STATE OF ILLINOIS

DEPARTMENT OF MINES AND MINERALS

LAND RECLAMATION DIVISION

BRAD EVILSIZER
Director

227 SOUTH 7TH ST. — RM. 204
SPRINGFIELD, ILLINOIS 62706
TELEPHONE: (217) 782-4970

LAND RECLAMATION DIVISION MEMORANDUM NO. 83-10

TO: All Illinois Coal Operators

FROM: Douglas Downing, Supervisor
Land Reclamation Division

DATE: November 3, 1983

RE: Experimental Practice Proposals

As noted in the attached documents, the Department of Mines and Minerals and the Office of Surface Mining (OSM) have arrived at procedures to concurrently review experimental practice proposals. Also included in the attachments is a copy of OSM's "Procedure for Approval of Experimental Practices."

Utilization of these procedures for preparation and submittal of future experimental practice proposals will insure expedient review of your proposals by both the Department and OSM in conjunction with your permit application if applicable.

Please do not hesitate to contact us if you have questions or concerns.

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DEPT. OF MINES AND MINERALS
LAND RECLAMATION DIV.

United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
600 East Monroe, Room 20
Springfield, Illinois 62701

October 31, 1983

Doug Downing, Supervisor
Land Reclamation Division
Dept. of Mines and Minerals
227 South 7th Street, Rm. 204
Springfield, IL 62706

Dear Mr. Downing:

We have received written approval of the simultaneous review of experimental practices as we discussed previously. (Letter attached). As a part of this process it is critical that the submittal by the operator comply with the attached guide. This will ensure that OSM requests for additional information are minimized. Uniformity should result in reduced review time.

It is also important that this office is given a copy of the proposal as soon as you begin your review so that we will not delay your process and meet your required deadlines on permit reviews.

If you have any questions on this matter please call me.

Sincerely,

James Fulton

James Fulton, Director
Springfield Field Office

Attachment

cc: John Ventura, ETC

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United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement

Eastern Technical Center
Ten Parkway Center
Pittsburgh, PA 15220

EAD:JDV:ps

October 7, 1983

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U.S.M.
SPRINGFIELD, ILLINOIS

Memorandum

To: James Fulton
Illinois OSM Field Office Director

From: Administrator
Eastern Technical Center

Subject: Experimental Practices Applications

This memorandum is to document the agreement reached at the August 8, 1983 meeting regarding the processing of experimental practice applications in Illinois. It was understood that the State Regulatory Authority, because of provisions of its program desires a simultaneous review of the application for technical, NEPA, and legal adequacy at the time of its receipt of an application.

We are in agreement to perform the simultaneous review. A formal request will still need to contain the State Regulatory Authority written findings that the experimental practice is approvable.

Raymond L. Lowrie

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INTRODUCTION

This document was prepared to outline procedures for processing a request for approval of an application for the use of an experimental practice. An experimental practice is an alternate mining and/or reclamation practice which departs from the environmental performance standards included in the existing regulations.

The Office of Surface Mining (OSM) encourages experimental practices to demonstrate the effectiveness and economy of new mining and reclamation practices, and to provide additional post-mining land use alternatives. Section 711 of the Surface Mining Control and Reclamation Act (SMCRA) provides OSM authorizations for approval of experimental practices on an individual basis. The regulations covering experimental practices can be found in Title 30, Chapter VII, part 785, Code of Federal Regulations (30 CFR 785).

The major objective of this document is to identify the responsibilities and steps for processing an experimental practice request in a timely manner. To begin the process the operator initiates a request for approval of an experimental practice. A written request can be submitted as part of a new permit application or an amendment to an existing permit to the State Regulatory Authority (SRA). If the experimental practice is to be conducted under a Federal regulatory program, the request should be made directly to the responsible OSM Field Office.

TECHNOLOGICAL ADVANCEMENT

OSM considers each experimental practice as a cooperative effort of all the involved parties. A successful experimental practice has the potential to improve the Federal and State regulations and statutes by keeping them in pace with the technological advancements in coal mining and reclamation.

ECONOMICS

Experimental practices demonstrate innovative methods for obtaining economic advantages. The advantages may include:

a. Savings per ton of coal produced.

b. Savings per cubic yard of material handled.

c. Savings per acre spent for land reclamation.

d. Savings in controlling off-site effects

e. Increased value of postmining land.

IMPROVED ENVIRONMENTAL PROTECTION

Experimental practices provide a means to demonstrate improved techniques for environmental protection and to advance the state-of-the-art in mined land reclamation. Examples that lend themselves to experimental practices could include:

a. Wetland restoration for wildlife habitat

b. Spoil disposal

c. Topsoil handling

d. Land configuration

e. Remining of previously mined areas

f. Discharges

REQUIREMENTS OF APPLICATIONS FOR EXPERIMENTAL PRACTICES

The State Regulatory Authority and the Director of OSM must approve the application. The application shall contain descriptions, maps, plans and data that show:

a. The nature of the practice including description of variances from performance standards.

b. How the experimental practice would encourage advances in mining and reclamation technology, or allow a post-mining land use for industrial, commercial, residential, or public use.

c. That the practice is potentially more or at least as environmentally protective as existing standards.

d. That the practice will not reduce the protection afforded public health and safety below that provided currently by SMCRA.

e. That the applicant will conduct monitoring of the effects of the practice during and after the operation.

f. The procedures to identify potential risks to the environment and to the public health and safety.

g. The mitigative measures that will be implemented in the event the experimental practice fails.

h. That the application for experimental practice is to be announced in newspaper advertisements.

PROCEDURE FOR PROCESSING THE APPLICATION FOR AN EXPERIMENTAL PRACTICE

The operator shall submit a written request for approval for an experimental practice as part of the state permit to produce coal. This written request shall be submitted to the State Regulatory Authority and contain the following:

a. A description of the proposed practice and how the alternative mining or reclamation practice will deviate from the regulatory authority's program and/or what mining and reclamation practices will be advanced, or what alternative post-mining land uses are being proposed.

b. An identification of the subsections under Title 30, Chapter VII of the Code of Federal Regulations for which the experimental practice is sought. Identify potential risks to the environment and the public, and benefits to be derived from the experimental practice.

c. A statement of the environmental protection performance standard(s) implemented if the experimental practice is unsuccessful.

d. A monitoring system to gather adequate information required so that the regulatory authority can evaluate the engineering and environmental soundness of the experimental practice.

e. The specific duration, self-monitoring and reporting requirements of the experimental practice.

If the regulatory authority, after its review, denies the request for the experimental practice, no further consideration of the request will be given. If the State Regulatory Authority recommends approval of the request, two copies of the request will be forwarded to the Technical Center through the OSM Field Office together with (1) a copy of the newspaper advertisement as required in 30 CFR 785.13(g); and (2) a summary of the regulatory authority's recommendation.

Upon receipt of the experimental practice request, the OSM Technical Center will evaluate the request to determine if the following criteria are met:

a. The experimental practice is potentially more, or at least as, environmentally protective during and after mining operations as those otherwise required by Title 30 Chapter VII of the Code of Federal Regulations.

b. The operations involved are not of a larger scope or more numerous than necessary to determine the effectiveness and economic feasibility of the experimental practice.

c. The experimental practice will not reduce the protection afforded public health and safety below that otherwise provided by Title 30, Chapter VII of the Code of Federal Regulations.

d. The duration of the experimental practice is reasonable and the extent and duration of the operator's self-monitoring and reporting program is adequate.

e. The experimental practice proposal is technically sound.

The Technical Center will submit one copy of the application together with a recommendation for approval or disapproval and a detailed analysis supporting the recommendation to the Assistant Director for Technical Services and Research, OSM, Headquarters.

a. Upon receipt in Headquarters, the experimental practice application will be reviewed administratively for adequacy and a recommendation made to the Director, OSM.

b. The Director, OSM, will inform the State Regulatory Authority of a final decision with copies to all respective offices. The State Regulatory Authority will notify the operator in writing of the final decision and/or terms of approval.

c. If the decision is to approve the experimental practice, the State Regulatory Authority and OSM will reserve the right to revoke approval if significant harm is discovered from the use of the experimental practice, and then require full reclamation under established requirements of the permanent regulatory program.