

LAND RECLAMATION DIVISION

Memorandum No. 04-02

To: All Coal Mine Operators/Consultants

Date:

From: Scott K. Fowler, Supervisor
Land Reclamation Division

Re: Underground Coal Mines - Planned Subsidence Operations

Regulations promulgated at 62 Ill. Adm. Code 1817.121(a)(3), effective March 21, 2000, require that permittees who employ planned subsidence mining methods:

“must take necessary and prudent measures, consistent with the mining method employed, to minimize material damage to the extent technologically and economically feasible to structures and facilities, except that measures required to minimize material damage to such structures are not required if:

- A) The permittee has the written consent of their owners; or
- B) Unless the anticipated damage would constitute a threat to health or safety, the costs of such measures exceed the anticipated costs of repair.”

To demonstrate compliance with this requirement, all operators employing planned subsidence mining methods shall submit the attached affidavit concerning the possession of the written consent as described in 1817.121(a)(3)(A), or take measures to minimize damage to structures and facilities as noted above.

The affidavit shall be submitted to the Department by February 27, 2004.

If you have any questions concerning this matter please contact Dan Barkley at our Springfield office.

AFFIDAVIT
DAMAGE MINIMIZATION TO STRUCTURES AND FACILITIES
FOR PLANNED SUBSIDENCE OPERATIONS
(Required by 62 Ill. Adm. Code 1817.121(a)(3))

A permittee employing a mining technology that provides for planned subsidence in a predictable and controlled manner must take necessary and prudent measures, consistent with the mining method employed, to minimize material damage to the extent technologically and economically feasible to structures and facilities, except that measures required to minimize material damage to such structures are not required if:

- A) The permittee has the written consent of their owners; or
- B) Unless the anticipated damage would constitute a threat to health or safety, the costs of such measures exceed the anticipated costs of repair.

Therefore, (I)(We), _____ under penalties of perjury, declare on behalf of the applicant, _____, that the said applicant will prior to impacting surface structures and facilities by planned subsidence mining methods,

- 1) employ damage minimization efforts to each structure or facility within the zone of influence of planned subsidence; or
- 2) have the written consent of their owners to not perform minimization efforts; or
- 3) provide an analysis which demonstrates that the cost of damage minimization measures exceeds the anticipated cost of repairs and that the anticipated damage will not result in a threat to health or safety. The operator must receive written concurrence from the Department as to the findings of this analysis.

Documents in support of a written consent as required by 2) above will be provided to the Department upon request.

Date _____

Signature _____ Title _____

Sworn and subscribed before me

this ___ day of _____

Notary Public

My commission expires