

Land Reclamation Memorandum 99-01

To: Recipients of Permanent Program Regulations

From: Kim Underwood

Date: February 19, 1999

Re: Rulemaking Revisions

On February 9, 1999 OSM published its approval of a large rulemaking package.

Attached are copies of replacement pages of our adopted regulations which reflect those changes. In addition the entire copy of our regulations may be found on our web site at <http://dnr.state.il/ildnr/offices/mines/title62.html>

The following are highlights of the new changes

1. Remining - Several areas have been altered to address the changes to the reduced remining revegetation standards. One of the requirements to obtain approval of the rule from OSM was that permits must be revised to identify the areas to be subject to these revised standards. In other words an operator must receive approval of an insignificant permit revision to apply these standards to eligible areas.
2. Blasting - Regulations clarifying that regulated blasting at underground mines is limited to that within 50 vertical feet of the surface. Clarification was also made that blasting is prohibited after sunset. Blasting schedule publishing provisions were changed and provisions for a utility to waive blasting buffers were also added.
3. Refuse reclamation - Language was added to clarify that the Department has the authority to require neutralizing material be added to mine waste if necessary before covering. The Department has found that liming to be very effective to preventing acid water leaching, in certain instances, regardless of the amount of soil cover.
4. Deep tillage - This new rule allows the Department to approve the use of deep tillage as a beneficial practice which will not restart the five year responsibility period. The Department

Land Reclamation Memorandum 99-01

February 19, 1999

Page 2

anticipates that the removal of the existing disincentive for deep tilling will result in encouraging more deep tillage and a quicker restoration of crop productivity. These approvals will be coordinated with the field inspector.

5. High Capability Land - This new rule requires that productivity testing be initiated within ten years after final grading. This is similar to the standards for prime farmland. The previous regulations had no maximum time before testing had to be initiated.

6. Inspections - This new rule authorizes the Department to drop monthly partial inspections for inactive sites, provided that quarterly complete inspections are done.

7. Administrative review - This rule clarifies the standard for administrative review decisions.

8. References to the Illinois Department of Mines and Minerals and Soil Conservation Service have been changed to Illinois Department of Natural Resources and Natural Resources Conservation Service, respectively.

9. Typographical corrections at 1816.49 and 1817.49 reference NRCS Practice Standard IL 278 "Ponds". This should read 378.