

**TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE D: MINE RELATED WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD**

**PART 401  
GENERAL PROVISIONS**

**Section**

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Authority Note: Authorized by Section 27 and implementing Sections 12 and 13 of the Illinois Environmental Protection Act (Ill. Rev. Stat., Ch. 111 1/2, pars. 1012, 1013 and 1027) unless otherwise noted.

Source Note: Adopted at 4 Ill. Reg. 34, p. 164, effective August 7, 1980; codified at 5 Ill. Reg. 34, p. 8527, effective August 10, 1981 unless otherwise noted.

**Section 401.101 Authority**

Pursuant to authority granted by Section 12 and 13 of the Environmental Protection Act (Act), which empower the Board to designate equipment or facilities capable of causing or contributing to water pollution; to set standards for the issuance of permits for the construction, installation and operation and for the inspection of said equipment or facility; to prohibit the sale, offer or use of articles for reasons of water pollution control; to set standards limiting the amounts or concentrations of contaminants that may be discharged into the waters of the State; to set standards for the filling or sealing of abandoned holes in order to protect groundwater; and to adopt requirements, standards and procedures to enable the state to implement and participate in the NPDES program established by the Federal Water Pollution Control Act of 1972 (FWPCA), as amended, (33 U.S.C. 1251 et seq.), the Board adopts the following rules and regulations.

**Section 401.102 Policy**

A policy of the General Assembly in adopting the Act is to restore, maintain and enhance the purity of the water of Illinois in order to protect health, welfare, property and the quality of life. It is determined that mining activities including the preparation, operation and abandonment of mines, mine refuse areas and mine related facilities without environmental planning and safeguards and the use of certain refuse materials can cause, threaten or allow the discharge of contaminants into the waters of Illinois so as to cause or threaten to cause a nuisance or to render such waters harmful or detrimental to public

health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational or other legitimate uses including use by livestock, wild animals, birds, fish or other aquatic life and riparian vegetation.

**Section 401.103 Purpose**

The purpose of this Subtitle D is to prevent pollution of waters of Illinois caused by failure to plan proper environmental safeguards for the location, preparation, operation and abandonment of mining activities, mining and mine refuse operations. A permit system is established to control the multitude of contaminating point and non-point source discharges, visible and hidden, continuous and fluctuating, which are potentially present in mining activities, mining and mine refuse operations. In order to ensure that such activities meet environmental standards water quality and effluent standards are established to limit discharges from point sources as well as to protect waters for beneficial uses. In addition, procedural safeguards are established to ensure the protection of waters. Furthermore, it is the purpose of this Subtitle D to meet the requirements of Section 402 of the FWPCA.

**Section 401.104 Compliance with Other Laws Required**

Nothing in this regulation is intended to be inconsistent with or impair the obligation to comply with the provisions of an Act entitled, "The Surface Coal Mining Land Conservation and Reclamation Act" of Illinois or with any other state or federal law affecting the duties of an operator.

**Section 401.105 Validity Not Affected**

If any provision of this Subtitle D, Chapter I is adjudged invalid or if the application to any person or in any circumstances is adjudged invalid, such invalidity shall not affect the validity of this Subtitle D, Chapter I as a whole or of any part, subpart, sentence or clause thereof not adjudged invalid.

**Section 401.106 Repealer**

Chapter 4: Mine Related Pollution, effective May 23, 1972 and all amendments thereto heretofore adopted are hereby superseded.

**Section 401.APPENDIX A REFERENCES TO PREVIOUS RULES**

The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification.

Chapter 4, Mine Related Pollution Part I, 35 Ill. Admin. Code Part 401  
General Provisions

Rule 101 Section 401.101

Rule 102  
Rule 103  
Rule 104  
Rule 105  
Rule 106

Section 401.102  
Section 401.103  
Section 401.104  
Section 401.105  
Section 401.106

(filed August 10, 1981, effective August 10, 1981)