1. Section 1816.13—Casing and Sealing of Drilled Holes: General Requirements; Section 1817.13—Casing and Sealing of Exposed Underground Openings: General Requirements

Illinois is proposing to require that exposed underground openings be backfilled. The references to "cased, sealed, or otherwise managed" and "closed" are replaced with the reference to "backfilled."

2. Section 1816.15—Casing and Sealing of Drilled Holes: Permanent; Section 1816.15—Casing and Sealing of Underground Openings: Permanent

Illinois is proposing to require that exposed underground openings be backfilled. The references to "capped, sealed, backfilled, or otherwise properly managed" are replaced with the reference to "backfilled."

3. Sections 1816.22/1817.22—Topsoil and Subsoil

Illinois is proposing to delete subsection (b)(2) to eliminate the acreage restriction on topsoil substitutes that may be approved through the insignificant permit revision process. Therefore, existing subsection (b)(1) is redesignated subsection (b).

4. Sections 1816.41/1817.41— Hydrologic Balance Protection

Illinois proposes to revise subsection (c)(2) by specifying that ground water monitoring reports shall be submitted by the first day of the second month following the reporting period, unless the Department specifies an alternative reporting schedule.

Illinois proposes to revise subsection (e)(2) by removing the requirement to send National Pollutant Discharge Elimination System (NPDES) reports to the Department concurrently with those sent to the Illinois Environmental Protection Agency and adding the requirement that NPDES reports are to be sent to the Department by the first day of the second month following the reporting period.

5. Sections 1816.46/1817.46— Hydrologic Balance: Siltation Structures

The introductory sentence in subsection (e) is being changed to read "Exemptions to the requirements to pass all drainage from disturbed areas through a siltation structure may be granted if * * *." Subsection (e) is proposed to be revised to provide for a second exemption. The exemption provided by new subsection (e)(2)(A) will allow the use of the alternative sediment control measures described in § 1816.45(b) in lieu of siltation structures. The permittee will have to

demonstrate that these measures are the best technology currently available (BTCA) to meet the effluent limitations and water quality standards for the receiving waters set forth in § 1816.42. Existing subsection (e)(2) is redesignated as (e)(2)(B).

6. Section 1816.79—Protection of Underground Mining

Section 1816.79 is reorganized. The word "coal" is proposed to be removed from existing subsection (a), and the subsection reference is removed. Existing subsection (a)(1) is redesignated subsection (b), and existing subsection (a)(2) is redesignated subsection (a).

7. Sections 1816.97/1817.97—Protection of Fish, Wildlife, and Related Environmental Values

Illinois is proposing to delete the reference to the Illinois Endangered Species Protection Act at subsection (b).

8. Sections 1816.116/1817.116— Revegetation: Standards for Success

The State Act was recently amended at 225 ILCS 720/3.15 to change the revegetation responsibility period from five years to two years for areas eligible for remining. Sections 1816/1817.116(a)(2)(B) are proposed to be amended to implement this statute by adding the phrase "except that on lands eligible for remining, the period of responsibility (until September 30, 2004) shall be two (2) full years."

Existing § 1816/1817.116(a)(2)(F), concerning augmentation requirements for high capability cropland areas, are proposed to be deleted and replaced with new provisions pertaining to wetlands augmentation. New §§ 1816/ 1817.116(a)(2)(F) specify that wetlands shall be considered augmented when significant alterations are made to the size or character of the watershed, pumping is used to maintain water levels, or neutralizing agents, chemical treatments or fertilizers are applied to the wetland area. Water level management using permanent water control structures is considered a normal husbandry practice.

Sections 1816/1817.116(a)(3)(E) are proposed to be amended to clarify that pasture and/or hayland or grazing land on non-previously disturbed areas are subject to a 90 percent ground cover standard for a minimum of any 2 years of a 10-year period prior to the release of the performance bond, except the first year of the 5-year extended responsibility period. The 1-year attempt limit for substituting corn productivity for 1 year of hay productivity is proposed to be removed

from subsection (a)(3)(E). Sections 1816/1817.116(a)(3)(E) are also being revised to allow 1 year substitution of crops in lieu of hay on limited capability land, provided the Department determines that the practice is proper management

that the practice is proper management. New §§ 1816/1817.116(a)(3)(F) specify that small isolated areas which were disturbed from activities such as, but not limited to, signs, boreholes and power poles, shall be considered successfully revegetated if the operator can demonstrate that the soil disturbance was minor, the soil has been returned to its original capability, and the area is supporting its approved post-mining land use at the end of the responsibility period.

Section 1816.116(a)(4)(A)(ii) is proposed to be amended to allow the Department to approve a field to represent small isolated areas of the same capability if it determines that the field is representative of reclamation of such areas. The small isolated areas shall maintain a successful ground cover as determined by subsection (a)(3)(E). Productivity results on the field shall be applicable to the small isolated areas.

New §§ 1816/1817.116(a)(5)(A) specify that wetland revegetation criteria shall be deemed successful when the wetland vegetation criteria in the Corps of Engineers Wetlands Delineation Manual have been achieved following sampling procedures specified in that manual. New §§ 1816/ 1817.116(a)(5)(B) further specify that areas designed to support vegetation in the approved plan shall have a minimum aerial coverage of 30 percent. The testing procedure in §§ 1816/ $1817.117(\bar{d})(1)$ through (3) shall be used to evaluate the extent of cover. Aerial cover shall be determined to be present if any approved wetland species is measured at the increment. The percentage of aerial cover shall be established for the area tested by taking the total number of measurements where aerial cover was determined to be present.

New §§ 1816/1817.116(c) are proposed to be added to provide for the use of reference areas to establish target yields in lieu of the Agricultural Lands Productivity Formula (ALPF) for cropland and hayland. Other requirements and procedures of 62 IAC 1816.116(a)(4) shall be applicable. Reference areas used to establish success standards must meet the requirements in paragraphs (1) through (8).

Paragraph (1) requires that if the fields to be represented contain in total 800 acres or more, the reference area shall contain at least 40 acres. If the field(s)