**Section 300.60 Role of County Government in Reclamation**

a) Notice, Date of Application, Responsibilities of County Clerks

The application for surface mining permit, except those portions of such application which have been kept confidential at the request of the applicant, which request was made pursuant to Section 5(e)15 of the Act, and the proposed conservation and reclamation plan and maps shall be made available in duplicate for public inspection and for consideration by the county board within whose jurisdiction said lands will be affected by surface mining. The applicant shall deliver copies of the applications, plans, and maps to the county clerk at the county seat of each county containing lands to be affected prior to filing the application, plan, and map with the Department. The county clerk shall retain one (1) such set of copies and forward forthwith one (1) set of copies to the residence of the presiding officer of the county's board or commission by registered mail return receipt requested. An acknowledgement that the copies have been received and forwarded as prescribed, bearing the signature of the county clerk or his representative, as set forth in amended MLCR Form 1a, shall be filed with the Department at the time of filing the application for a permit. This application shall be filed, as provided for in Section 300.20(d) of this Part, immediately upon receipt of this acknowledgement. The date of the filing of the application for a permit shall be the same date as the date of the acknowledgement by the county clerk pursuant to this Section.

b) Time for Hearings; County Board Plans

1) The Department shall hold a public hearing regarding a proposed conservation and reclamation plan if any county board with which the plan is filed pursuant to the Act and to this Part requests such a hearing. The county board must request a hearing within forty-five (45) days of the filing of the application for a permit. If a county board requests a hearing, the Department will fix the time and place of the hearing. In cases where no public hearing is held on a proposed plan, the Department will consider written testimony from county boards when submitted no later than forty-five (45) days following the filing of the application for a permit. The Department shall immediately serve copies of such written testimony on the applicant and give the applicant a reasonable opportunity to respond by written testimony.

2) The county board may propose the use for which lands covered by a plan are to be reclaimed. The county board must file such proposal with the Department and the applicant within forty-five (45) days of receiving the plan. If the county board does not request a hearing within forty-five (45) days of receiving the plan but does submit a proposal, the Department will not hold a hearing. If the county board submits a proposal but has not requested a hearing, the Department will allow the applicant to submit written comments on the proposal and will allow the county board to make a written reply to such comments.

3) A county board may file with the Department a written waiver of its rights to request a hearing or to propose the use for which lands are to be reclaimed.

4) The county board may supplement or amend its proposal prior to the hearing if it has given to the applicant, the Department and interested persons ten (10) days written notice prior to the hearing which notice shall state the changes proposed.