**Section 300.110 General Reclamation Requirements**

a) Time Requirement For Completion of Reclamation

1) All reclamation provided for in the Act and this Part shall be carried to completion by the operator prior to the expiration of 3 years after active use, as determined by the Department.

2) Exceptions

When extension of the reclamation period is necessary to allow continued mining operation otherwise permitted by the Act and this Part, or to accomplish acceptable reclamation, such request for extension shall be justified in writing to the Department. It shall be within the discretion of the Department to grant such extension consistent with the Act and this Part. If lands are not satisfactorily reclaimed and if the Department shall deny request for an extension of the reclamation period, the Department shall declare forfeiture of the surety bond or security on such land not satisfactorily reclaimed or, in the alternative, the Director shall provide that the operator cover such areas within one year with material capable of being vegetated in accordance with vegetative standards adopted by the Department.

b) Grading Requirements

1) Fifteen Percent Requirement

All land affected by surface mining, except as otherwise provided for in the Act and this Part, shall be graded to a rolling topography traversable by machines necessary for maintenance in accordance with planned use. Such slopes shall have no more than a 15% grade.

2) Exceptions to Fifteen Percent Requirement

A) The grade shall not exceed 30% on any of the following:

i) lands to be reclaimed to forest plantation or recreational or wildlife land uses;

ii) the outside slopes of all overburden deposition areas; and

iii) the outside slopes of all box cut spoil areas.

B) The final cut spoil and the side slopes of haulage road inclines can remain at a slope equal to the angle of repose of the material, provided the material can support vegetative cover.

C) In no case shall the Department require grading to a lesser slope than the original grade of the overburden existing prior to mining.

3) Terrace Requirement

Where acceptable soil conservation practices make it advisable to do so, the Department shall require operators, consistent with Section 300.130 of this Part, to terrace reclaimed lands for the prevention of excessive erosion.

4) Highwalls, except those created by the aggregate mining industry, shall be reshaped to a maximum slope of two-to-one or 50% to the anticipated water level or dry pit bottom unless otherwise excepted by the Director.

c) Land Not Requiring Reclamation

In cases where pools or lakes capable of supporting aquatic life may be formed by rainfall or drainage runoff from adjoining land, the depressed haulage roads or final cuts or any other area to be occupied by pools or lakes, if approved by the Department, shall not require any further reclamation. Where the Director determines that a road, dry pit bottom or ditch is consistent with and necessary to the conservation and reclamation plan for an area, no further reclamation shall be required.

d) Land to be Reclaimed For Row-Crop Agriculture

1) When the Director determines that the land to be affected is capable of being reclaimed for row-crop agricultural purposes and suitable for row-crop agricultural purposes based on United States Soil Conservation Service soil survey classifications of the affected land prior to mining, and when the Director determines that the optimum future use of the land affected is for row-crop agricultural purposes, the affected land shall be graded to the approximate original grade of the land and all or part of the darkened surface soil, as defined in the Act, shall be segregated during the stripping process and replaced as a final cover as a last step in the required grading. When available in such depth, at least 18 inches of the darkened surface soil shall be segregated and replaced. When less than 18 inches of darkened surface soil exists all such lesser amounts shall be segregated and replaced. In no case shall less than the top 8 inches of surface soil, darkened or not, be segregated and replaced. This segregation and replacement requirement may be altered by the Department only if it is determined upon the advice of competent soil scientists that other material available in the case overburden would be suitable in meeting the reclamation requirements. Below the darkened surface soil the replaced material shall be suitable as an agricultural root medium. The Department shall determine by rules what constitutes a suitable agricultural root medium by composition and depth. On all lands to be reclaimed the operator shall not be required to create a soil condition better than that which existed prior to surface mining.

2) Slope classifications of lands before mining are:

A) 0%-2%;

B) 2%-5%;

C) 5%-10%.

3) Approximate original grade means the grading of affected lands that were originally of the subsections (d)(2)(A) and (2)(B) slope classifications to a maximum slope not to exceed 5% slope with a planned erosion control system approved by the Director for 3%-5% slopes.

4) Approximate original grade means the grading of affected lands that were originally of the subsection (d)(2)(C) 5%-10% slope to a maximum slope not to exceed 10% and shall have a planned erosion control system approved by the Director.

5) Planned terrace systems, when utilized as part of a planned erosion control system, shall be constructed according to U.S. Department of Agriculture Natural Resources Conservation Service specifications.

6) Slopes on all affected lands shall be measured from the drainage divide to the base of the slope or to the intermittent water course as the lowest point. Abrupt slope changes between these points are not acceptable except for unusual conditions such as ditches, terraces, and roads.

7) The length of slope and contour of the restored surface shall be conducive to those farming operations normally associated with row-crop production. Farming operations as used here shall include such measures or practices necessary to provide adequate drainage and erosion control for sustained row-crop production.

8) The materials under the darkened surface soil suitable as a root medium shall contain no more than 20% coarse material greater than 2mm in size by volume. No more than half of the coarse material may be between 3 inches and 10 inches in the greatest dimension. No fragments shall be greater in size than 10 inches in the greatest dimension. In no case may clay material of less than 2 microns be greater than 40% by weight.

9) These texture requirements do not apply if the soil conditions of the affected land prior to mining did not meet the standards included herein (i.e., if more than 20% coarse material by volume existed in the root medium below the darkened surface soil prior to mining, the same percentage of coarse material in the root medium will be allowed after mining; if more than 1/2 of the coarse material consisted of rocks in the 3-10 inch size category prior to mining, that same percentage will be permitted after mining and if more than 40% by weight of clay materials less than 2 microns in size existed in the root medium below the darkened surface soil prior to mining, a like percentage by weight will be allowed after mining in the material under the darkened surface soil).

10) In addition to meeting texture requirements, the materials under the darkened surface soil must be chemically suitable as an agricultural root medium. Materials suitable as an agricultural root medium shall be of a vertical thickness adequate, including the darkened surface soil, to ensure a total depth of 4 feet. Pyritic material capable of producing toxic acidic conditions shall not be incorporated within the surface 4 foot layer of finally graded lands.

11) The Director may alter the slope and texture requirements under this subsection only upon a clear and convincing showing that to vary such requirements would better effectuate the purposes of the Act than would enforcing the standards therein.

12) Location of texture compliance samples will be determined by random methods similar to those described in Section 300.120(b)(2)(B)(i) of this Part and texture analysis shall be determined by methods as subscribed by the Department.

13) The final cut and submerged roadways may remain if the Department determines that such final cut or roadway would form a water impoundment capable of supporting desirable uses such as water for livestock or wildlife; and if to be used for fish life, shall have minimum depths in accordance with standards for fish stocking as recommended by the Department. All impoundments and structures must be included in the reclamation plan for approval or disapproval by the Department. The boxcut spoil shall be graded in accordance with Section 6 of the Act, and with this Part.

e) Water Impoundments

All runoff water shall be impounded, drained, or treated so as to reduce soil erosion, damage to unmined lands and the pollution of streams and other waters. The operator shall construct, in accordance with Section 300.150 of this Part, earth dams, where lakes may be formed, in accordance with sound engineering practices if necessary to impound waters, provided the formation of the lakes or ponds will not interfere with underground or other mining operations; other subsequent uses of the area approved by the Department; or damage adjoining property. Such water impoundments shall be approved by the Department based on the expected ability of the lakes or ponds to support desirable aquatic life and shall have minimum depths in accordance with standards for fish stocking in the various areas of the State recommended by the Department.

f) Covering Toxic Materials

Acid forming materials present in the exposed face of the mined mineral seam or seams shall be covered with not less than 4 feet of water or other materials, which shall be placed with slopes having no more than 30% grade, capable of supporting plant and animal life. Final cuts or other depressed affected areas, no longer in use in mining operations, which accumulate toxic waters will not meet reclamation requirements.

g) Vegetative Cover Essential

Unless the approved reclamation plan is inconsistent with vegetative cover, the soil shall be prepared and planted with trees, shrubs, grasses and legumes to provide suitable vegetative cover, in accordance with standards adopted by the Department and as set forth in Section 300.120 of this Part.

h) Minimum Distance of Excavation to Public Right-of-Ways and Adjacent Property Owners

Surface mining operators that remove and do not replace the lateral support within a 3 month period shall not, unless mutually agreed upon, by the operator and the adjacent property owner, approach property lines, established right-of-way lines of any public roads, streets or highways closer than a distance equal to 10 feet plus 1 1/2 times the depth of the excavation except where consolidated materials or materials of sufficient hardness or ability to resist weathering and to inhibit erosion or sloughing exists in the highwall, the distance from the property line or any established right-of-way line shall not, unless mutually agreed, be closer than a distance equal to 10 feet plus 1 1/2 times the depth from the natural ground surface to the top of the consolidated material or materials. When the operator desires to remove the lateral support and replace it within a 3 month period, the operator shall submit to the Department a written request for that purpose, outlining how the lateral support shall be replaced within 3 months. The request shall be approved or denied by the Department within 30 days.

i) Planting Stock Unavailable

If the operator is unable to acquire sufficient planting stock of desired tree species from State nurseries or acquire those tree species elsewhere at comparable prices, the Department shall grant the operator an extension of time until planting stock is available to plant such land as originally planned, or shall permit the operator to select an alternate method of reclamation in keeping with the provisions of the Act and with this Part.

j) Removal of Abandoned Haulage Roads and Mine Drainage Ditches

All abandoned haulage roads and all mine drainage ditches shall be removed and graded, except where the Director determines that a road or ditch is consistent with and necessary to the conservation and reclamation plan.

k) Land Fill Requirements

The reclamation requirements under Section 6 of the Act and this Part do not apply to affected land use for a land fill if the land fill is approved by the Environmental Protection Agency. The Environmental Protection Agency may regulate the amount of land to be used for that purpose and may establish a time schedule for the orderly and timely completion of the land fill. Any affected land designated for a land fill and not used for that purpose within 5 years is subject to the reclamation provisions of Section 6 of the Act and this Part.

(Source: Amended at 26 Ill. Reg. 4372, effective March 11, 2002)