

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

PART 405  
STATE AND NPDES PERMITS

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AUTHORITY: Implementing Sections 12 and 13 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/12, 13 and 27).

SOURCE: Adopted in R76-20, R77-10, 39 PCB 196, at 4 Ill. Reg. 34, p. 164, effective August 7, 1980; codified at 5 Ill. Reg. 8527; amended in R83-6A at 8 Ill. Reg. 13267, effective July 16, 1984; amended in R07-9 at 32 Ill. Reg. 14978, effective September 8, 2008; amended at \_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 405.101 Special Conditions: Agency Guidance Document (Repealed)**

- a) ~~In addition to the standards and conditions required by this Subtitle D, Chapter I, the Agency may in granting permits impose such conditions as may be necessary to accomplish the purposes of the Act and which are not inconsistent with Subtitle D, Chapter I. All NPDES permits shall contain these terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of the Act.~~

- ~~b) The Agency shall adopt such procedures as are necessary for permit issuance under this Subtitle D, Chapter I. Such procedures shall be included in an Agency guidance document. 35 Ill. Admin. Code Part 450 et seq.~~
- ~~e) The Agency may adopt criteria for the design, operation, maintenance and abandonment of mine related facilities and other wastewater sources. Such criteria as are adopted shall be set forth in an Agency guidance document and shall be revised from time to time to reflect current engineering judgment and advances in the state of the art. 35 Ill. Admin. Code Part 450 et seq.~~
- ~~d) In adopting new or revised criteria or procedures, the Agency shall comply with the requirements of the Illinois Administrative Procedure Act, Ill. Rev. Stat. 1979, ch. 127, pars. 1001 et seq.~~
- ~~e) To the extent the Agency adopts such criteria, they will represent a formal Agency interpretation of what is consistent with the Act and Subtitle D, Chapter I and necessary to accomplish the purposes of the Act.~~
- ~~f) In adopting new or revised criteria the Agency shall consider other applicable state and federal statutes and regulations and shall avoid issuing criteria which conflict with such.~~

(Repealed: Repealed at \_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 405.102 Standard for Permit Issuance or Certification**

- a) The Agency shall issue or certify a permit if and only if the operator submits adequate proof that the mine related facilities and mining activities will be constructed, prepared and operated so as not to cause a violation of the Act or Subtitle D, Chapter I.
- ~~b) If an Agency guidance document is promulgated and if it contains criteria with regard to any condition of a permit, then for purposes of permit issuance proof of conformity with the Agency guidance document shall be prima facie evidence of no violation. However, nonconformity with the Agency guidance document shall not be grounds for permit denial if the condition of subsection (a) of this Section is met.~~
- be) The Agency may issue under Section 405.107 an experimental permit, subsection (a) of this Section notwithstanding.

(Source: Amended at \_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 405.104 Permit Applications

- a) Plans, reports, specifications and application forms submitted to the Agency as part of a state or NPDES permit application shall be certified by a registered professional engineer when required by the Illinois Professional Engineering Act, 225 ILCS 325-III. Rev. Stat., 1979, ch. 411, par. 5-101 et seq.
- b) An application for a state or NPDES permit shall include:
  - 1) Location of the affected land and the maximum extent of the affected land during the term of the requested permit;
  - 2) Activities on the affected land to prepare the site for mining activities, including all earth moving, grading activities, construction and any other preparatory activity;
  - 3) Measures to be taken to avoid violation of the Act and Subtitle D, Chapter I.
  - 4) The location of all streams, creeks, bodies of water and aquifers which receive drainage from the affected land;
  - 5) The location of all private water supplies on or within one mile of the affected land;
  - 6) The name, type and location of all public water supplies within ten miles of the affected land;
  - 7) Plans for surface drainage control as required by Section 405.105.
  - 8) Areas of the affected land where mining will occur;
  - 9) Areas of the affected land where mine refuse and spoil will be deposited.
  - 10) The general characteristics of the mine refuse and spoil according to the classification ~~scheme set forth in the Agency Guidance Document or any other general soil classification system acceptable to the Agency;~~
  - 11) The proposed method of mining;

- 12) A refuse disposal plan as required by Section 405.106 or Section 405.107;
  - 13) The location of all bore holes, mine shafts and wells on the affected land;
  - 14) An estimate certified by an engineer of the quality and quantity of drainage from the mine area and mine refuse area, including estimates of concentrations of chloride, sulfate, total dissolved solids and all contaminants regulated under Section 406.106, together with a statement of the basis of the estimates;
  - 15) The location of all mine discharge points and non-point source mine discharge sources, method or type of sediment basins, erosion control devices and wastewater treatment facilities for all mine related facilities including designation of collection points for water discharged from all mechanical pumping or gravity flow systems used for draining the mine and mine refuse area;
  - 16) An abandonment plan as required by Section 405.109; and
  - 17) If the applicant intends to use acid-producing mine refuse, a plan as required by Section 405.108.
- c) The Agency may specify other information necessary for consideration of the permit application. This may be done by way of an application form, ~~through the Agency guidance document~~ and through requests for information directed to the applicant.
  - d) This section shall not be construed as limiting the Agency's authority to enter into an agreement with the Illinois Department of Natural Resources, Office of Mines and Minerals for joint permit applications.

(Source: Amended at \_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 405.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 V, State and NPDES Permits	35 Ill. Admin. Code Part 405
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Rule 500

Section 405.100

<del>Rule 501</del>	<del>Section 405.101</del>
Rule 502	Section 405.102
Rule 503	Section 405.103
Rule 504	Section 405.104
Rule 505	Section 405.105
Rule 506	Section 405.106
Rule 507	Section 405.107
Rule 508	Section 405.108
Rule 509	Section 405.109
Rule 510	Section 405.110
Rule 511	Section 405.111
Rule 512	Section 405.112
Rule 513	Section 405.113

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

(Source: Amended at \_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)