



Land Reclamation Division

Operator Memorandum No. 2023-01

To: All Coal Operators/Consultants

From: Daniel W. Barkley, Supervisor
Land Reclamation Division

Date: March 13, 2023

Re: Rulemaking Revisions

On February 3, 2023, Illinois adopted rule changes for 62 Illinois Administrative Code, Parts 1816 and 1817. These changes, along with an entire copy of our regulations, may be found on our website at [Regulations and Publications - Mines and Minerals \(illinois.gov\)](http://www.dnr.illinois.gov/regulations-and-publications-mines-and-minerals).

Effective February 3, 2023, the changes are as follows:

- 1816.22 Changes to bring Illinois' regulations into consistent wording with federal counterparts.
- 1816.116 Changes to add clarity to the regulations and specify that the Agricultural Lands Productivity Formula testing program will be described in writing and made available to the public as specified in the corresponding federal rule, removes outdated information, updates and appropriately titles references, clarifies isolated fertilization techniques are non-augmentative and will not reset the responsibility period, clarifies crop sampling methodologies, clarifies and corrects map scales, removes sorghum from a potential crop to be used to demonstrate productivity and clarifies that limited capability land can be reclaimed to post-mining land uses other than pasture, eliminates confusing and duplicative language, and codifies the expectation that deep tillage be performed only when it is appropriate and effective to do so.

Please note that there is no change in how the Agricultural Lands Productivity Formula tests or processes the data to evaluate reclamation as

a result of these rule changes. Should any revised procedural requirements for requesting testing be necessary, the Department will outline any such changes in a subsequent operator memorandum prior to the 2024 testing year.

1816.117 Removes an outdated end date previously removed from the federal regulations and clarifies the required map scale.

1816.Appendix A Agricultural Lands Productivity Formula (Repealed) and

1816.EXHIBIT A County Crop Yields by Soil Mapping Unit (Repealed)

These sections of Illinois regulations have no federal counterparts and constitute the state's crop testing procedure. Federal regulation changes in 2006 allowed states to remove their crop testing procedures from their regulations. Therefore, the entirety of this state rule is being removed from the regulations. The federal regulations require states to specify the testing procedures in writing and make those available to the public which the state is enacting.

The sampling and testing program remain unchanged from current processes.

1817.22 Changes to bring Illinois' regulations into consistent wording with federal counterparts, and correct spelling errors.

1817.116 Changes to add clarity to the regulations and specify that the Agricultural Lands Productivity Formula testing program will be described in writing and made available to the public as specified in the corresponding federal rule, removes outdated information, updates and appropriately titles references, clarifies isolated fertilization techniques are non-augmentative and will not reset the responsibility period, clarifies crop sampling methodologies, and codifies the expectation that deep tillage be performed only when it is appropriate and effective to do so.

1817.117 Remove an outdated end date previously removed from the federal regulations and clarifies the required map scale.

For a copy of the testing procedures, please email the Department's Technical Soil Staff and request the information.