

ILLINOIS POLLUTION CONTROL BOARD  
July 24, 1980

IN THE MATTER OF: )  
)  
PROPOSED AMENDMENTS TO CHAPTER 4 ) R76-20  
OF THE REGULATIONS OF THE ILLINOIS ) R77-10  
POLLUTION CONTROL BOARD )

ADOPTED RULE, FINAL ORDER OF THE BOARD (by D. Satchell):

On May 15, 1980 the Board initiated the second notice period with an Order which modified the version of Chapter 4: Mine Related Pollution which appeared in Illinois Register on January 11, 1980. On June 17, 1980 the Joint Committee on Administrative Rules indicated that there would be no objection. In response to Joint Committee staff comments the Board will modify Rules 106, 201, 301, 400, 509 and 704. Rule 703 has been modified to insert Rule 703(c) which appeared in Illinois Register but which was inadvertently left out of the May 15 Order. These rules are set forth below with additions and deletions from the May 15 Order indicated by underlining and striking. In addition, references to Illinois Revised Statutes will be changed to reflect the 1979 edition. These minor modifications will not be set out in this Order.

106 Repealer

Chapter 4: Mine Related Pollution, effective May 23, 1972 and all amendments thereto heretofore adopted are hereby repealed. ~~---If, however, this entire Chapter is adjudged invalid or if its enforcement is stayed by order of any court of competent jurisdiction, this repealer shall be of no force or effect until such time as such judgment or stay is vacated and the validity of this Chapter upheld~~ superseded.

201 Affected Land: Any land owned or controlled or otherwise used by the operator in connection with mining activities except the surface area above underground mine workings that is not otherwise used for mining activities. The term does not ~~generally~~ include offsite office buildings and farming operations or recreational activities on undisturbed land. Land described in a certificate of abandonment issued by the Agency under Rule 510(e) is no longer part of the affected land.

301 Incorporation of NPDES Water Rules

~~Except to the extent contradicted in Chapter 4,~~ The Rules contained in Subpart A, Part IX, Chapter 3: Water Pollution shall apply to NPDES Permits required under this

Chapter 4, except for Rule 910(n), Authorization to Construct; provided, however, that in the event conflict arises between Chapter 4 and Subpart A, Part IX, Chapter 3, the requirements of Chapter 4 shall apply to mine related facilities.

400

Preamble

Part IV governs mining activities, including construction of mine related facilities, and establishes rules for the issuance of state permits. ~~Exemptions are provided for holders of NPDES Permits and for some other mining activities.~~

509

Abandonment Plan

- (a) A state or NPDES Permit shall include an abandonment plan as a condition.
- (b) An abandonment plan shall be incorporated into the permit by reference if it:
  - (1) Includes a time schedule establishing that the abandonment plan will be executed and completed within one year of abandonment unless otherwise approved by the Agency; and
  - (2) Meets the standard of Rule 502.
  - (3) If it does not meet ~~that~~ the standard of Rule 502 the Agency may either deny the permit or issue it with an abandonment plan modified by conditions subject to Rule 501.
  - (4) The time limit provided by Rule 509(b)(1) is inapplicable to abandonment plans for surface coal mines which are approved as reclamation plans under the Surface Coal Mining Land Conservation and Reclamation Act.
- (c) Any abandonment plan constituting a substantial change from the permitted abandonment plan is a revised abandonment plan.
- (d) A permittee shall apply for a new or revised or supplemental NPDES or state permit prior to implementation of a revised abandonment plan within the time limits provided by Rule 304(c).

703 Expiration of Outstanding Permits

Compliance with the provisions of this Chapter is required on the effective date except that immediate compliance with the permit requirement of Rule 401 is not required of holders of outstanding permits for mines opened prior to the effective date of this Chapter. For such facilities, compliance with Rule 401 is required upon expiration of the outstanding operating permit. Such permits shall expire upon the occurrence of any of the following conditions, whichever occurs first:

- (a) The lapse of three years after the effective date of this Chapter; or
- (b) The expiration of any NPDES permit held by the permittee for the facility; or
- (c) Issuance of a permit for the facility pursuant to Rule 302 or 401; or
- (d) The lapse of an application period fixed pursuant to Rule 702(c) if an application is not received by the date given in the notification.

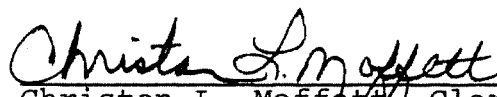
704 Abandonment Plan for Existing Permits

~~Rule-106-notwithstanding~~, The requirement of a permit to abandon contained in Rule 502 of the old Chapter 4, effective May 23, 1972 shall continue to apply to operators of mines opened prior to the effective date of this Chapter 4 until such time as such operator shall have been issued under this Chapter 4 a valid permit containing an abandonment plan.

The Board hereby adopts the proposed rules which appeared in the May 15, 1980 Order initiating the second notice period as modified by this Order. The Clerk of the Board is directed to file the rules as modified with the Secretary of State.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Final Order was adopted on the 24<sup>th</sup> day of July, 1980 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board