ILLINOIS DEPARTMENT OF MINES AND MINERALS
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LAND RECLAMATION DIVISION MEMORANDUM NO. 89-14

TO: ALL SURFACE AND UNDERGROUND COAL MINE OPERATORS

FROM: Paul J. Ehret, Supervisor
Land Reclamation Division

DATE: September 11, 1989

SUBJECT: 1. Temporary Sediment Pond Removal/Release of Water Quality Monitoring and Impoundment Examination and Inspections

2. Permanent Ponds - Release of Water Quality Monitoring

The Department wishes to clarify procedures regarding removal of temporary sediment ponds and/or discontinuation of water quality monitoring for permanent impoundments.

Sections 1816.46(b)(5) and 1817.46(b)(5) of Title 62 of the Illinois Administrative Code requires prior to approval from the Department for removal of temporary sediment ponds. In no case shall the pond be removed sooner than two (2) years after the last augmented seeding. The pond watershed must have been stabilized and revegetated in accordance with the approved plan for a minimum of two years. The Department is encouraging removal of temporary ponds after the two year period but prior to the end of the five year revegetation responsibility period required under 62 Ill. Adm. Code 1816.116(a)(2)(B) and 1817.117(a)(2)(B). This will enable ponds and temporary diversions to be reclaimed and released with contiguous fields, thus eliminating the need to track small isolated parcels of land. Removal of the pond (and associated diversions) will not restart a new responsibility period for the pond area itself.

Those operators contemplating pond removal should first discuss the proposal with the Department's designated field representative. Operators must submit a written request for pond removal. Approvals will be processed as Insignificant Permit Revisions (IPR). Five copies of the request must be submitted initially. We will forward two copies to the Illinois Environmental Protection Agency (I-EPA). I-EPA will review the

request concurrently with IDMM, however separate approval letters from each agency will be issued. In order for the Department to consider approval, the following information, at a minimum, must be submitted.

1. A narrative describing the timing and extent of grading and revegetation activity within the pond watershed.

2. The last two years of NPDES Discharge Monitoring Reports (DMR) for the pond(s) in question. The operator need not resubmit DMR's if they have been submitted previously to IDMM. Discuss any excursions from effluent limits and remedial measures implemented.

3. A map which indicates the identification number and location of the ponds and diversions to be removed and delineates the post mining watershed.

4. For areas where the approved post-mining land use is cropland the operator is encouraged to formulate cropping management plans which meet the "T" requirement. Such plans may be required for high capability areas (1825.14(F)).

Primarily, the operator needs to demonstrate that the watershed area has been returned to a normal pre-mining state.

In addition, I-EPA requires an engineer's certification and principal executive's signature.

Discontinuation of water quality monitoring for approved permanent impoundments may be requested using the same criteria and procedures discussed above.

Requests for temporary sediment pond removal will also constitute a request for discontinuation of surface water monitoring and impoundment examinations and inspections.

After pond removal, the land on which the pond was located must be regraded and revegetated in accordance with the approval plan (1816.46(b)(6) and 1817.46(b)(6)). Any toxic sediment must be properly disposed of and reclaimed and the pond removal area will require prompt seeding, mulching and other measures necessary to assure prompt revegetation.

It is expected that pond removal activities be conducted during an appropriate time of year, usually the dry summer months. Therefore, requests for removal should be timed accordingly.