

TITLE 62: MINING  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1823  
SPECIAL PROGRAM PERFORMANCE STANDARDS--  
OPERATIONS ON PRIME FARMLAND

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AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; emergency amendment at 6 Ill. Reg. 8502, effective July 1, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 9987, effective September 3, 1982; codified at 8 Ill. Reg. 9361; amended at 10 Ill. Reg. 9631, effective July 1, 1986; amended at 15 Ill. Reg. 17289, effective January 1, 1992; amended at 22 Ill. Reg. 20131, effective November 5, 1998; amended at 24 Ill. Reg. 5989, effective March 21, 2000; amended at 29 Ill. Reg. 9873, effective June 27, 2005.

**Section 1823.1      Scope**

This Part sets forth special environmental protection performance, reclamation, and design standards for surface coal mining and reclamation operations on prime farmland.

(Source: Amended at 22 Ill. Reg. 20131, effective November 5, 1998)

**Section 1823.2      Objective**

The objective of this Part is to set forth those soil removal, stockpiling, and replacement operational requirements and revegetation and other reclamation standards for prime farmland to ensure both that the land will have agricultural productive capacity which is equal after mining to premining levels and the land is not lost as an important national resource.

**Section 1823.11      Prime Farmland: Applicability**

The requirements of this Section shall not apply to:

- a) Coal preparation plants, support facilities, and roads of underground mines that are actively used over extended periods of time and where uses affect minimal amount of land. Such uses shall meet the requirements of 62 Ill. Adm. Code 1817 for underground mining activities.
- b) Disposal areas containing coal mine waste resulting from underground mines that is not technologically and economically feasible to store in underground mines or on non-prime farmland. The operator shall minimize the area of prime farmland used for such purposes.
- c) Prime farmland that has been excluded in accordance with 62 Ill. Adm. Code 1785.17(a).

(Source: Amended at 22 Ill. Reg. 20131, effective November 5, 1998)

**Section 1823.12 Prime Farmland: Soil Removal**

- a) Surface coal mining and reclamation operations on prime farmland shall be conducted to:
  - 1) Separately remove the entire A horizon or other suitable soil materials which will create a final soil having an equal or greater productive capacity than that which existed prior to mining;
  - 2) Separately remove, or assure proper placement during mining, the B horizon of the soil, a combination of B horizon and underlying C horizon, or other suitable soil material that will create a reconstructed soil of equal or greater productive capacity than which existed before mining; and
  - 3) Separately remove, the underlying C horizons, other strata, or a combination of horizons or other strata, to be used instead of the B horizon. When replaced, these combinations shall be equal to or more favorable for plant growth than the B horizon.
- b) The minimum depth of soil and soil material to be removed for use in reconstruction of prime farmland soils shall be sufficient to meet the soil replacement requirements of Section 1823.14(a).
- c) The B and/or C horizons may be left in place for surface disturbance areas if the Department determines the soil capability can be retained.

(Source: Amended at 22 Ill. Reg. 20131, effective November 5, 1998)

**Section 1823.13 Prime Farmland: Soil Stockpiling**

If not utilized immediately, the A horizon or other suitable soil materials specified in Section 1823.12(a)(1) and the B horizon or other suitable soil materials specified in Section 1823.12(a)(2) and (a)(3) shall be stored separately from each other and from spoil. These stockpiles shall be placed within the permit area where they are not disturbed or exposed to excessive water or wind erosion before the stockpiled horizons can be redistributed. Stockpiles in place for more than thirty (30) days shall meet the requirements of 62 Ill. Adm. Code 1816.22 or 62 Ill. Adm. Code 1817.23.

**Section 1823.14 Prime Farmland: Soil Replacement**

Surface coal mining and reclamation operations on prime farmland shall be conducted according to the following:

- a) Requirements
  - 1) The minimum depth of soil and soil material to be reconstructed for prime farmland shall be 48 inches except where a natural rock formation occurs at shallower depths. The Department shall specify a depth greater than 48 inches wherever necessary to restore productive capacity due to uniquely favorable soil horizons at greater depths; and
  - 2) Subsections (a)(1) and (d) shall not apply to prime farmland and fragipan soils. Prime farmland fragipan soil shall be reconstructed in accordance with 62 Ill. Adm. Code 1825.14(a)(1), (a)(2), (a)(3), and (a)(5). For the purposes of this provision, prime farmland fragipan soils are specific soils classified as prime farmland that are underlain with a diagnostic subsurface horizon designated as a fragipan by the Soil Conservation Service of the U.S. Department of Agriculture according to the criteria set in Soil Taxonomy, U.S.D.A. Handbook AH 436, including the following soils found in Illinois: Ava, Grantsburg, and Hosmer series as defined by the Soil Interpretation Sheets of the Natural Resources Conservation Service.
- b) Replace soil material only on land which has been first returned to final grade and scarified according to 62 Ill. Adm. Code 1816.101 through 1816.105 or 62 Ill. Adm. Code 1817.101 through 1817.105, unless site-specific evidence is provided and approved by the Department showing that scarification will not enhance the capability of the recommended soil to achieve equivalent or higher levels of yield;
- c) Replace the soil horizons or other suitable soil material in a manner that avoids

excessive compaction;

- d) Replace the B horizon or other suitable material specified in Section 1823.12(a)(2) and (a)(3) to the thickness needed to meet the requirements of subsection (a) of this Section. In those areas where the B or C horizons were not removed but may have been compacted or otherwise damaged during the mining operation, the permittee shall engage in deep tillage or other appropriate means to restore pre-mining capabilities;
- e) Replace the A horizon or other suitable soil materials specified in Section 1823.12(a)(1) as the final surface soil layer. This surface soil layer shall equal or exceed the thickness of the original soil, as determined in 62 Ill. Adm. Code 1785.17(b)(1)(B) and be replaced in a manner that protects the surface layer from wind and water erosion before it is seeded or planted;
- f) Apply nutrients and soil amendments as needed to quickly establish vegetative growth;
- g) Prime farmland shall have a planned erosion control system if expected soil loss from row crop production will exceed the tolerable soil loss limits as defined by "Resource Conservation Planning Technical Material-IL-4" (May 12, 1977). "Resource Conservation Planning Technical Material-IL-4", issued by the U.S. Department of Agriculture, Natural Resources Conservation Service, located at 1902 Fox Drive, Champaign, Illinois 61820, is hereby incorporated by reference and does not include later editions or amendments. Terrace systems, when utilized as part of a planned erosion control system, shall be constructed according to U.S. Department of Agriculture, Natural Resources Conservation Service specifications. Erosion control plans in compliance with this subsection shall be submitted to and approved by the Department after final grading based on seasonal factors, the extent of the area, and the sophistication of the erosion control plan.

(Source: Amended at 24 Ill. Reg. 5989, effective March 21, 2000)

### **Section 1823.15 Prime Farmland: Revegetation**

Each person who conducts surface coal mining and reclamation operations on prime farmland regardless of whether such land has been drilled, blasted, or mined, shall meet the following revegetation requirements during reclamation:

- a) Following soil replacement, that person shall establish a vegetative cover capable of stabilizing the soil surface with respect to erosion. All vegetation shall be in compliance with the plan approved by the Department under 62 Ill. Adm. Code

1785.17 and carried out in a manner that encourages prompt vegetative cover and recovery of productive capacity. The timing and mulching provisions of 62 Ill. Adm. Code 1816.113 and 1816.114 or 62 Ill. Adm. Code 1817.113 and 1817.114 shall be met.

- b) Measurement of success of prime farmland revegetation shall be conducted in accordance with the following provisions:
  - 1) Measurement of success of revegetation shall be initiated within 10 years after completion of backfilling and final grading of areas of prime farmland in accordance with the approved reclamation plan.
  - 2) Success of revegetation shall be measured in accordance with 62 Ill. Adm. Code 1816.116(a)(4) or (a)(6).
  - 3) Revegetation shall be considered a success when crop production is equivalent to or exceeds the production required in 62 Ill. Adm. Code 1816.116(a)(4) or (a)(6), with 90 percent statistical confidence (i.e., one-sided t test with 0.10 alpha error) for a minimum of 3 crop years of a 10 year period, except the first year after augmented seeding, fertilizing, or other management practices, prior to release of the operator's performance bond. The level of management applied during the measurement period shall be the same as the level of management used on nonmined prime farmland in the surrounding area. The 5 year period of extended responsibility shall begin after the last year of augmented seeding, fertilizing or soil treatment and at the time of the planting of the crops to be grown for the productivity showing. Once chosen by the permittee, the productivity alternative in 62 Ill. Adm. Code 1816.116(a)(6) may not be modified without approval from the Department.
  - 4) Compliance with this subsection shall not preclude a permittee from demonstrating the required soil productivity under the law by use of soil surveys or other techniques approved consistent with future regulations.

(Source: Amended at 29 Ill. Reg. 9873, effective June 27, 2005)