

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

**PART 403
NPDES PERMITS**

Section

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AUTHORITY: 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: 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 403.100 Preamble

- a) Part 403 governs mining activities and permit issuance with respect to holders of an NPDES permit and persons required to obtain an NPDES permit for a facility.
- b) As provided by Section 404.102, those facilities which operate under an NPDES Permit need not obtain a state permit so long as the Agency administers the NPDES permit program
- c) Part 404 is inapplicable to NPDES permit holders, as provided by Section 404.102.

Section 403.101 Incorporation of NPDES Water Rules

The rules contained in Subpart A, Part 309, Subtitle C: Water Pollution shall apply to NPDES permits required under this Subtitle D, Chapter I, except for Section 309.154*, Authorization to Construct; provided, however, that in the event conflict arises between Subtitle D, Chapter I and Subpart A, Part 309, Subtitle C, Chapter I, the requirements of Subtitle D, Chapter I shall apply to Mine related facilities.

*Prior to codification, Rule 910(n) of Chapter 3.

Section 403.102 NPDES Permits Required of Certain Dischargers

Except as in compliance with the provisions of the Act, Board regulations, the FWPCA and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the state from a point source or into a well shall be unlawful.

Section 403.103 Application

- a) A person required to obtain an NPDES permit shall file an application in accordance with Section 405.104 on forms provided by the Agency or the United States Environmental Protection Agency as applicable.
- b) A person who holds an NPDES permit for a facility or who submits an NPDES permit application for that facility need not apply for a state permit unless and until the Agency notifies that person that a state permit is required for that facility.
- c) Application for a renewed or supplemental NPDES permit is governed by the rules on NPDES applications in general.

Section 403.104 Construction Authorization

- a) No person shall prepare land for mining activities or construct a mine related facility for which an NPDES permit is required unless:
 - 1) The person holds an NPDES permit containing as a condition a construction authorization for the preparation or construction; or
 - 2) The person holds a construction permit for the preparation or construction issued pursuant to Section 404.101.
- b) No permittee shall cause or allow the construction of a new mine related facility or modification of a mining activity or mine related facility for which an NPDES permit is held unless the NPDES permit includes as a condition a construction authorization for such construction or modification; provided, however, that construction authorization is not required for modification which would not cause a violation of conditions of the existing permit.
- c) Any person required to obtain a construction authorization shall make application at least 180 days in advance of the date on which construction or modification is to begin.
- d) Any person seeking a construction authorization shall furnish information and complete an application as provided in Section 405.104. Issuance of a construction authorization shall be governed by the rules which govern issuance of an NPDES permit, including Sections 405.101 and 405.102.

Section 403.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 III, 35 Ill. Admin. Code Part 403
NPDES Permits

Rule 300	Section 403.100
Rule 301	Section 403.101
Rule 302	Section 403.102
Rule 303	Section 403.103
Rule 304	Section 403.104

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