consecutive weeks. A copy of the advertisement as it will appear in the newspaper shall be submitted to the Department. The advertisement shall contain, at a minimum, the following:

A) The name and business address of the applicant.

B) A map or description which clearly shows or describes the precise location and boundaries of the proposed permit area and shadow area, if applicable, and is sufficient to enable local residents to readily identify the proposed permit area. It may include towns, bodies of water, local landmarks, and any other information which would identify the location. If a map is used, it shall indicate the north direction. If the application includes a shadow area, the map or description shall differentiate between the two.

C) The location where a copy of the application is available for public inspection.

D) The address of the office of the Department where written comments, objections or requests for informal conferences and public hearings on the application may be submitted under subsections (b) and (c).

E) If an applicant seeks a permit to mine within 100 feet of the outside right-of-way of a public road, except where public notice and hearing have previously been provided for this particular part of the road in accordance with 62 Ill. Adm. Code 1761.14, a concise statement describing the public road, the activities proposed within 100 feet of the road, the particular part to be relocated or closed, if applicable, and the approximate timing and duration of the relocation or closing.

F) If the application includes a request for an experimental practice under 62 Ill. Adm. Code 1785.13, a statement indicating that an experimental practice is requested and identifying the regulatory provisions for which a variance is requested.

2) The applicant shall make an application for a permit, significant revision under 62 Ill. Adm. Code 1774.13, or renewal of a permit under 62 Ill. Adm. Code 1774.15 available for the public to inspect and copy by filing a full copy of the application with the clerk at the courthouse of the county where the mining is proposed to occur. This copy of the application need not include confidential information exempt from disclosure under subsection (d). The application required by this subsection shall be filed in accordance with Section 2.04(a) of the State Act. The applicant shall file an additional copy of any changes to the application with the Department. The Department will then forward this copy to the county clerk.

3) Upon receipt of an administratively complete application for a permit, a significant revision to a permit under 62 Ill. Adm. Code 1774.13, or a renewal of a permit under 62 Ill. Adm. Code 1774.15, the Department shall issue written notification indicating the applicant's intention to mine the described tract of land, the application number or other identifier, the location where the copy of the application may be inspected, and the location where comments on the application may be submitted. The notification shall be sent to:

A) Local governmental agencies with jurisdiction over or an interest in the area of the proposed surface coal mining and reclamation operation, including but not limited to planning agencies, sewage and water treatment authorities, water companies; and

B) All Federal or State governmental agencies with authority to issue permits and licenses applicable to the proposed surface coal mining and reclamation operation and which are part of the permit coordinating process developed in accordance with Section 503(a)(6) of the Federal Act or Section 1773.12; or those agencies with an interest in the proposed operation, including the U.S. Department of Agriculture, Natural Resources Conservation Service district office, the local U.S. Army Corps of Engineers district engineer, the National Park Service, State and Federal fish and wildlife agencies, and the historic preservation officer.

b) Comments and objections on permit applications.

1) Written comments or objections to an application for a permit, significant revision to a permit under 62 Ill. Adm. Code 1774.13, or renewal of a permit under 62 Ill. Adm. Code 1774.15 may be submitted to the Department by any person having an interest which is or may be adversely affected by the decision on the application, or by an officer or head of any Federal, State, or local government agency or authority notified under subsection (a)(3), within 30 days after the last publication of the newspaper notice required by subsection (a). Any person not a public officer, as designated in this subsection, who submits written comments or objections to an application and claims to have an interest which is or may be adversely affected by the Department's decision shall identify the interests claimed and shall state how the Department's decision may or will adversely affect the interests specified.

2) The Department shall upon receipt of such written comments or objections:

A) Transmit a copy of the comments or objections to the applicant; and

B) File a copy for public inspection at the same public office where the application is filed.

c) Informal conferences.

1) Any person having an interest which is or may be adversely affected by the decision on the application, or an officer or head of a Federal, State, or local government agency, may request in writing that the Department hold an informal conference on the application for a permit, significant revision to a permit under 62 Ill. Adm. Code 1774.13, or renewal of a permit under 62 Ill. Adm. Code 1774.15. Any person not a public officer, as designated in this subsection, who requests the Department to hold an informal conference with respect to an application based on a claim of an interest which is or may be adversely affected by the Department's decision, shall in the request for an informal conference identify the interests claimed and shall state how the Department's decision may or will adversely affect the interests specified. The request shall:

A) Briefly summarize the issues to be raised by the requester at the conference;

B) State whether the requester desires to have the conference conducted in the locality of the proposed operation; and

C) Be filed with the Department no later than 30 days after the last publication of the newspaper advertisement required under subsection (a).

2) Except as provided in subsection (c)(3), if an informal conference is requested in accordance with subsection (c)(1), the Department shall hold an informal conference within 75 days after the first newspaper notice required by subsection (a). The informal conference shall be conducted as follows:

A) If requested under subsection (c)(1)(B), it shall be held in the locality of the proposed surface coal mining and reclamation operation.

B) The date, time, and location of the informal conference shall be sent to the applicant and other parties to the conference and advertised by the Department in a newspaper of general circulation in the locality of the proposed surface coal mining and reclamation operation at least 2 weeks before the scheduled conference.

C) If requested in writing by a conference requester at least 7 days before the conference, the Department may arrange with the applicant to grant parties to the conference access to the proposed permit area and, to the extent that the applicant has the right to grant access to it, to the shadow area and adjacent area prior to the established date of the conference for the purpose of gathering information relevant to the conference.

D) The conference shall be conducted by a representative of the Department, who shall accept oral or written statements and any other relevant information from any party to the conference. An electronic or stenographic record shall be made of the conference, unless waived by all the parties. The record shall be maintained and shall be accessible to the parties of the conference until final release of the applicant's performance bond or other equivalent guarantee pursuant to 62 Ill. Adm. Code 1800.40.

3) If all parties requesting the informal conference withdraw their request before the conference is held, the informal conference shall be canceled.

4) Informal conferences held in accordance with this subsection may be used by the Department as the public hearing required under 62 Ill. Adm. Code 1761.12(c) on proposed relocation or closing of public roads.

d) Public availability of permit applications.

1) General availability.

Except as provided in subsection (d)(2) or (d)(3), all applications for permits; revisions; renewals; and transfers, assignments or sales of permit rights on file with the Department shall be available, at reasonable times, for public inspection and copying.

2) Limited availability.

Except as provided for in subsection (d)(3)(A), information pertaining to coal seams, test borings, core samplings, or soil samples in an application shall be made available to any person with an interest that is or may be adversely affected. Information subject to this subsection (d)(2) shall be made available to the public when such information is required to be on public file pursuant to the Freedom of Information Act [5 ILCS 140].

3) Confidentiality.

In accordance with the Freedom of Information Act, the Department provides procedures, including notice and opportunity to be heard for persons both seeking and opposing disclosure, to ensure confidentiality of qualified confidential information, which shall be clearly identified by the applicant and submitted separately from the remainder of the application. Confidential information is limited to:

A) Information that pertains only to the analysis of the chemical and physical properties of the coal to be mined, except information on components of such coal which are potentially toxic in the environment;

B) Information required under Section 508 of the Federal Act that is not on public file pursuant to State law and that the applicant has requested in writing to be held confidential;

C) Information on the nature and location of archaeological resources on public land and Indian land as required under the Archaeological Resources Protection Act of 1979 (16 USC 470).

(Source: Amended at 27 Ill. Reg. 4656, effective February 26, 2003)