**Section 2501.11 Eligible Non-coal Lands and Water**

Non-coal lands and water are eligible for reclamation activities if:

a) They were mined or affected by mining processes;

b) They were mined prior to August 3, 1977, and left or abandoned in either an unreclaimed or inadequately reclaimed condition;

c) There is no continuing responsibility for reclamation by the operator, permittee, or agent of the permittee under statutes of the State or Federal Government as a result of bond forfeiture, which will render lands or water ineligible only if the amount forfeited is sufficient to pay the total cost of the necessary reclamation or, in cases where the forfeited bond is insufficient to pay the total cost of reclamation, additional federal funding may be sought;

d) The Governor concurs that reclamation is necessary and submits a letter of request to the Federal Office;

e) The reclamation is necessary for the protection of the public health and safety, general welfare and property from extreme danger of adverse effects of non-coal mining practices; and

f) They are not designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.) or have been listed for remedial action pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(Source: Added at 22 Ill. Reg. 11382, effective June 23, 1998)