

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1824
SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS--
MOUNTAINTOP REMOVAL

Section

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1824.11	Mountaintop Removal: Performance Standards

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9362; amended at 11 Ill. Reg. 8522, effective July 1, 1987; recodified from the Department of Mines and Minerals to the Department of Natural Resources at 22 Ill. Reg. 7712.

Section 1824.1 Scope

This Part sets forth special environmental protection performance, reclamation, and design standards for surface coal mining activities constituting mountaintop removal mining.

Section 1824.2 Objective

The objectives of this Part are to:

- a) Enhance coal recovery;
- b) Reclaim the land to equal or higher postmining use; and
- c) Protect and enhance environmental and other values protected under the Act and this Part.

Section 1824.11 Mountaintop Removal: Performance Standards

Under an approved regulatory program, surface coal mining activities may be conducted under a variance from the requirements of 62 Ill. Adm. Code 1810 through 1828 for restoring affected areas to their approximate original contour, if:

- a) The Illinois Department of Natural Resources (Department) grants the variance under a permit, in accordance with 62 Ill. Adm. Code 1785.14;

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- b) The activities involve the mining of an entire coal seam running through the upper fraction of a mountain, ridge, or hill, by removing all of the overburden and creating a level plateau or gently rolling contour with no highwalls remaining;
 - c) An industrial, commercial, agricultural, residential, or public facility (including recreational facilities) use is proposed and approved for the affected land;
 - d) The alternative land-use requirements of 62 Ill. Adm. Code 1816.133 are met;
 - e) All applicable requirements of 62 Ill. Adm. Code 1810 through 1828 and the regulatory program, other than the requirement to restore affected areas to their approximate original contour, are met;
 - f) An outcrop barrier of sufficient width, consisting of the toe of the lowest coal seam, and its associated overburden, are retained to prevent slides and erosion, except that the Department may permit an exemption to the retention of the coal barrier requirement if the following conditions are satisfied:
 - 1) The proposed mine site was mined prior to May 3, 1978, and the toe of the lowest seam has been removed; or
 - 2) A coal barrier adjacent to a head-of-hollow fill may be removed after the elevation of a head-of-hollow fill attains the elevation of the coal barrier if the head-of-hollow fill provides the stability otherwise ensured by the retention of a coal barrier.
 - g) The final graded slopes on the mined area are less than 1v:5h, so as to create a level plateau or gently rolling configuration, and the out slopes of the plateau do not exceed 1v:2h except where engineering data substantiate, and the Department finds, in writing, and includes in the permit under 62 Ill. Adm. Code 1785.14, that a minimum static safety factor of 1.5 will be attained;
 - h) The resulting level or gently rolling contour is graded to drain inward from the out slope, except at specified points where it drains over the out slope in stable and protected channels. The drainage shall not be through or over a valley or head-of-hollow fill;
 - i) Natural watercourses below the lowest coal seam mined are not damaged;
 - j) All waste and acid-forming or toxic-forming materials, including the strata immediately below the coal seam, are covered with nontoxic spoil to prevent pollution and achieve the approved post-mining land use; and

- k) Spoil is placed on the mountaintop bench as necessary to achieve the post-mining land use approved under subsections (c) and (d). All excess spoil material not retained on the mountaintop shall be placed in accordance with 62 Ill. Adm. Code 1816.41, 1816.43 and 1816.71 through 1816.74.

(Source: Amended at 11 Ill. Reg. 8522, effective July 1, 1987)