**Section 1823.15 Prime Farmland: Revegetation**

Each person who conducts surface coal mining and reclamation operations on prime farmland regardless of whether such land has been drilled, blasted, or mined, shall meet the following revegetation requirements during reclamation:

a) Following soil replacement, that person shall establish a vegetative cover capable of stabilizing the soil surface with respect to erosion. All vegetation shall be in compliance with the plan approved by the Department under 62 Ill. Adm. Code 1785.17 and carried out in a manner that encourages prompt vegetative cover and recovery of productive capacity. The timing and mulching provisions of 62 Ill. Adm. Code 1816.113 and 1816.114 or 62 Ill. Adm. Code 1817.113 and 1817.114 shall be met.

b) Measurement of success of prime farmland revegetation shall be conducted in accordance with the following provisions:

1) Measurement of success of revegetation shall be initiated within 10 years after completion of backfilling and final grading of areas of prime farmland in accordance with the approved reclamation plan.

2) Success of revegetation shall be measured in accordance with 62 Ill. Adm. Code 1816.116(a)(4) or (a)(6).

3) Revegetation shall be considered a success when crop production is equivalent to or exceeds the production required in 62 Ill. Adm. Code 1816.116(a)(4) or (a)(6), with 90 percent statistical confidence (i.e., one-sided t test with 0.10 alpha error) for a minimum of 3 crop years of a 10 year period, except the first year after augmented seeding, fertilizing, or other management practices, prior to release of the operator's performance bond. The level of management applied during the measurement period shall be the same as the level of management used on nonmined prime farmland in the surrounding area. The 5 year period of extended responsibility shall begin after the last year of augmented seeding, fertilizing or soil treatment and at the time of the planting of the crops to be grown for the productivity showing. Once chosen by the permittee, the productivity alternative in 62 Ill. Adm. Code 1816.116(a)(6) may not be modified without approval from the Department.

4) Compliance with this subsection shall not preclude a permittee from demonstrating the required soil productivity under the law by use of soil surveys or other techniques approved consistent with future regulations.

(Source: Amended at 29 Ill. Reg. 9849, effective June 27, 2005)