

ILLINOIS POLLUTION CONTROL BOARD  
July 26, 1983

In the matter of: )

PROPOSED AMENDMENTS TO TITLE 35, )  
SUBTITLE D: MINE RELATED POLLUTION, ) R83-6  
CHAPTER I, PARTS 405 AND 406 ) Docket B

PROPOSED RULE. SECOND NOTICE

ORDER OF THE BOARD (by D. Anderson):

On May 5, 1983 the Board proposed to extend to July 1, 1984 the expiration date for 35 Ill. Adm. Code 406.201, a temporary rule allowing exemption from certain water quality standards for coal mine discharges. The proposal appeared at 7 Ill. Reg. 6693. Public hearings were held on May 12 and May 27, 1983, at which time representatives of the Illinois Environmental Protection Agency and Illinois Coal Association expressed support for the proposed extension. The Department of Energy and Natural Resources made a negative declaration in lieu of an economic impact study on the proposed extension.

On June 30, 1983 the Board adopted the extension of the expiration date as an emergency rule, which can only remain effective for 150 days. This appeared at 7 Ill. Reg. 8386, July 15, 1983.

On July 11, 1983 the public comment period on the May 5 proposal lapsed. The Board received a written comment from the Administrative Code Unit. The Board will modify the proposal in response to this comment. The Board directs that a second notice be prepared and transmitted to the Joint Committee on Administrative Rules. The text of the proposal is modified to read as follows:

SUBPART B: SITE SPECIFIC EFFLUENT AND WATER  
QUALITY STANDARDS; TEMPORARY RULES

Section 406.201 Temporary Exemption from Section 406.105


- a) The Agency may by permit provide that a mine discharge shall be exempt from the requirement of Section 406.105 as it applies to the discharge of total dissolved solids, chloride, sulfate, iron and manganese.

- b) A permittee may apply for such exemption as part of a new or renewed or supplemental state or NPDES permit.
- c) The Agency shall permit such exemption if all of the following conditions are met:
  - 1) The Agency does not demonstrate significant adverse effect on the environment in and around the receiving water;
  - 2) The permittee submits to the Agency adequate proof that the discharge will not adversely affect any public water supply; and
  - 3) The permittee submits to the Agency proof that it is utilizing good mining practices designed to minimize discharge of the parameters to be exempted.
- d) The Agency may promulgate under 35 Ill. Adm. Code Section 405.101(c) a code of good mining practices. Compliance with the code of good mining practices shall be prima facie evidence that the permittee is utilizing good mining practices within the meaning of subparagraph (c) (3).
- e) Whenever the Agency issues a permit exempting a permittee from Section 406.105, it shall include in the permit such conditions as may be necessary to ensure that the permittee utilizes good mining practices designed to minimize discharge of the parameters exempted.
- f) After ~~July 1, 1983~~, July 1, 1984, the exemption provided in this Section 406.201 shall terminate.

(Source: Amended at 7 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 26<sup>th</sup> day of July, 1983 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board