ILLINOIS DEPARTMENT OF MINES AND MINERALS

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PROTECTING OUR RESOURCES

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LAND RECLAMATION DIVISION MEMORANDUM NO. 92-1

TO: Recipients of Illinois' Permanent Program Regulations

FROM: Paul J. Ehret, Supervisor
Land Reclamation Division

DATE: January 28, 1992

RE: Regulatory Amendments

Enclosed are copies of amendments to various sections of Illinois' permanent program regulations (62 Ill. Adm. Code 1700-1850). The enclosures are being sent as replacement pages for insertion into the existing regulation booklets per the instructions outlined herein.

Except those discussed below, the enclosed amendments were approved by OSMRE at 56 Fed. Reg. 64986 (December 13, 1991) and became effective January 1, 1992. OSMRE is requiring the Department to further revise the following amendments:

1. 62 Ill. Adm. Code 1773.15(b)(1)(B): To be no less effective than its federal counterpart regulation, the Department must clarify that any review under 30 CFR 775.13 is conducted by the Federal Court and not by the State Circuit Court.

2. 62 Ill. Adm. Code 1816.84(b)(2)/1817.84(b)(2): To be no less effective than their federal counterparts, OSMRE is requiring the Department to provide for a "greater event." These Sections will therefore be revised in the Department's next rulemaking to provide for a 6-hour precipitation event "or greater event."

3. 62 Ill. Adm. Code 1816.116(a)(2)(C)/1817.116(a)(2)(C): OSMRE found that the language in the above regulations is less effective than the federal counterpart regulations. Thus, OSMRE is requiring that the Department either amend its regulations to require OSMRE approval of all normal husbandry practices other than those specifically listed in its approved program or delete the provision providing Illinois with the authority to approve unspecified husbandry practices. The lack of specific wording will not have any effect on operators at this time.

4. 62 Ill. Adm. Code 1816.117(a)(1)/1817.117(a)(1): The revised regulations modify the parameters for determining success of vegetation by specifying that tree and/or shrub population shall be considered successful if it meets certain tests during the last year of the responsibility period or later. OSMRE has not approved the words "or later." OSMRE's partial disapproval of these regulations will not have any effect on tree testing.

5. 62 Ill. Adm. Code 1816.117(d)(6)/1817.117(d)(6): In order to be no less effective than federal regulations, the Department interprets these regulations as follows: The 70% standard is to be used solely to determine the adequacy to control erosion along with the absence of rills and gullies, and was not intended to establish a lower ground cover standard for pasture/hayland, which is subject to a 90% success standard for previously unmined land. OSMRE is requiring the Department to clarify this interpretation in future rulemaking.

6. 62 Ill. Adm. Code 1816.151(b)/1817.151(b): These regulations require that primary road embankments have side slopes of 2H:1V or flatter, or have a minimum static safety factor of 1.3. The option of creating 2H:1V slopes in lieu of designing static safety factors of 1.3 has been rejected by OSMRE. OSMRE is requiring that the Department include additional technical requirements in its alternate design standards. The Department is still discussing this issue with OSMRE.

<u>Instructions for insertion of replacement pages into booklets:</u>

Part 1700: Replace first two pages with those attached.

Part 1701: Replace entire Part.

Part 1702: This entire Part is new. Insert after Part 1701.

Part 1761: Replace entire Part.

Part 1772: Replace entire Part.

Part 1773: Replace first two pages with first two pages of revised Part.
Replace Sections 1773.15 through 1773.19 with attachments.

Part 1774: Replace first three pages.

Part 1778: Replace first three pages.

Part 1780: Replace first page.
Replace Section 1780.16 (one page).
Replace Sections 1780.35 through 1780.39 (Section 1780.39 is a new section).

Part 1784: Replace first page.
Replace last page of Section 1784.20 through first page of Section 1784.22.
Replace Sections 1784.24 and 1784.25.
Replace Sections 1784.29 and 1784.30 (Section 1784.30 is a new section).

Part 1816: Replace first two pages.
Replace Section 1816.49 (Section 1816.56 follows Section 1816.49).
Replace Sections 1816.67 and 1816.68 (Replacement pages include first page of 1816.71).
Replace last page of Section 1816.83 through Section 1816.84.
Replace Sections 1816.111 through 1816.117.
Replace Sections 1816.150 and 1816.151 (Section 1816.151 is a new section).

1816.App.A: Remove first eight pages and replace with those provided (11 pages).

Part 1817: Replace first two pages.
Replace Sections 1817.47 and 1817.49.
Replace last page of Section 1817.67 through Section 1817.68 (Replacement pages include first page of 1817.71).
Replace last page of Section 1817.83 through 1817.84
Replace Sections 1817.116 and 1817.117.
Replace last page of Section 1817.133 and Sections 1817.150 and 1817.151 (Section 1817.151 is a new section).

Part 1823: Replace first page.
Replace Sections 1823.14 and 1823.15.

Please note that a new regulatory table of contents is <u>not</u> included in this mailing. The following material should be added to the existing table of contents for interim use until a revised one is mailed by the Department:

PART 1702-- Exemption for Coal Extraction Incidental to the Extraction of Other Minerals

Section
1702.1 Scope
1702.5 Definitions
1702.10 Information Collection
1702.11 Application Requirements and Procedures
1702.12 Contents of Application for Exemption
1702.13 Public Availability of Information
1702.14 Requirements for Exemption
1702.15 Conditions of Exemption and Right of Inspection and Entry
1702.16 Stockpiling of Minerals
1702.17 Revocation and Enforcement
1702.18 Reporting Requirements

PART 1780. Add: Section 1780.39 - Support Facilities

PART 1784. Add: Section 1784.30 - Support Facilities

PART 1816. Add: Section 1816.150 - Roads: General
Section 1816.151 - Primary Roads

PART 1817. Add: Section 1817.150 - Roads: General
Section 1817.151 - Primary Roads

Please contact the Land Reclamation Division at (217) 782-4970 if you have questions or comments regarding the amendments.