**Section 1795.12 Applicant Liability**

a) The applicant shall reimburse the Department for the cost of the laboratory services performed pursuant to this Part if:

1) The applicant submits false information, fails to submit a permit application within one (1) year from the date of receipt of the approved laboratory reports, or fails to mine after obtaining a permit;

2) The program administrator finds that the applicant's actual and attributed production of coal for all locations exceeds 300,000 tons during the 12 months immediately following the date on which the operator is issued the surface coal mining and reclamation permit; or

3) The permit is sold, transferred, or assigned to another person and the original permittee's and transferee's total actual and attributed production exceeds 300,000 tons during the twelve (12) months immediately following the date on which the permit was originally issued. If the permit is transferred during the twelve (12) month period immediately following the permit issuance date, the determination of adherence to the twelve (12) month – 300,000 tons limit shall be performed by combining the actual and attributed production of both parties for the twelve (12) month period immediately following the date of original permit issuance. Under this subsection the applicant and its successor are jointly and severally obligated to reimburse the Department.

b) The program administrator shall waive the reimbursement obligation if he or she finds that the applicant at all times acted in good faith.

(Source: Amended at 20 Ill. Reg. 2124, effective January 19, 1996)