**Section 1816.22 Topsoil and Subsoil**

a) Removal.

1) All topsoil shall be removed as a separate layer from the area to be disturbed, and segregated. Where topsoil is of insufficient quantity or poor quality for sustaining vegetation, the materials approved by the Department in accordance with subsection (b) shall be removed as a separate layer from the area to be disturbed, and segregated.

2) If topsoil is less than 6 inches thick and no substitutes or supplements are approved in accordance with subsection (b), the operator shall remove a 6 inch layer that includes the A horizon and the unconsolidated materials immediately below or the A horizon and all unconsolidated materials if the total available is less than 6 inches and treat the mixture as topsoil.

3) The Department shall not require the removal of topsoil for minor disturbances which:

A) Occur at the site of small structures, such as power poles, signs, fence lines or markers; or

B) Will not destroy the existing vegetation, will not cause erosion and will not degrade the quality or limit the future use of the soil.

4) All material to be removed under this Section shall be removed after the vegetative cover that would interfere with its salvage is cleared from the area to be disturbed, but before any drilling, blasting, mining or other surface disturbance takes place.

b) Substitutes and supplements.

Selected overburden materials may be substituted for, or used as a supplement to topsoil if the operator demonstrates to the Department that the resulting soil medium is equal to, or more suitable for sustaining vegetation than, the existing topsoil, and the resulting soil medium is the best available in the permit area to support revegetation. The demonstration shall be based upon the information requirements of 62 Ill. Adm. Code 1780.18(b)(4).

c) Storage.

1) Materials removed under subsection (a) if not redistributed immediately shall be segregated and stockpiled.

2) Stockpiled materials shall:

A) Be selectively placed on a stable site within the permit area;

B) Be protected from contaminants and unnecessary compaction that would interfere with revegetation;

C) Be protected from wind and water erosion through prompt establishment and maintenance of an effective, quick growing vegetative cover or through other measures equally effective in controlling erosion approved by the Department; and

D) Not be moved until required for redistribution unless approved by the Department.

3) Where long-term surface disturbances will result from facilities such as support facilities and preparation plants and where stockpiling of materials removed under subsection (a)(1) would be detrimental to the quality or quantity of those materials, the Department may approve the temporary distribution of the soil materials so removed to an approved site within the permit area to enhance the current use of that site until needed for later reclamation provided that:

A) Such action will not permanently diminish the capability of the topsoil of the host site; and

B) The material will be retained in a condition more suitable for redistribution than if stockpiled.

d) Redistribution.

1) Topsoil materials and topsoil substitutes and supplements removed under subsections (a) and (b) shall be redistributed in a manner that:

A) Achieves an approximate uniform, stable thickness when consistent with the approved post-mining land use, contours and surface-water drainage systems. Soil thickness may also be varied to the extent such variations help meet the specific revegetation goals identified in the permit;

B) Prevents excess compaction of the materials; and

C) Protects the materials from wind and water erosion and contamination before and after seeding and planting.

2) Before redistribution of the material removed under subsection (a) the regraded land shall be treated if necessary to reduce potential slippage of the redistributed material and to promote root penetration. If no harm will be caused to the redistributed material and reestablished vegetation, such treatment may be conducted after such material is replaced.

3) The Department shall not require the redistribution of topsoil or topsoil substitutes on the approved post-mining embankments of permanent impoundments or of roads if it determines that:

A) Placement of topsoil or topsoil substitutes on such embankments is inconsistent with the requirement to use the best technology currently available to prevent sedimentation; and

B) Such embankments will be otherwise stabilized.

4) Nutrients and soil amendments shall be applied to the initially redistributed material when necessary to establish the required vegetative cover.

e) Subsoil segregation. The Department may require that the B horizon, C horizon, or other underlying strata, or portions thereof, be removed and segregated, stockpiled, and redistributed as subsoil in accordance with the requirements of subsections (c) and (d) if it finds that such subsoil layers are necessary to comply with the revegetation requirements of Sections 1816.111, 1816.113, 1816.114, 1816.116 and 1816.117.

(Source: Amended at 47 Ill. Reg. 2348, effective February 3, 2023)