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Rod R. Blagojevich, Governor
Joel Brunsvold, Director

LAND RECLAMATION DIVISION

Memorandum No. 2005-01

To: All Coal Mine Operators/Consultants

From: Scott K. Fowler, Supervisor
Land Reclamation Division

Re: Final cut impoundments

Date: February 1, 2005

LRD Memorandum 90-9 (copy attached) concerning final cut impoundments contains the following:

> "... upon completion of all earthwork (reclamation work and construction of relevant structures) around the proposed impoundment, including downdrains and discharge structure(s), a sealed report is required to be submitted to the Department..."

It has been determined that this language is too open-ended and does not provide for a clear determination of when an impoundment is completed and the sealed report is due. In order to rectify this situation, in the future the Department will require that sealed reports be submitted upon completion of the discharge structure for the final cut impoundment. Please be aware that 62 Ill. Adm. Code 1816.49(a)(10)(B) requires that such sealed reports be submitted within 30 days of completion of the structure.

Once the spillway is completed the final cut impoundment will be considered completed and quarterly impoundment examinations will be required pursuant to 62 Ill. Adm. Code 1816.49(a)(11). It is recommended that if the final cut impoundment is totally incised, an examination exemption request be submitted along with the sealed report for the spillway, thus eliminating the need for quarterly examinations.

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ILLINOIS DEPARTMENT OF MINES AND MINERALS
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Director

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LAND RECLAMATION DIVISION MEMORANDUM NO. 90-9

TO: All Surface Mine Operators

DATE: November 13, 1990

FROM: Paul J. Ehret, Supervisor
Land Reclamation Division

RE: Final Cut Impoundment Certification

In response to some questions raised, the Department wishes to clarify requirements for impoundment certification, where subject impoundment involves a surface mine final cut lake.

Section 1816.49(a)(9)(A) of Title 62 Illinois Admimistrative Code requires inspection upon completion of construction and Section 1816.49(a)(9)(B) requires a sealed report after each inspection. Thus, upon completion of all earthwork (reclamation work and construction of relevant structures) around the proposed impoundment, including downdrains and discharge structure(s), a sealed report is required to be submitted to the Department in accordance with the instructions in Land Reclamation Division Memorandum No. 89-3.

It is also clear from these regulations, consistent with the Department's relevant policy on all impoundments, that discharge from the impoundment cannot occur prior to the Department's receipt of the impoundment certification (sealed report), without incurring a violation, absent extreme environmental factors beyond the control of the operator.

In those instances where final reclamation adjacent to the final cut impoundment is delayed for legitimate reasons, i.e., approved grading extension, it is the responsibility of the operator to insure no uncontrolled discharges occur. This will necessitate installation of approved discharge structures <u>prior</u> to the occurrence of any discharge. Thus, while final certification may be delayed until completion of final reclamation, the Department will not allow uncontrolled discharges in the interim period. Failure to comply with this policy will result in enforcement action.