



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB0096

Introduced 1/28/2015, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

225 ILCS 710/Act rep.
225 ILCS 715/8

from Ch. 96 1/2, par. 4509

Repeals the Fluorspar and Underground Limestone Mines Act. Amends the Surface-Mined Land Conservation and Reclamation Act. Changes certain provisions concerning the amount of any bond that is required to be filed with the Department of Natural Resources by an operator. Provides that the penalty of such bonds shall be an amount between \$600 and \$10,000 (was between \$600 and \$5,000) per acre as determined by the Director of Natural Resources for lands to be affected by surface mining, including slurry and gob disposal areas. Provides that, under circumstances where a written agreement between the operator and a third party require overburden to be removed, replaced, graded, and seeded in a manner that the necessary bond penalty exceeds \$10,000 per acre, the Department shall require a bond amount sufficient to ensure the completion of the reclamation plan specified in the approved permit in the event of forfeiture. Provides that in no case shall the bond for the entire area under one permit be less than \$600 per acre or \$3,000, whichever is greater.

LRB099 04130 HAF 24150 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 (225 ILCS 710/Act rep.)

5 Section 5. The Fluorspar and Underground Limestone Mines
6 Act is repealed.

7 Section 10. The Surface-Mined Land Conservation and
8 Reclamation Act is amended by changing Section 8 as follows:

9 (225 ILCS 715/8) (from Ch. 96 1/2, par. 4509)

10 Sec. 8. Bond of operator; amount; sufficiency of surety;
11 violations; compliance. Any bond herein provided to be filed
12 with the Department by the operator shall be in such form as
13 the Director prescribes, payable to the People of the State of
14 Illinois, conditioned that the operator shall faithfully
15 perform all requirements of this Act and comply with all rules
16 of the Department made in accordance with the provisions of
17 this Act. Such bond shall be signed by the operator as
18 principal, and by a good and sufficient corporate surety,
19 licensed to do business in Illinois, as surety. The penalty of
20 such bond shall be an amount between \$600 and \$10,000 ~~\$5,000~~
21 per acre as determined by the Director for lands to be affected
22 by surface mining, including slurry and gob disposal areas.

1 Under circumstances where a written agreement between the
2 operator and a third party require overburden to be removed,
3 replaced, graded, and seeded in a manner that the necessary
4 bond penalty exceeds \$10,000 per acre, the Department shall
5 require a bond amount sufficient to ensure the completion of
6 the reclamation plan specified in the approved permit in the
7 event of forfeiture. In no case shall the bond for the entire
8 area under one permit be less than \$600 per acre or \$3,000,
9 whichever is greater. Areas used for the disposal of slurry and
10 gob shall continue under bond so long as they are in active
11 use. In lieu of such bonds, the operator may deposit any
12 combination of cash, certificates of deposits, government
13 securities, or irrevocable letters of credit with the
14 Department in an amount equal to that of the required surety
15 bond on conditions as prescribed in this Section. The penalty
16 of the bond or amount of other security shall be increased or
17 reduced from time to time as provided in this Act. Such bond or
18 security shall remain in effect until the affected lands have
19 been reclaimed, approved and released by the Department except
20 that when the Department determines that grading and covering
21 with materials capable of supporting vegetation in accordance
22 with the plan has been satisfactorily completed, the Department
23 shall release the bond or security except the amount of \$100
24 per acre which shall be retained by the Department until the
25 reclamation according to Section 6 of this Act has been
26 completed. Where an anticipated water impoundment has been

1 approved by the Department in the reclamation plan, and the
2 Department determines the impoundment will be satisfactorily
3 completed upon completion of the operation, the bond covering
4 such anticipated water impoundment area shall be released.

5 A bond filed as above prescribed shall not be cancelled by
6 the surety except after not less than 90 days' notice to the
7 Department.

8 If the license to do business in Illinois of any surety
9 upon a bond filed with the Department pursuant to this Act
10 shall be suspended or revoked, the operator, within 30 days
11 after receiving notice thereof from the Department, shall
12 substitute for such surety a good and sufficient corporate
13 surety licensed to do business in Illinois. Upon failure of the
14 operator to make substitution of surety as herein provided, the
15 Department shall have the right to suspend the permit of the
16 operator until such substitution has been made.

17 The Department shall give written notice to the operator of
18 any violation of this Act or non-compliance with any of the
19 rules and regulations promulgated by the Department hereunder
20 and if corrective measures, approved by the Department, are not
21 commenced within 45 days, the Department may proceed as
22 provided in Section 11 of this Act to request forfeiture of the
23 bond or security. The forfeiture shall be the amount of bond or
24 security in effect at the time of default for each acre or
25 portion thereof with respect to which the operator has
26 defaulted. Such forfeiture shall fully satisfy all obligations

1 of the operator to reclaim the affected land under the
2 provisions of this Act.

3 The Department shall have the power to reclaim, in keeping
4 with the provisions of this Act, any affected land with respect
5 to which a bond has been forfeited.

6 Whenever an operator shall have completed all requirements
7 under the provisions of this Act as to any affected land, he
8 shall notify the Department thereof. If the Department
9 determines that the operator has completed reclamation
10 requirements and refuse disposal requirements and has achieved
11 results appropriate to the use for which the area was
12 reclaimed, the Department shall release the operator from
13 further obligations regarding such affected land and the
14 penalty of the bond shall be reduced proportionately.

15 Bonding aggregate mining operations under permit by the
16 State is an exclusive power and function of the State. A home
17 rule unit may not require bonding of aggregate mining
18 operations under permit by the State. This provision is a
19 denial and limitation of home rule powers and functions under
20 subsection (h) of Section 6 of Article VII of the Illinois
21 Constitution of 1970.

22 (Source: P.A. 91-938, eff. 1-11-01.)