**Section 1800.11 Requirement to File a Bond**

a) After a permit application under 62 Ill. Adm. Code 1772 through 1785 has been approved, but before a permit is issued in accordance with 62 Ill. Adm. Code 1773.19, the Department shall notify the applicant in writing of the amount of bond required to ensure reclamation of the permit area. The applicant shall file with the Department, on a form provided by the Department a bond or bonds for performance made payable to the Department and conditioned upon the faithful performance of all the requirements of the State Act, 62 Ill. Adm. Code 1700 through 1850, the permit and the reclamation plan. Failure to file a performance bond or other equivalent guarantee in accordance with this Section within 1 year after the issuance of the Department's written notification of the required bond amount shall result in the application being deemed null and void. The Department may issue an extension to this time limit if the applicant can demonstrate just cause (e.g., extended periods of illness, extreme inclement weather, acts of civil unrest, or other emergency situations) for doing so.

b) Bond coverage.

1) The bonds or bonds shall cover the entire permit area, or an identified increment of land within the permit area upon which the operator will initiate and conduct surface coal mining operations during the initial term of the permit.

2) As surface coal mining and reclamation operations on succeeding increments are initiated and conducted within the permit area, the permittee shall file with the Department an additional bond or bonds to cover such increments in accordance with this Section.

3) The operator shall identify the initial and successive areas or increments for bonding on the permit application map submitted for approval as provided in the application (under 62 Ill. Adm. Code 1780 and 1784), and shall specify the bond amount to be provided for each area or increment.

4) Independent increments shall be of sufficient size and configuration to provide for efficient reclamation operations should reclamation by the Department become necessary pursuant to Section 1800.50.

c) An operator shall not disturb any surface areas, succeeding increments or extend any underground shafts, tunnels, or operations prior to acceptance by the Department of the required performance bond.

d) The applicant shall file, with the approval of the Department, a bond or bonds under one of the following schemes to cover the bond amounts for the permit area as determined in accordance with Section 1800.14:

1) A performance bond or bonds for the entire permit area;

2) A cumulative bond schedule and the performance bond required for the full reclamation of the initial area to be disturbed; or

3) An incremental bond schedule and the performance bond required for the first increment in the schedule.

e) The Department shall administer self-bonding for eligible permittees consistent with all applicable provisions of Section 1800.1 through 1800.50.

(Source: Amended at 26 Ill. Reg. 4197, effective March 6, 2002)