

PERMIT REQUIREMENTS FOR DEVELOPMENT OF ENERGY
AND OTHER SELECTED NATURAL RESOURCES FOR THE
STATE OF ILLINOIS

PREPARED FOR
THE STATE OF ILLINOIS
AND THE
U.S. GEOLOGICAL SURVEY

INDIANA UNIVERSITY, ENVIRONMENTAL SYSTEMS APPLICATION CENTER

This report has been financed by public funds. Any statements of opinion and/or recommendations are those of the authors and do not necessarily reflect the official opinion of the U.S. Geological Survey.

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Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

U.S. Geological Survey
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760 National Center
Reston, Virginia 22092

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Environmental Affairs Office
760 National Center
Reston, VA. 22092

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INTRODUCTION TO GUIDE

This guidebook is one of a series prepared for every State. The purpose of the guidebook is to summarize State regulations and permit requirements for natural resources management and development. The guidebook is intended not only for private developers and interest groups, but also for regulatory officials of Federal, State and local government as well.

All State agencies having jurisdiction over the permits, licenses, and approvals described in this guidebook helped to prepare it, and they reviewed the final draft of each summary for accuracy and completeness. Users of this guidebook should be aware, however, that changes in the laws, rules and regulations, or regulatory personnel since the guidebook was published may cause significant changes in permit requirements.

The guidebook should not be construed as a legal document or a final authority on permits for the State of Illinois. It is not intended to be a comprehensive reference to the specific requirements of each permit, but to provide concise, easy-to-use information on the State regulations that govern the development of such resources. Before attempting to obtain a permit or begin any activity that might require a permit, you should contact the appropriate State agency for further details.

The guidebook is divided into seven sections. Sections I, II, and VII discuss introductory information, consolidated permit programs, and local regulatory policies, respectively. The remaining sections discuss permits that apply to resource extraction, land use regulation, environmental quality management, and social/ecological preservation. Each section is divided into chapters; each chapter summarizes one permit, license, or approval. Permits administered by a single agency are generally grouped together in each section.

PRESENTATION FORMAT

Each permit is discussed in the standard format shown below:

CHAPTER TITLE

A. AUTHORIZING STATUTE

Title of the statute, including its legal citation, which establishes the basis for regulation.

B. TITLE OF REGULATION

Title of the regulation(s) adopted to implement the statute.

C. SUMMARY OF REGULATION

Summary of the regulation or summary of the procedure for obtaining a permit, lease, license, etc. In general, information is presented according to the following format:

1. APPLICABILITY

Generally describes activities controlled by the regulation.

2. GENERAL REQUIREMENTS

Describes regulatory requirements which must be met by all activities covered.

3. SUBMISSION REQUIREMENTS

Briefly describes types of information which must be submitted to obtain approval of the proposed activity.

4. PROCEDURE FOR OBTAINING A PERMIT, LEASE, ETC.

Outlines procedures and time requirements which must be met by the applicant and (or) the agency, such as application submittal, public notification, public hearing, application review, preliminary and final decisions. Total processing time is also provided.

5. OPERATION REQUIREMENTS

Describes operation requirements that must be met by the operator to comply with regulatory requirements and continue operation.

6. FEES

Indicates administrative fees, if any, which are charged by the administering agency.

D. ADMINISTERING AGENCY

Provides the name, address, and telephone number of the agency responsible for administering the regulations or statutes.

The information in each chapter varies according to the type of control summarized (e.g., a statute, a regulation, a review process, a standard, etc.).

SECTION I.
INTRODUCTION

SECTION II.

**STATE POLICY AND
PROCEDURES**

CHAPTER 1

STATE CLEARINGHOUSE OR ONE-STOP PERMIT AGENCY

INTRODUCTION

This chapter summarizes the procedure and rules for coordinated permit reviews as adopted by the Illinois Environmental Protection Agency.

A. AUTHORIZING STATUTE

Illinois Environmental Protection Act (Illinois Revised Statute, Chapter 111 1/2, Sections 1001-1051).

B. TITLE OF REGULATIONS

"Procedures for Coordinated Permit Review" adopted pursuant to Section 39 of the Illinois Environmental Protection Act.

C. SUMMARY OF REVIEW PROCEDURES

1. APPLICABILITY

Coordinated Permit Review is used in evaluating applications for permits to construct or develop projects that are significant with respect to two or more Agency Divisions. This does not apply to operating permits.

2. GENERAL REQUIREMENTS

The Pollution Control Board requires permits for the construction and development of facilities which might control or are designed to control pollution of the land, waters, and air or for public water supplies of the State. The coordinated plan is intended to simplify the permit procedure imposed on the applicant. This procedure should be used when two or more Agency Divisions are involved in applications for permits to develop or construct projects, or when major modifications are made to existing facilities.

3. SUBMISSION REQUIREMENTS

Each applicant must submit an overall project plan for each medium. A significant project can be generally defined as any new facility or any modification, replacement or reconstruction of an existing facility. Facilities include major air pollution sources, public water supplies, wastewater treatment facilities, and facilities for the storage, transfer, recovery, processing, or disposal of wastes.

The overall project plan must include, but is not limited to, the following types of information: preliminary project layout, design criteria, the interrelationships between the various environmental controls utilized, discussion of how environmental regulations will be met, and project milestones.

4. PROCEDURE FOR OBTAINING A PERMIT

a. REVIEW PROCESS

When the application is received, the Project Coordinator will send appropriate sections to the various Divisions. All sections must be complete. If one Division denies the application, the entire application is denied. Denials will be sent to the applicant within 30 days. If the application is denied, a meeting may be scheduled between the applicant and the Agency.

b. PUBLIC NOTIFICATION, HEARING

Opportunities for public participation can occur in those cases where Federal or State laws require a hearing or when parties identified in the Environmental Protection Act are notified of receipt of a request for a permit for a refuse-disposal facility.

c. FEES

There are no special fees for the coordinated review.

D. ADMINISTERING AGENCY

Illinois Environmental Protection Agency

Coordinated Permit Review

2200 Churchill Road

Springfield, Illinois 62706

(217) 782-2829

CHAPTER 2

STATE ENVIRONMENTAL POLICY STATUTES

INTRODUCTION

This act establishes a unified statewide program to restore, protect, and enhance the environment and to insure that adverse effects upon the environment are fully considered and borne by those who cause them. This act is the authorizing statute for several chapters which follow.

A. AUTHORIZING STATUTE

Illinois Environmental Protection Act (Illinois Revised Statute 1979, Chapter 111 1/2, Section 1001 et seq.).

B. TITLE OF REGULATION

No specific regulations are promulgated under the Act. The Act does create, however, authority for regulations in the following areas: water pollution, air pollution, solid waste, public water supply, and noise control. (Refer to these chapters elsewhere in this guidebook for specific information.)

C. SUMMARY OF THE ACT

The Act creates the Illinois Environmental Protection Agency which is granted authority to carry out functions including, but not limited to:

1. implementing permit and certification systems;
2. reviewing plans and specifications;
3. establishing fees for permits;
4. recommending regulations;
5. engaging in planning and cooperating with local governments and State agencies; and
6. Serving as the State agency responsible for implementing water, air, solid waste, and noise pollution controls.

The Act creates the Illinois Pollution Control Board which:

1. determines, defines, and implements the environmental control standards and adopts rules and regulations;
2. adopts standards under Federal laws; and
3. conducts hearings for violations, variances, and permit denials.

D. ADMINISTERING AGENCY

This act is administered by the agencies identified in the applicable chapters elsewhere in this guidebook under specific environmental areas.

SECTION III.
RESOURCE EXTRACTION

CHAPTER 3

ENERGY RESOURCES

I. COAL EXTRACTION AND RECLAMATION

INTRODUCTION

This chapter summarizes the permit requirements which regulate the conservation and reclamation of lands affected by surface and underground mining in order to restore them to optimum future productive use. The Illinois Department of Mines and Minerals has the authority to issue such permits. The rules provide for coordination and cooperation with the Federal government in initial regulatory programs under the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, Title 30, U.S.C. Section 1201 et seq.

A. AUTHORIZING STATUTE

Surface Mined Land Conservation and Reclamation Act (Illinois Revised Statutes, Chapter 96 1/2, Section 4501 et seq., as amended August 11, 1978).

B. TITLE OF REGULATION

- State of Illinois Department of Mines and Minerals, Surface Mined Land Conservation and Reclamation Act Rules and Regulations (R.A. 78-1295).
- Section 17, Interim Regulations for Illinois Surface Coal Mining Operation.

C. SUMMARY OF REGULATION

1. APPLICABILITY

These regulations apply to any person, partnership, or corporation engaged in coal mining where:

- a. more than 250 tons of coal will be removed;
- b. the mining operation affects 2 acres or more within 1 year at any locations; or
- c. the overburden will exceed 10 feet in depth.

These rules also apply to excavation activities, the use of explosives and blasting, chemical and physical processing, and the cleaning, processing, and loading of coal for interstate commerce at or near the mine site.

2. GENERAL REQUIREMENTS

Permits shall be required for any person, partnership or corporation engaged in coal mining that:

- a. removes or intends to remove more than 250 tons of coal;
- b. affects 2 acres or more within 1 year at any one location; or
- c. involves overburden exceeding 10 feet in depth.

3. SUBMISSION REQUIREMENTS

A single application must be submitted to the Department of Mines and Minerals. Once the application is determined to be complete, 10 additional copies (one of which bears original signatures) must be filed with the Department and 2 copies with the County Clerk in the affected county. Underground mine permit applications are exempt from filing with the county.

Information that is required includes, but is not limited to:

- a. general location of permit areas with respect to towns, transportation routes, major streams, bodies of water, and public water supplies;
- b. premining land use classification of area;
- c. existing drainage patterns;
- d. existing structures and facilities;

- e. soils map of medium intensity;
- f. map and narrative of the mining operation and sequence;
- g. blasting program and areas;
- h. permanent and temporary impoundments;
- i. roads and other transport facilities, temporary and permanent;
- j. refuse disposal areas;
- k. post-mining land uses and vegetation;
- l. areas of alternate land use; and
- m. post-mining drainage.

4. PROCEDURE FOR OBTAINING A PERMIT

a. TIME REQUIREMENTS

Once the Department receives the 10 copies, a 120-day review period begins. If the application is not approved within 120 days, it is up to the applicant to request a time extension or the application will automatically be denied. An interagency committee made up of Illinois Department of Agriculture, Department of Transportation - Division of Water Resources, Illinois Environmental Protection Agency, and Department of Conservation personnel reviews each application and has 45 days to submit comments. The County Boards have 30 days beyond the original 45 to review and submit comments.

b. PUBLIC NOTIFICATION, HEARING

The County Board may request a public hearing on the application.

5. OPERATION REQUIREMENTS

All mining operations are required to comply with the performance standards established by the rules and regulations. Standards include but are not limited to the following areas: alternative post-mining land use, signs and markers, final graded slope measurements, variations

and terracing, structures or facilities, overburden, disposal of surplus soil, topsoil handling and storage, sedimentation pond storage, volume and control, acid and toxic materials, and revegetation.

6. FEES

Permit Fee: \$50 plus \$25 per acre of land affected during the permit period.

Bond: \$600 to \$5,000 per acre of land as determined by the Department and based on estimated reclamation costs.

D. ADMINISTERING AGENCY

Illinois Department of Mines and Minerals
Division of Land Reclamation
227 South Seventh Street, Suite 204
Springfield, Illinois 62706
(217) 782-4970

II. OIL AND GAS EXTRACTION

A. AUTHORIZING STATUTE

The Oil, Gas, Coal and Other Surface and Underground Resources Act (Illinois Revised Statutes, Chapter 96 1/2 Sections 4901 et. al.).

B. TITLE OF REGULATION

Rules and Regulations of the Department of Mines and Minerals for the Oil and Gas Division.

C. SUMMARY OF REGULATIONS

1. APPLICABILITY

These regulations apply to drilling, converting, and deepening oil wells, and to the extraction of oil and natural gas.

2. GENERAL REQUIREMENTS

A permit is required for drilling, converting, or deepening wells. Permits are also required to prospect and explore public lands which are classified as unproven territory.

3. SUBMISSION REQUIREMENTS

Types of information that are required include but are not limited to:

- a. the name of the leasehold and exact location, by plot, of the well proposed to be drilled, deepened, or converted, and the approximate location of producing wells previously drilled to the same formation;
- b. the name and approximate location of the offset well or wells on adjoining leaseholds;
- c. a statement as to whether or not the proposed location is within the limits of any incorporated city, town, or village;
- d. names and addresses of lessor, lessee, owner or manager, and name of the contractor;
- e. the type of equipment to be used; and
- f. the lowest proposed depth and geological formation to be tested or penetrated.

The application must be certified by a registered Illinois land surveyor or registered professional engineer who works on the extraction of minerals from the earth.

4. PROCEDURE FOR OBTAINING A PERMIT

a. TYPES OF PERMITS

All permits issued are for one year. Operations requiring permits include:

- 1) drilling, deepening, or converting a well, test hole, water supply;
- 2) salt water disposal;
- 3) gas, air, water, or liquid input wells;
- 4) wells which penetrate a mine; and
- 5) exploring and prospecting.

If the applicant is attempting to drill or deepen an oil or gas well within city limits or within the limits of an incorporated town or village, the applicant must include a certified copy of the official consent of the municipal authorities. A new certified consent must be filed for amended locations.

b. PUBLIC NOTIFICATION, HEARING

The Mining Board, when petitioned, will hold a public hearing for the need of operating a pool or pools to increase the recovery of oil and gas and to prevent its waste. Public hearings are not required for every permit issued.

5. OPERATION REQUIREMENTS

Standards for operating include but are not limited to: spacing of wells, filing of logs and well information, waste prohibition, vacuum pumps, plugging of wells, and sealing of abandoned wells.

6. FEES

a. Fees

There is a \$40.00 fee for each application.

b. Leases

Upon satisfactory discharge of the application, a lease for extraction of petroleum may be granted. At the option of the Department the rate may be 12.5% or

the market value of the oil and gas extracted. An annual rental fee of \$1.00 per acre is required in advance.

c. Bonds

All persons who bid for leases or permits on State-owned lands must post a bid bond in an amount fixed by the Department. The successful bidder must file a performance bond of \$5,000. Persons securing permits must file a bond of \$1,000. A bond of \$1,000 for each well or a blanket bond of \$10,000 is required.

D. ADMINISTERING AGENCY

Illinois Department of Mines and Minerals
Division of Oil and Gas
704 Stratton Building
Springfield, Illinois 62706
(217) 782-7756

CHAPTER 4

METALLIFEROUS MINING

INTRODUCTION

This chapter summarizes the laws which regulate metalliferous mining in the State of Illinois. These laws are administered and enforced by the Illinois Department of Mines and Minerals (hereafter Department), Reclamation Division (hereafter Division).

A. AUTHORIZING STATUTES

- Mines Inspection Act (Illinois Revised Statutes, Chapter 96 1/2, Sections 4201 et seq., as amended).
- Surface Mined Land Conservation and Reclamation Act (Illinois Revised Statutes, Chapter 96 1/2, Sections 4501 et seq., as amended August 11, 1978).

B. TITLE OF REGULATIONS

State of Illinois Department of Mines and Minerals, Surface Mined Land Conservation and Reclamation Act Rules and Regulations (R.A. 78-1295).

C. SUMMARY OF REGULATIONS

1. APPLICABILITY

Metalliferous mining in Illinois is regulated according to the mining method used and the total area impacted by the mining project.

- a. Surface-mining processes that will remove more than 10 feet of overburden or surface mining and overburden areas impacting more than 10 acres in a 1-year period (measured July 1 to June 30) are subject to the same permitting, submission, operational, fee, and bonding requirements as for construction materials, as outlined in chapter 5.

- b. Underground mines or surface mines that do not exceed the overburden or area-affected limitations set out above are subject to regulations under the Mines-Inspection Act discussed below.

2. GENERAL REQUIREMENTS

- a. All metalliferous mines shall register with the Illinois Office of Inspector of Mines (hereafter Office) of the Department of Mines and Minerals before mining operations begin.
- b. The operators of all mines must allow inspectors from the Office to examine any mine or mining plant within the State.
- c. The operators of all mines must comply with all safety rules, precautions, and equipment specifications as described in the Mines-Inspection Act.

3. SUBMISSION REQUIREMENTS

The Mines-Inspection Act does not have any permitting requirements.

4. PROCEDURE FOR OBTAINING A PERMIT

There are no permit requirements.

5. OPERATION REQUIREMENTS

- a. The operator of every mine in the State must forward to the Department, not later than the 15th day of each month, a report on the Department's form showing for the preceding calendar month:
 - 1) the tonnage of product produced;
 - 2) the average number of employees; and
 - 3) the number and nature of all accidents.

- b. The operator of every mine shall make and maintain a clear and accurate map or maps showing, if necessary, all the workings of the mine.
- c. The mine operator must adhere to all the rules and requirements as set out in the Illinois Mines-Inspection Act.

6. FEES
None.

D. ADMINISTERING AGENCY

Reclamation Division
Department of Mines and Minerals
227 South Seventh St., Suite 204
Springfield, Illinois 62706
(217) 782-6791

CHAPTER 5

CONSTRUCTION MATERIALS

INTRODUCTION

This chapter summarizes the laws which regulate the extraction, reclamation, and preservation of construction materials including sand and gravel, limestone, and clays. The Department of Mines and Minerals, Division of Land Reclamation, is responsible for issuing permits. The Illinois program has been developed by the State to provide for conservation and reclamation of lands affected by surface mining in order to restore them to optimum future productive use.

A. AUTHORIZING STATUTE

Surface-Mined Land Conservation and Reclamation Act (Illinois Revised Statutes, Chapter 96 1/2 et. seq., as amended August 11, 1978).

B. TITLE OF REGULATION

State of Illinois Department of Mines and Minerals, Surface-Mined Land Conservation and Reclamation Rules and Regulations (R.S. 78-1295).

C. SUMMARY OF REGULATION

1. APPLICABILITY

These regulations apply to the extraction of construction materials including sand and gravel, limestone, and clays. These elements comprise the Aggregate Division.

2. GENERAL REQUIREMENTS

A surface mining permit will be required under either of the following conditions:

- a. where overburden exceeds 10 feet in depth; or

- b. where the surface mining and overburden area will affect more than 10 acres in a 1-year period. One year will be measured from July 1 to June 30 the following year.

3. SUBMISSION REQUIREMENTS

Types of information that are required include, but are not limited to:

- a. location and ownership of lands to be mined;
- b. character and composition of vegetation and wildlife;
- c. current and past land uses;
- d. current assessed value of lands to be mined;
- e. nature, depth, and disposition of overburden;
- f. location of roads before and after mining;
- g. mining techniques;
- h. location of streams, creeks, and bodies of water to be affected;
- i. pre- and post-mining drainage;
- j. location of buildings and utility lines;
- k. a detailed soils map; and
- l. a conservation and reclamation plan for each mine operation.

4. PROCEDURE FOR OBTAINING A PERMIT

Duplicate copies of permit applications must be submitted to both the Department of Mines and Minerals and to the County Board in the affected county. An acknowledgment by the County Clerk that the copies have been received starts the permit-review period. The County Board has 45 days to review, comment, and request a public hearing on the application. If the application is acceptable, bond and fee may be requested on the 46th day. If bond and fee are received, a permit may be issued on the 61st day.

5. OPERATION REQUIREMENTS

All mining operations are required to comply with the performance standards established by the rules and

regulations. Standards include but are not limited to: grading, highwalls, row crop agriculture, soil conditions, water impoundments, toxic materials handling, vegetative cover, excavation distances, and sanitary landfill requirements. All operations are inspected regularly to insure compliance with the law. Any infraction of the rules and regulations are subject to notice of violation and remedial action.

6. FEES AND BONDS

Surface Mining Permit: \$50 plus \$25 per acre of land to be affected during permit period.

Surety Bond: \$600 to \$5,000 per acre as determined by the Department based on estimated reclamation costs.

New fees, permits, and bonds are required on remined land where the overburden is to be removed again and the surety bonds have been previously released.

D. ADMINISTERING AGENCY

Illinois Department of Mines and Minerals
Division of Land Reclamation
227 South Seventh St., Suite 204
Springfield, Illinois 62706
(217) 782-4970

SECTION IV.
LAND USE REGULATION

CHAPTER 6

MAJOR FACILITY SITING

There are currently no regulations for major facility siting in Illinois.

CHAPTER 7

LAND USE

Although there are some specific powers legislated for the State which impact land use (for example, surface mining, pollution control, and so forth), general land use powers (zoning, subdivision control, set-back restrictions) are delegated to the local governments. In some cases, (for example, the Plats Act) minimum standards or rules are established which the local governments must follow. They may, however, expand on these standards or rules by developing more restrictive codes (that is, subdivision regulations). The local-government land use powers are discussed in chapter 19, Local Government Land Use and Natural Resource Control Enabling Laws.

CHAPTER 8

FLOOD PLAIN MANAGEMENT

INTRODUCTON

This chapter summarizes flood plain management in Illinois. The Department of Transportation defines flood plains on a township basis and is responsible for issuing permits. The Department cooperates with planning and zoning requirements of planning agencies created by statute, counties, municipalities, and other units of government.

A. AUTHORIZING STATUTE

Rivers, Lakes, and Stream Act (Illinois Revised Statutes, Chapter 19, Sections 52-78).

B. TITLE OF REGULATION

Rules governing "Construction Within Defined Flood Plains" were adopted February 18, 1975. Regulations are currently being drafted to cover construction on the remainder of the rivers, lakes, and streams.

C. SUMMARY OF STATUTE

1. APPLICABILITY

The Department may issue construction permits within defined flood plains, within meandered lakes and public bodies of water, and within the floodways of streams of the States.

2. GENERAL REQUIREMENTS

It is unlawful to make any fill, deposit, or encroachment in; deposit or place filled or woody plant material along the bank; or erect any bridges, over a stream (including the floodway) that has a drainage area of one square mile

or more in urban areas, or 10 square miles in rural areas, without a permit.

3. SUBMISSION REQUIREMENTS

Submission requirements include, but are not limited to: profiles, specifications, hydrologic data, valley cross sections, streambed data and other data required by the Department.

4. PROCEDURES FOR OBTAINING A PERMIT

a. TIME REQUIREMENTS

Applications for construction permits must be submitted to the Department of Transportation. The application review period is 90 days and begins during the public comment period. The final decision can be appealed through the courts.

b. PUBLIC NOTIFICATION, HEARING

When applying for a permit, a minimum of 21 days public notice must be given to adjacent property owners, public officials, and interest groups. A public hearing can be held at the Department's discretion.

5. OPERATION REQUIREMENTS

There are no operational requirements.

6. FEES

None.

D. ADMINISTERING AGENCY

Department of Transportation
Division of Water Resources
2300 S. Dirksen Parkway
Springfield, Illinois 62764
(217) 782-2152

SECTION V.

**ENVIRONMENTAL QUALITY
MANAGEMENT**

CHAPTER 9

AIR QUALITY

INTRODUCTION

This chapter summarizes the laws regarding the discharge or emission of any contaminant into the environment which would either alone or in combination with other contaminants cause or tend to cause air pollution in Illinois, or would prevent the attainment or maintenance of any applicable ambient air quality standard. The Division of Air Pollution Control, Illinois Environmental Protection Agency (EPA), is responsible for issuing construction and operating permits for emission sources or pollution control equipment.

A. AUTHORIZING STATUTE

Illinois Environmental Protection Act (Illinois Revised Statutes Chapter 111 1/2, Section 10).

B. TITLE OF REGULATION

State of Illinois Air Pollution Control Regulations.

C. SUMMARY OF REGULATION

1. APPLICABILITY

The regulations apply to discharges or emissions of contaminants into the air of Illinois, and the attainment or maintenance of applicable ambient air quality standards.

2. GENERAL REQUIREMENTS

The State of Illinois prohibits the construction of any new pollution control equipment or emission source, or modification of any existing source without a permit. The operation of any air pollution control equipment or emission source is also prohibited without a permit.

3. SUBMISSION REQUIREMENTS

The following types of information will be required at a minimum for an application for a construction permit:

- a. the nature of the emission source and air pollution control equipment;
- b. quantities and types of raw materials to be used;
- c. the nature, specific sources, and quantities of air contaminant emissions;
- d. the type, size, efficiency, and specifications of the proposed sources or equipment; and
- e. maps, statistics, and other data.

An application for an operating permit will require at a minimum the following information, in addition to the information for construction permits:

- a. a description of the start-up procedure for each emission source;
- b. the duration and frequency of start-ups;
- c. the types and quantities of emissions during start-ups; and
- d. the applicant's efforts to minimize any start-up emissions.

4. PROCEDURE FOR OBTAINING A PERMIT

a. JOINT PERMITS

If the Illinois EPA determines that an emission source or air pollution control equipment is adequate to eliminate the need for separate permits, a Joint Construction and Operating Permit may be issued. Such a permit will be valid for 5 years.

b. TIME REQUIREMENTS

Applications for permits are deemed submitted when they are received in completed form by the Illinois EPA. The Agency has 30 days to determine completeness. If the permit application is complete,

the Agency has 90 days to determine whether to deny or grant the permit and take final action, or 180 days if the permit is for modification or construction of a major or controversial emission source. If the permit is neither approved nor denied within 90 days, the applicant may consider the permit granted. Applications for renewal of permits must be submitted 90 days prior to the expiration date.

c. PUBLIC NOTIFICATION

Public notification is required for certain specified construction permits. Public notice of Agency action on an application is required 30 days in advance of such action.

5. OPERATION REQUIREMENTS

The State of Illinois has incorporated the Federal New Source Performance Standards and the Federal Emission Standards for Hazardous Air Pollutants. Other emission standards have been established for the following contaminants: visual emissions, particulate emissions, sulfur oxides, organic material, carbon monoxide, nitrogen oxide, asbestos, odors, and emissions from mobile sources. Open burning is generally prohibited, but is allowable under certain specified exemptions. In some instances, permits are required for open burning under limited circumstances.

6. FEES

None.

D. ADMINISTERING AGENCY

Division of Air Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706
(217) 782-2113

CHAPTER 10

WATER QUALITY STANDARDS AND REGULATIONS

A. AUTHORIZING STATUTE

Illinois Environmental Protection Act (Illinois Revised Statutes, Chapters 11, 12, and 13).

B. TITLE OF REGULATION

Illinois Pollution Control Board Rules and Regulations Chapter 3: Water Pollution.

C. SUMMARY OF REGULATION

1. APPLICABILITY

These regulations apply to the surface discharge of waste water, extension and connection of sewer systems, and related construction and operations.

2. GENERAL REQUIREMENTS

Permits are required for the discharge of any contaminant or pollutant by any person into waters of the State. Permits are required for construction of any new treatment works, sewer, or wastewater sources and modification of any existing treatment works, sewer, or wastewater source. Construction and operation permits are required if pretreatment works will:

- a. discharge toxic pollutants;
- b. discharge 15 percent or more of the total hydraulic flow received by the treatment works; or
- c. discharge 15 percent or more of the total biochemical oxygen demand (BOD) loading received by the treatment works.

Construction and operating permits are not required for treatment works designed to serve a single building and

discharge or treat less than an average of 1,500 gallons per day of domestic sewage.

3. SUBMISSION REQUIREMENTS

Three types of permits are issued by the Division of Water Pollution Control: National Pollution Discharge Elimination System (NPDES), construction, and operating.

a. NPDES PERMIT

An applicant for a NPDES Permit must file an application or form provided by the Illinois Environmental Protection Agency. The Agency may require the following information on the application form:

- 1) description of the applicant's activities or operations which result in the discharge (for example, municipal waste treatment plant, steel manufacturing, drainage from mine activities);
- 2) description of the volume and nature of the wastewater to be discharged and a statement as to the presence or absence of contaminants;
- 3) description of the receiving body of water and the effect of the wastewater on the receiving water;
- 4) statements as to any projected changes in the volume or nature of wastewater;
- 5) description of the geographical location of the facility or source.

b. CONSTRUCTION PERMITS AND OPERATING PERMITS

The following types of information are required:

- 1) description of the volume and nature of the wastewater to be transported, treated, or discharged and a statement as to the presence or absence of all contaminants;

- 2) description of the present condition of the receiving body of water and the effect of the wastewater on the receiving water;
- 3) statements as to any projected changes in the volume or nature of the wastewater;
- 4) description of the geographic location of the facility or source, and its interrelation with any existing or proposed treatment works, sewer, or wastewater source which will transport, treat, or discharge the same wastewater;
- 5) plans and specifications, prepared by an Illinois registered professional engineer, describing the design, nature, function, and interrelationship of each individual component of the facility or source; and
- 6) a statement identifying and justifying any departure from current design criteria promulgated by the Agency.

4. PROCEDURE FOR OBTAINING A PERMIT

a. NPDES PERMIT

1) TIME REQUIREMENTS

An application should be filed at least 180 days prior to the first discharge. If the applicant already has an NPDES Permit and is seeking a renewal, this must also be filed 180 days prior to the expiration date of the current permit. Following the receipt of a completed application for an NPDES permit, the Agency prepares a tentative determination.

2) PUBLIC NOTIFICATION, HEARING

Public notice of the tentative determination is required. Interested persons may submit their written opinion to the Agency and the applicant. A public hearing may be held if warranted by

public interest. An appeal of the final action must be made within 30 days of the action to the Agency's Control Board.

b. CONSTRUCTION AND OPERATING PERMITS

The application for these permits must be filed at least 90 days before the date on which the permit is required. If the Agency fails to take final action by granting or denying the permit within 90 days, the applicant may deem the permit granted for one year beginning on the 91st day after filing. Construction permits for sewers and wastewater sources require construction be completed within 2 years. Three years are allowed for completion of treatment and pretreatment works. Operating permits must not exceed 5 years duration.

5. OPERATION REQUIREMENTS

Operation requirements include but are not limited to: self-monitoring and self-reporting, maintenance of equipment in optimum operation, operation by certified operator, provision of stand-by capabilities, and achievement of effluent limitation.

6. FEES

None.

D. ADMINISTERING AGENCY

Division of Water Pollution Control
Permit Division
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706
(217) 782-0610

CHAPTER 11

PUBLIC WATER SUPPLY

INTRODUCTION

This chapter summarizes the laws, rules, and regulations which pertain to the location, design, construction, and continuous operation and maintenance of public water supply installations, changes, or additions. The regulations have been updated to comply fully with the Federal Safe Drinking Water Act.

A. AUTHORIZING STATUTE

Illinois Environmental Protection Act, Title IV, Section 14-19, (Illinois Revised Statutes, Chapter 111 1/2, Sections 1014-1019).

B. TITLE OF REGULATIONS

- Illinois Pollution Control Board, Rules and Regulations, Chapter 6: Public Water Supplies.
- Illinois Environmental Protection Agency, Division of Public Water Supplies, Technical Policy Statements.

C. SUMMARY OF REGULATIONS

1. APPLICABILITY

These regulations apply to the operation and maintenance of public water supply and to the installations, changes, or additions which may affect the sanitary and mineral quality or adequacy of the public water supply.

2. GENERAL REQUIREMENTS

The Environmental Protection Act requires that before any new public water supply is constructed, or before any changes, additions, or modifications are made to existing public water supplies, the owners or official custodians of the public water supply shall obtain a construction permit

from the Illinois Environmental Protection Agency. A public water supply is a facility which provides water to the public for drinking or general domestic use, and which serves at least 15 service connections, or which regularly serves at least 25 persons at least 60 days per year.

3. SUBMISSION REQUIREMENTS

There are three types of permit applications which have submission requirements.

a. CONSTRUCTION PERMIT

A construction permit application requires but is not limited to the following:

- 1) a summary of the basic design;
- 2) operation requirements, where applicable;
- 3) general layout;
- 4) detailed plans; and
- 5) specifications.

b. OPERATING PERMIT

An operating permit application requires but is not limited to the following:

- 1) name and certificate number of the certified operator on the operational staff of the public water supply;
- 2) name and location of the supply;
- 3) the construction permit number under which it was constructed; and
- 4) other information required by the Agency.

c. ALGICIDE PERMIT

An aligicide application requires but is not limited to the following:

- 1) name and certificate number of the certified operator supervising the application of the algicide;

- 2) information sufficient to evaluate the dosages and effects of the treatment;
- 3) a statement describing the extent of the algae problem;
- 4) history of past problems and treatments; and
- 5) description of any fish kills resulting from past treatments.

4. PROCEDURE FOR OBTAINING A PERMIT

a. APPLICATION PROCESS

A construction permit is applied for initially. The construction permit process may require the following additional approvals when applicable: Illinois Commerce Commission Certificate of Public Convenience and Necessity; Department of Mines and Minerals, Division of Oil and Gas, Well Drilling Permit; and Department of Transportation, Division of Water Resource Management Permit to Change Existing Waterways.

Following issuance of a construction permit, the recipient has one year to begin construction. If construction does not begin within one year, an extension must be obtained. Construction may continue up to 4 years without requiring an additional extension. A supplemental construction permit is required if there are any major changes to be made in the permitted project. Following completion of the project, an operating permit must be applied for and obtained prior to operating the facility.

b. PUBLIC NOTIFICATION, HEARING

None.

5. OPERATION REQUIREMENTS

Each public water supply must be under the individual, direct supervision of a municipal or private corporation, individual private ownership, or a regularly organized body governed by a constitution and by-laws requiring regular election of officers. Each public water supply must retain the services of a properly qualified, certified public water supply operator.

Water samples must regularly be analyzed by the Agency's laboratory or another certified laboratory for the following parameters: turbidity, bacteria, radiation, pesticides, and trihalomethanes. The frequency and types of analyses are dependent on the water supply (surface or ground water) and type (raw or finished) and are specified in the regulations.

6. FEES

None.

D. ADMINISTERING AGENCY

Illinois Environmental Protection Agency
Division of Public Water Supplies
2200 Churchill Road
Springfield, Illinois 62706
(217) 782-9470

CHAPTER 12

SOLID WASTE MANAGEMENT

INTRODUCTION

This chapter summarizes the laws concerning the development of new solid waste management sites and the modification of existing solid waste management sites.

A. AUTHORIZING STATUTE

State of Illinois Environmental Protection Act (Illinois Revised Statutes, Chapter 111 1/2, Sections 1001-1051).

B. TITLE OF REGULATION

Illinois Pollution Control Board Rules and Regulations, Chapter 7: Solid Waste.

C. SUMMARY OF REGULATION

1. APPLICABILITY

These regulations apply to the handling, processing, and disposal of solid waste.

2. GENERAL REQUIREMENTS

The construction and development of solid waste management sites and the operation of existing solid waste sites without a valid permit is prohibited. "Solid waste management" is the process of storage, processing, or disposal of solid wastes, not including hauling or transport. "Site" is any location, place, or tract of land and facilities used for solid waste management.

3. SUBMISSION REQUIREMENTS

a. DEVELOPMENT OR CONSTRUCTION PERMIT

The following technical information is required: site

identification and background; zoning and local ordinances; design criteria; location, including a copy of the U.S. Geological Survey topographic quadrangle map; materials classification and analysis; site development plan; construction schedule; operating plans; and on-site sludge-disposal information. The application requires that plans, cross sections, and narratives must be certified by an Illinois registered professional engineer.

b. OPERATING PERMIT

The Applicant must notify the Illinois EPA in writing that the construction is completed in accordance with this permit before a pre-operation site inspection can be conducted or an Operating Permit issued.

c. MODIFICATION PERMIT

If the applicant wishes to modify the plans he must request and be granted a supplemental permit.

4. PROCEDURE FOR OBTAINING A PERMIT

a. TIME REQUIREMENTS

The Agency must review the application for a development permit within 90 days after receiving it. If the Agency fails to take final action within 90 days, the applicant may deem the permit granted on the 91st day.

The Agency will review an application for an operating permit within 45 days of filing. If no final action is taken within 45 days, the applicant may deem the permit granted on the 46th day.

b. PUBLIC HEARING

Any person adversely affected by the issuance of a permit may petition the Illinois Pollution Control Board for a hearing.

5. OPERATION REQUIREMENTS

The following sanitary landfill operations are regulated: unloading, spreading, compacting, working face, cover, litter, and salvaging. The regulations prohibit scavenging, animal feeding, special waste deposits (see chapter 13, Hazardous/Toxic Waste Management), open burning, air pollution, and water pollution.

6. FEES

None.

D. ADMINISTERING AGENCY

Illinois Environmental Protection Agency
Division of Land Pollution Control
2200 Churchill Road
Springfield, Illinois 62706
(217) 782-6760

CHAPTER 13

HAZARDOUS/TOXIC WASTE MANAGEMENT

INTRODUCTION

This chapter summarizes the laws concerning the proper hauling and handling of hazardous waste to approved disposal, storage, and treatment sites. Hazardous waste is included along with industrial process waste and pollution control waste under the heading "special wastes." Applicable permits are issued by the Division of Hazardous Waste, Illinois Environmental Protection Agency. Specific hazardous waste regulations for Illinois are currently being drafted in accordance with the Federal Resource Conservation and Recovery Act of 1976.

A. AUTHORIZING STATUTE

State of Illinois Environmental Protection Act (Illinois Revised Statutes, Chapter 111 1/2 Sections 1001-1051).

B. TITLE OF REGULATION

Illinois Pollution Control Board Rules and Regulations, Chapter 9: Special Waste Hauling Regulations.

C. SUMMARY OF REGULATION

1. APPLICABILITY

These regulations apply to the handling and hauling of special waste, the delivery of special waste, and the acceptance of special waste from special waste haulers.

2. GENERAL REQUIREMENTS

The handling or transporting of any special waste generated within Illinois, or any waste to be disposed of, stored, or treated within Illinois is prohibited without a current, valid permit.

3. SUBMISSION REQUIREMENTS

The following information is required at a minimum:

- a. name, address, telephone number, and location of the vehicle owner and operator applying for a permit;
- b. a description of the service to be provided, including the number and types of vehicles and tanks to be used; and
- c. an agreement by the vehicle owner and the operator that:
 - 1) special waste loading, hauling, and unloading will be done in compliance with all applicable State and Federal laws and regulations;
 - 2) all vehicles and tanks will be in good repair and clean;
 - 3) all vehicles, tanks, and associated valving will be constructed and maintained to prevent spillage and leakage;
 - 4) no wastes will be mixed with other wastes in one tank or one vehicle if the mixture is a hazardous combustion likely to cause explosion or release of dangerous or toxic gas; and
 - 5) the waste hauling equipment will be proper for the permitted service and safe for the haulers.

4. PROCEDURE FOR OBTAINING A PERMIT

a. TIME REQUIREMENTS

The Agency has 90 days to take final action on the permit application. If final action is not completed within 90 days, the applicant will be granted a permit for a period of 1 year beginning on the 91st day after the application was filed.

b. PERMIT PERIOD

Permits are valid for periods of 1 year. The permits are renewable; application for permit renewal must be made 90 days prior to the expiration date of the permit.

c. PUBLIC NOTIFICATION, HEARING

A public hearing is mandatory for hazardous waste applications.

5. OPERATION REQUIREMENTS

The special waste hauler who must hold a valid permit must deliver 3 copies of a signed, properly completed manifest to the person who accepts delivery at the permitted disposal, storage, or treatment site. The owner of the site must submit copies of such manifests to the Agency on a monthly basis.

6. FEES

The Agency collects the following fees from the owner or operator of each hazardous waste disposal site:

- a. 1¢ per gallon, or
- b. \$2.02 per cubic yard of hazardous waste.

D. ADMINISTERING AGENCY

Illinois Environmental Protection Agency
Division of Hazardous Waste
2200 Churchill Road
Springfield, Illinois 62706
(217) 782-6760

CHAPTER 14

NOISE REGULATIONS

This chapter summarizes the laws and regulations concerning sound emissions which make up noise pollution, as administered by the Division of Land/Noise Pollution, Illinois Environmental Protection Agency.

A. AUTHORIZING STATUTE

State of Illinois Environmental Protection Act (Illinois Revised Statutes, Chapter 111-1/2, Sections 1001-1051).

B. TITLE OF REGULATION

Illinois Pollution Control Board Rules and Regulations, Chapter 8: Noise Regulations.

C. SUMMARY OF REGULATION

1. APPLICABILITY

These regulations apply to the allowable levels of sound emitted to the outside environment from property-line noise sources, and to sound emissions from motor vehicles. Noise pollution is defined as the emission of sound which unreasonably interferes with the enjoyment of life or with any lawful business or activity. No permits are issued under these regulations.

2. GENERAL REQUIREMENTS

a. PROPERTY-LINE NOISE SOURCES

Sound emissions from any property cannot exceed the allowable octave band sound pressure levels specified in the regulation. The allowable levels vary depending on land class (A to C), time of day, and type of emission (impulsive or long-duration).

b. MOTOR VEHICLES

1) EXHAUST SYSTEMS

No person can operate a motor vehicle on a public right-of-way unless it is equipped with a muffler or other sound dissipative device which is:

- a) in constant operation and is properly maintained to prevent any excessive noise;
- b) free from defects which affect sound reduction; or
- c) not modified in a manner which will amplify or increase the noise of the muffler above the one originally installed on the vehicle. These rules apply to passenger cars, motorcycles, and trucks. Exceptions apply to motor carriers engaged in interstate commerce operations regulated by the Federal Noise Control Act of 1972.

2) SOUND-LEVEL LIMITS

Sound-level limits are specified for automobiles, motor cycles, and trucks.

3) OTHER

Additional standards are specified for motor vehicle horns, warning devices, and tire noise.

D. ADMINISTERING AGENCY

Illinois Environmental Protection Agency
Division of Land/Noise Pollution Control
2200 Churchill Road
Springfield, Illinois 62706
(217) 782-9469

SECTION VI.
SOCIAL/ECOLOGICAL
PRESERVATION

CHAPTER 15

RARE AND ENDANGERED SPECIES

A. AUTHORIZING STATUTE

Illinois Endangered Species Protection Act (Illinois Revised Statutes, Chapter 8).

B. TITLE OF REGULATION

None.

C. SUMMARY OF STATUTE

1. APPLICABILITY

This Act applies to the possession, sale, donation, or disposition of animals or wild animal products of any endangered species. An endangered species is defined as "any species of plant or animal contained on the Federal Endangered Species List issued under the Federal Endangered Species Act of 1973 and amendments, plus other species as the Endangered Species Protection Board deems to be in danger of extinction." "Wild animal product" applies to but is not limited to fur, hide, skin, teeth, feathers, tusks, and claws.

2. GENERAL REQUIREMENTS

It is unlawful to possess, sell, offer for sale, give, or dispose of any animal or wild animal product which is an endangered species without a permit.

3. SUBMISSION REQUIREMENTS

The following types of information are required at a minimum: name and address of applicant; types of endangered species; description of scientific, educational, or zoological purpose; and location of any propagation facilities.

4. PROCEDURE FOR OBTAINING A PERMIT

There are no time requirements which must be met by new applicants. Current permit holders must report within 48 hours of the expiration date of the permit. There are no public hearings required.

5. OPERATION REQUIREMENTS

The permit holder must make an inventory report by January 31st of each year when ordered by the Director of the Illinois Department of Conservation.

6. FEES

None.

D. ADMINISTERING AGENCY

Illinois Department of Conservation
605 Wm. G. Stratton Building
400 South Spring Street
Springfield, Illinois 62706
(217) 782-2361

CHAPTER 16

ARCHEOLOGICAL AND HISTORICAL

A. AUTHORIZING STATUTE

Illinois Historic Preservation Act (Illinois Revised Statutes Chapter 127, Sections 133d1 through 133d14).

B. TITLE OF REGULATION

Administrative Order 1977, Article XC, "Rules and Regulations Pertaining to the Illinois Register of Historic Places."

C. SUMMARY OF REGULATION

The Act establishes the Illinois Historic Sites Advisory Council and the Illinois Register of Historic Places, and describes procedures for the preservation, designation, and demolition of historic places in Illinois.

1. PRESERVATION AND DESIGNATION

a. APPLICABILITY

The Act applies to places which are grouped as either (1) any parcel or contiguous grouping of parcels of real estate under common or related ownership or control, where any significant improvements are at least 40 years old, or (2) any aboriginal mound, fort, earthwork, village, location, burial ground, historic or prehistoric ruin, mine case, or other location of important archeological data.

b. GENERAL REQUIREMENTS

To be listed on the Illinois Register of Historic Places, a property must have special historical, architectural, archeological, cultural, or artistic interest or value.

c. SUBMISSION REQUIREMENTS

Petitions for properties to be included on the Illinois Register of Historic Places must show proof that the property:

- 1) is associated with events or the lives of persons that have made a significant contribution to the broad patterns of history;
- 2) embodies the distinctive characteristics of a type, period, or method of construction; or that represent the work of a master; or that possess high artistic value; or that represent a distinguishable and significant entity whose components may lack individual distinction;
- 3) exemplifies elements of cultural, economic, social, or historic heritage;
- 4) has yielded or is likely to yield information important in history.

Any person may petition the Illinois Historic Site Advisory Council to consider a place for designation as historic. A nomination should include a list of the "critical historic features" of the property. These features include any physical and environmental components which taken singly or together make a property eligible under the previously listed criteria.

d. PROCEDURE FOR DESIGNATING PROPERTIES AS HISTORIC

Properties which are listed on the Illinois Register of Historic Places are designated by the Director from nominations made by the Illinois Historic Sites Advisory Council. A nomination is made publicly available for review and is sent to the owner or owners of the property at least 30 days before designation as a Registered Illinois Historic Place. There must be a public hearing before any nomination is approved.

- e. FEES
None.

2. DEMOLITION

a. GENERAL REQUIREMENTS

No person shall demolish, cause to be demolished or permit or order the demolition of any Critical Historic Feature of a Registered Illinois Historic Place without a Certificate of Compliance. No demolition contracts will be granted without a certificate.

b. PROCEDURE FOR OBTAINING A CERTIFICATE

Notice of a desire to demolish a Critical Historic Feature must be filed with the Department of Conservation, and a copy of the notice must be posted in a conspicuous place at the proposed site. Any person may make a written request, within 30 days of the notice, that a meeting should be held. If the Director finds a meeting is in the public interest, notice will be published in a newspaper 30 days before the meeting. The meeting will be held within 60 days of the request. Topics to be discussed at the meeting include but are not limited to:

- 1) methods for carrying out the proposed act so as to avoid adverse effect;
- 2) feasibility of minimizing the adverse effect;
- 3) methods for preserving the place;
- 4) possible alternatives; and
- 5) ways of financing the preservation. Within 30 days following the meeting, the Director will make a decision concerning the granting or denial of the certificate. Judicial review is available to any party to a proceeding or adversely affected by a final decision.

c. FEES
None.

D. ADMINISTERING AGENCY
Department of Conservation
Historic Sites Division
602 Stratton Building
Springfield, Illinois 62702
(217) 782-1801

CHAPTER 17

WETLANDS

There are currently no wetland regulations for the State of Illinois.

CHAPTER 18

COASTAL ZONE REGULATIONS

A. AUTHORIZING STATUTES

- River, Lakes and Stream Act (Illinois Revised Statutes, Chapter 19, Sections 52-78).
- Level of Lake Michigan Act (PA 76-1844, Illinois Revised Statutes, Chapter 19, Sections 119-120.11).

B. TITLE OF REGULATION

None.

C. SUMMARY OF STATUTES

1. APPLICABILITY

The Act applies to all open public streams and lakes capable of being navigated in whole or in part by commercial uses and purposes, and to all lakes, rivers, and streams that are connected with a discharge into navigable rivers or streams. This includes the coastal zone of Lake Michigan.

The Department of Transportation has jurisdiction over all the rivers, lakes, and streams in Illinois. The Department must grant permits to use public waters in the coastal zone for industrial manufacturing or public utility purposes, and to construct necessary intakes, structures, tunnels, and conduits, in, under, or on the beds of those bodies of water. Permits must also be granted for the purpose of establishing uniform shorelines upon Lake Michigan or other streams or lakes, and for any other project directly affecting the lake or waterway.

2. SUBMISSION REQUIREMENTS

Before a permit can be granted for structures, fills or deposits in public waters, a signed statement approving the action by all riparian owners whose access to public waters will be affected must be submitted.

3. PROCEDURE FOR OBTAINING A PERMIT

An application for permit and plans for the proposed project must be submitted to the Division of Water Resources and approved prior to construction. Clearance letters to other agencies and a 21-day public notice describing the project is issued. A public hearing may be held if found necessary. There are no time deadlines, but processing normally takes 4 to 8 weeks.

4. FEES

There are no permit fees. Bonds may be required, with the amount set by the Department of Transportation.

D. ADMINISTERING AGENCY

Illinois Department of Transportation
Division of Water Resources
Lake Michigan Management Section
300 N. State Street
Chicago, IL 60610
(312) 793-3123

SECTION VII.
LOCAL REGULATORY
POLICY

CHAPTER 19

LOCAL GOVERNMENT LAND USE AND NATURAL RESOURCE CONTROL ENABLING LAWS

A. AUTHORIZING STATUTES

Illinois Annotated Statutes (IAS) (Illinois Revised Statutes, Chapters 24, 34, 109, and 139).

B. TITLE OF REGULATION

There are no regulations promulgated. The State statutes are permissive.

C. SUMMARY OF THE STATUTES

Illinois enabling legislation delegates specific powers to local governmental units. These powers, which include broad control over local land use decision-making, encourage local units to create plans and (or) ordinances that will promote health, safety, morals, convenience, and efficiency in the process of present and future development. Local governmental units may legislate concurrently with the Illinois General Assembly on environmental control, but such legislation by a local unit must conform with the minimum standards established by the legislature and must be consistent with the State act. Plan commissions and (or) planning departments may be created by villages, cities or counties. Counties may establish either single- or multi-county (regional) planning agencies.

1. CREATION OF A COMPREHENSIVE PLAN

a. SUBJECT MATTER

Once a plan commission has been created, and at the request of the unit's legislative body, a comprehensive plan may be developed for its particular jurisdictional area. When formulating the comprehensive plan, the commission must consider all

pertinent existing plans, projects, proposals, and policies of units of government charged with carrying out primary governmental services. The statutes also require that county or regional commissions seek cooperation with all political subdivisions within their respective territories. Comprehensive plans may establish policies in areas concerning:

- 1) land uses for land within the commission's jurisdiction (including residential, industrial, and commercial uses);
- 2) transportation facilities (land, air, and water);
- 3) water supply and distribution systems;
- 4) flood management;
- 5) sewage disposal and accompanying pollution;
- 6) governmental services and facilities (particularly where joint action of two or more units of government are necessary or desirable); and
- 7) the prevention and abatement of pollution in any stream or other body of water within the commission's jurisdiction.

b. PUBLIC NOTIFICATION, HEARING

The plan commission must give public notice and hold a public hearing before any proposed comprehensive plan may be adopted. If adopted by the commission, the comprehensive plan shall be sent to each governmental unit within the jurisdictional area of the commission for consideration and adoption.

c. OPERATION REQUIREMENTS

After adoption of the comprehensive plan, any change or amendment to the plan must be submitted to the plan commission for consideration and approval. In addition, municipalities that have adopted a comprehensive plan are exempted from being controlled by less restrictive county or regional plans.

2. PASSAGE OF ZONING ORDINANCE(S) FROM COMPREHENSIVE PLANS

After the adoption of the comprehensive plan, a governmental unit's legislative body may pass zoning ordinances covering any lands within the unit's jurisdiction. As with comprehensive plans, the passage of zoning ordinances must be preceded by public notification and public hearings. These ordinances may control:

- a. local building codes; and
- b. the use and intensity of land use; including control over subdivision creation;

There is no legislative requirement that a zoning ordinance be preceded by a comprehensive plan. Although that is normally the sequence, Illinois state law does not mandate it.

D. ADMINISTRATING AGENCY

There is no broad State administration over local government land use and natural resource control enabling laws. Contact the appropriate local governmental unit.