ILLINOIS DEPARTMENT OF MINES AND MINERALS

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PROTECTING OUR RESOURCES

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LAND RECLAMATION DIVISION MEMORANDUM NO. 91-8

TO: Recipients of Illinois' Permanent Program Regulations

FROM: Paul J. Ehret, Supervisor
Land Reclamation Division

DATE: July 18, 1991

RE: New Regulation Booklets

Enclosed is a copy of Illinois' permanent program regulations (62 Ill. Adm. Code 1700-1850) adopted pursuant to the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq.

This package contains all rules and rule amendments promulgated by the Land Reclamation Division through January 1, 1991. Subsequent amendments to the rules herein will be distributed by the Department for insertion into the booklet.

All but the following rules contained herein were approved by OSMRE in 55 Fed. Reg. 35301 (August 29, 1990):

1. 62 Ill. Adm. Code 1816.68(a): This section does not include wind velocity and direction in the list of factors required in the blast record. Since the federal counterpart regulation at 30 CFR 816.68(e) requires that recorded blast data address weather conditions, Illinois' rule was disapproved by OSMRE.

2. 62 Ill. Adm. Code 1817.68(a): This section does not include wind velocity and direction in the list of factors required in the blast record. Since the federal counterpart regulation at 30 CFR 817.68(e) requires that recorded blast data address weather conditions, Illinois' rule was disapproved by OSMRE.

3. 62 Ill. Adm. Code 1816.49(a)(10)(B): This section allows for water impounding structures that impound water to a design elevation of no more than five (5) feet above the upstream toe of the structure and that can have a storage volume of not more than twenty (20) acre feet to be exempt from the requirements of examination if, subject to Department

approval, the operator can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm. The approval of this regulation allowing for the exemption for such ponds has been deferred by OSMRE pending the completion of a technical evaluation. As a result, pending the final outcome of that determination, the regulation at 62 Ill. Adm. Code 1816.49(a)(10)(B) can not be implemented.

4. 62 Ill. Adm. Code 1817.49(a)(10)(B): This section allows for water impounding structures that impound water to a design elevation of no more than five (5) feet above the upstream toe of the structure and that can have a storage volume of not more than twenty (20) acre feet to be exempt from the requirements of examination if, subject to Department approval, the operator can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm. The approval of this regulation allowing for the exemption for such ponds has been deferred by OSMRE pending the completion of a technical evaluation. As a result, pending the final outcome of that determination, the regulation at 62 Ill. Adm. Code 1817.49(a)(10)(B) can not be implemented.

Additionally, OSMRE required the following amendments to Illinois' program in 55 Fed. Reg. 35301 (August 29, 1990):

1. Illinois shall submit for OSMRE approval an amendment to 62 Ill. Adm. Code 1773.5 or otherwise propose to amend its program to require that the definition of "ownership and control" include specific relationships no less effective than those of 30 CFR 773.5. In Section 1773.5, the use of the word "or" should be replaced by the word "and."

2. Illinois shall submit for OSMRE approval an amendment to 62 Ill. Adm. Code 1816.68(a) and 1817.68(a) or otherwise propose to amend its program to require that recorded blast data address weather conditions.

Please contact the Department at (217) 782-4970 if you have questions or comments regarding this booklet.