BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PRAIRIE RIVERS NETWORK and SIERRA CLUB,	)	
Petitioners,	)	
v.	)	PCB _____ (Third Party NPDES Appeal)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY and SPRINGFIELD COAL COMPANY, LLC	)	
Respondents.	)	

NOTICE OF ELECTRONIC FILING

To: Attached Service List

PLEASE TAKE NOTICE that on May 31, 2013, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, Sierra Club's and Prairie Rivers Network**'s PETITION FOR ADMINISTRATIVE REVIEW OF AN NPDES PERMIT ISSUED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**, a copy of which is attached hereto and herewith served upon you.

Respectfully Submitted,

_____

Jessica Dexter
Staff Attorney
Environmental Law and Policy Center
35 East Wacker Drive, Ste. 1600
Chicago, IL 60601
312-795-3747

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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Respondents.	)	

APPEARANCE OF JESSICA DEXTER

NOW COMES Jessica Dexter, of the ENVIRONMENTAL LAW & POLICY CENTER, and hereby enters her appearance in this matter on behalf of Sierra Club and Prairie Rivers Network.

Dated: May 31, 2013

Respectfully Submitted,

_____

Jessica Dexter
Staff Attorney
Environmental Law and Policy Center
35 East Wacker Drive, Ste. 1600
Chicago, IL 60601
312-795-3747

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PETITION FOR ADMINISTRATIVE REVIEW OF AN NPDES PERMIT ISSUED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Pursuant to 415 ILCS 5/40(e)(1) and 35 Ill. Adm. Code § 105, Prairie Rivers Network and Sierra Club (collectively, "Petitioners") hereby petition for review of the April 26, 2013 decision of the Illinois Environmental Protection Agency ("IEPA") to grant a renewed National Pollutant Discharge Elimination System ("NPDES") permit (Permit No. IL0061247) to Springfield Coal Company, LLC – Industry Mine to discharge pollutants from a coal mining site into Willow Creek and unnamed tributaries of Grindstone Creek, Willow Creek and Camp Creek. (*See* Final Permit attached as **Exhibit 1** and Responsiveness Summary available at http://www.epa.state.il.us/public-notices/2010/springfield-coal-industry/responsiveness-summary.pdf).

In support of their petition, Petitioners state:

Statement of Petitioners

1. Prairie Rivers Network is an Illinois not-for-profit corporation concerned with river conservation and water quality issues in Illinois. It works with concerned citizens throughout the state to address issues that impact Illinois streams. Prairie Rivers Network members live and recreate in McDonough and Schuyler Counties and depend on clean water in streams and wetlands in the Grindstone Creek and LaMoine River watersheds for activities including swimming, wading, fishing, canoeing, kayaking, hiking, nature study, bird watching and other wildlife viewing. These members are concerned that increased pollution and declining ecological health of Grindstone Creek, Willow Creek, Camp Creek and their tributaries will adversely affect their enjoyment of these activities. (Joint Post-Hearing Comments of Prairie Rivers Network and Illinois Chapter of the Sierra Club, May 11, 2011, attached as **Exhibit 2**).

2. The Sierra Club is a California not-for-profit corporation, which has among its purposes to protect and restore the quality of the natural and human environment. The Sierra Club has over 23,000 members residing in the State of Illinois and has members who are adversely affected by the unnecessary degradation of water quality in the Grindstone Creek and LaMoine River watersheds. Members depend on streams in these watersheds for recreational activities including swimming, wading, fishing, canoeing, kayaking, hiking, nature study, and birdwatching. (See Exhibit 2).

3. Members of the Petitioners, including Cindy Skrukrud, Joyce Blumenshine, Brian Perbix, Brenda Dilts, Daniel Moorehouse, Kim Sedgwick, Alice Henry, and Anna Sophia Johnson appeared at the hearing held in this proceeding or submitted comments in opposition to the permit. (See Transcript and Exhibit 2). Because they are concerned that additional pollution from the Industry Mine will degrade the water resources they enjoy for recreational purposes, these members and other members of Petitioners are so situated as to be affected by pollution in the Grindstone Creek, Willow Creek and Camp Creek watersheds.

4. Pursuant to Article XI of the 1970 Illinois constitution, both Prairie Rivers Network (PRN) and Sierra Club have associational standing to seek administrative review of the renewal of NPDES permit No. IL0061247 to Springfield Coal's Industry Mine. Article XI provides, "Each person has the right to a healthful environment. Each person may enforce this right against any party, governmental or private, through appropriate legal proceedings subject to reasonable limitation and regulation as the General Assembly may provide by law." ILL. CONST. art. XI, § 2. This constitutional right eliminates the need for individual plaintiffs to demonstrate personalized injuries in actions seeking to protect a healthful environment. *See Glisson v. City of Marion*, 188 Ill. 2d 211, 228 (Ill. 1999) ("It was the intent of the committee to broaden the law of standing by eliminating the traditional special injury prerequisite for standing to bring an environmental action.").

Grounds for Appeal

5. This permit appeal presents six grounds for appeal.

COUNT ONE: IEPA Should Not Have Reissued the Industry Mine's Permit

6. First, IEPA should not have reissued the permit because, in doing so, it cannot assure compliance with the terms of the permit, with Illinois water quality standards, with the Clean Water Act or the Illinois Environmental Protection Act.
7. Under Clean Water Act regulations, "No permit may be issued … When the conditions of the permit do not provide for compliance with the applicable requirements of CWA, or regulations promulgated under CWA" or "When the

imposition of conditions cannot ensure compliance with the applicable water quality requirements of all affected States." 40 CFR 122.4 (2013).

8. Every NPDES permit must comply with the Clean Water Act and regulations adopted thereunder.
9. When writing an NPDES permit, IEPA must "ensure compliance with" both technology- and water quality-based effluent limitations. 35 Ill. Admin. Code 309.141 (a) (2013).
10. IEPA cannot issue a permit where "[t]he applicant has not provided proof to the Agency that he will meet any schedule of compliance which may be established, in accordance with the [Illinois Environmental Protection] Act and regulations, as a condition of his permit." 35 Ill. Admin. Code 309.105 (e) (2013).
11. The Industry Mine has been subject to effluent limits and conditions of an NPDES permit for many years. The most recent renewal of the facility's NPDES permit was issued in 2003. **Exhibit 3** (hereinafter "2003 NPDES Permit"). This 2003 NPDES Permit included 11 types of effluent limits (total suspended solids (30-day average and daily maximum), total iron (30-day average and daily maximum), pH, alkalinity/acidity, sulfates, chlorides, manganese (30-day average and daily maximum), settlable solids) for 17 outfalls on the mine site.
12. On November 15, 2012, the Pollution Control Board found Springfield Coal Company, LLC (Springfield Coal) and its predecessor, Freeman United Coal Mining Company, LLC, (Freeman) liable for 624 violations of technology and water quality based effluent limits from its 2003 NPDES permit between January 2004 and September 2011.
13. To date, Springfield Coal has presented no plan for bringing the mine into compliance with the terms of its 2003 NPDES permit.
14. Instead, Springfield Coal has continued to argue that it was not required to comply with the effluent limits contained in its 2003 NPDES permit. In essence, Springfield Coal has taken the position that it is justified in unilaterally opting out of the permit limits IEPA assigned to the mine in its NPDES permit.
15. In its Responsiveness Summary, IEPA stated that Special Condition 17 was included in the 2013 Final Permit "to ensure compliance by establishing Good Mining Practices and Best Management Practices in order to minimize the discharge of chlorides, sulfate, iron, and manganese to ensure minimizations of containment concentrations in runoff." (Responsiveness Summary at 10.)
16. Under the 2003 NPDES Permit, the Industry Mine was already subject to a number of effluent limits and a requirement to employ Good Mining Practices as defined in 35 Ill. Admin. Code 406.204. (Ex. 3, p. 17.)
17. The Industry Mine has violated the terms of the 2003 NPDES permit at least 624 times, despite that permit's requirements to employ Good Mining Practices and meet prescribed effluent limits.
18. IEPA has no basis to support its contention that additional permit conditions will have any effect on a discharger that does not believe it is required to abide by the conditions of its permit.
19. In its Responsiveness Summary, IEPA also stated that it was required by law to grant the permit renewal, emphasizing that the enforcement process is separate from the permitting process. (Responsiveness Summary at 14.)

20. Section 39(a) of the Illinois Environmental Protection Act explicitly states that "[i]n making its determinations on permit applications under this Section the Agency may consider prior adjudications of noncompliance with this Act by the applicant that involved a release of a contaminant into the environment." 415 ILCS 5/39 (a).
21. Under Section 39 of the Illinois Environmental Protection Act, IEPA can deny a permit if the Act or regulations would be violated if the permit were granted. 415 ILCS 5/39 (a).
22. Similarly, IEPA is only required to issue a permit "upon proof by the applicant that the facility… will not cause a violation of this Act or of regulations hereunder." 415 ILCS 5/39 (a).
23. Springfield Coal has not provided proof that the facility will not cause a violation of the Act or its regulations.
24. IEPA's position that it had no choice but to issue the 2013 Final Permit appears to be based on a legal error.
25. IEPA's decision to issue this permit violates state and federal law, including, 415 ILCS 5/39 (a); 35 Ill. Admin. Code §§ 309.141 (a) and 309.105; and 40 CFR § 122.4.
26. Petitioners therefore ask the Board to invalidate the permit renewal and prohibit additional discharges from the mine site unless and until the Springfield Coal demonstrates that it can and will meet all of the terms of its NPDES permit.

COUNT TWO: Sulfate Effluent Limitations Were Improperly Weakened

27. Second, the 2013 Final Permit improperly weakened several sulfate effluent limitations in violation of Clean Water Act antibacksliding and antidegradation rules.
28. The Clean Water Act states that "a permit may not be renewed, reissued, or modified to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit." 33 U.S.C. § 1342 (o) (1). This is known as the antibacksliding rule.
29. Antibacksliding applies unless specified exceptions are met. These exceptions include a material and substantial alteration to the facility, a technical mistake in calculating the effluent limitation, or events beyond the permittee's control. 33 U.S.C. § 1342 (o) (2). Revisions to water quality standards are not among the available exceptions to the antibacksliding rule.
30. The Board and IEPA recognize that antibacksliding rules must be followed in Illinois NPDES permits. *See, In the Matter of: Triennial Review of Water Quality Standard for Boron, Fluoride and Manganese: Amendments to 35 Ill. Adm. Code 301.106, 302. Subparts B, C, E, F and 303.312*, PCB R11-18 at *17 (Nov. 15, 2012) ("The Board agrees with the Agency that the first notice proposal does not in and of itself raise concerns about antidegradation and anti-backsliding. But, these are both issues that can and must be considered during the NPDES permitting process. The Agency has committed to doing so (Tr, 1 at 62-63), and the Board appreciates that commitment.").
31. The 2013 Final Permit weakened the following sulfate effluent limitations:

Outfall	2003 NPDES Permit Sulfate Effluent Limit	2013 Final NPDES Permit Sulfate Effluent Limit
002	1100 mg/L	2369 mg/L
003	1100 mg/L	2000 mg/L
009	1100 mg/L	2000 mg/L
018	1800 mg/L	2000 mg/L
024W	500 mg/L	2000 mg/L
026	500 mg/L	2000 mg/L
032	1100 mg/L	1950 mg/L
019	1800 mg/L	2000 mg/L
030 (Reclamation)	1100 mg/L	2000 mg/L
002 (Reclamation)	1100 mg/L	2369 mg/L
003 (Reclamation)	1100 mg/L	2000 mg/L
009 (Reclamation)	1100 mg/L	2000 mg/L
018 (Reclamation)	1800 mg/L	2000 mg/L
019 (Reclamation)	1800 mg/L	2000 mg/L
024W (Reclamation)	500 mg/L	2000 mg/L
026 (Reclamation)	500 mg/L	2000 mg/L
032 (Reclamation)	1100 mg/L	1950 mg/L

32. IEPA has provided no basis to support any of the antibacksliding exceptions in this instance.
33. Further, the increase in allowed sulfate concentrations represents an increase in pollutant loading that triggers Illinois antidegradation requirements.
34. Under antidegradation rules, IEPA is required to assure that all technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loadings be incorporated into the permit. 35 Ill. Adm. Code § 302.105(c)
35. IEPA has conducted no antidegradation analysis to determine whether any of the additional pollutant loading from the increased sulfate effluent limitations could be avoided.
36. Therefore, because the increased sulfate effluent limitations violate antibacksliding and antidegradation rules, Petitioners ask the Board to remand the Final Permit to IEPA to reinstate the sulfate standards from the 2003 NPDES permit.

COUNT THREE: The Compliance Schedule for Manganese is Improper

37. Third, the compliance schedule IEPA established for manganese in Special Condition 16 of the 2013 Final NPDES Permit is not in compliance with law.

38. The water quality criterion for manganese effective at the time of permit issuance is 1.0 mg/L.
39. The 2013 Final NPDES Permit establishes a manganese effluent limit of 1.0 mg/L for each outfall in Acid Mine Drainage or Alkaline Mine Drainage status.
40. Special Condition 16 of the 2013 Final NPDES permit gives Springfield Coal two years to design and install a treatment system for manganese that meets the 1.0 mg/L effluent limitation.
41. In November 2012, the Board adopted a new manganese water quality standard for the state of Illinois in R-2011-18. The standard is calculated using a formula based on water hardness.
42. USEPA has not yet approved the water quality standards adopted in R-2011-18, so those standards had not taken effect at the time the permit was issued.
43. Furthermore, the standards were not in effect as a state regulation until May 16, 2013.
44. In the 2013 Final Permit, each time the 1.0 mg/L effluent limit is applied to an outfall, it is accompanied with a footnote "[t]" that reads: "Until such time that USEPA approves the Illinois Pollution Control Board's newly adopted Manganese Water Quality standard in R-2011-18, discharges from Outfall [X] are subject to the requirements and limitations of Special Condition No. 16."
45. Footnote "[t]" was not included in the October 13, 2010 Draft NPDES Permit, and the public has not been afforded an opportunity to comment on this issue.
46. IEPA may include compliance schedules in NPDES permits designed to achieve compliance with effluent limitations and other requirements "at the earliest reasonable date." 415 ILCS 5/39 (b) (2013).
47. Any NPDES compliance schedule must be consistent with the Clean Water Act and applicable regulations. 35 Ill. Adm. Code 309.108 (2013).
48. Clean Water Act regulations state that compliance schedules "shall require compliance as soon as possible." 40 CFR 122.47 (a)(1).
49. Clean Water Act regulations also state that compliance schedules "shall be available only when necessary to allow a reasonable opportunity to attain compliance with requirements issued or revised less than three years before recommencement of discharge." 40 CFR 122.47 (a) (2).
50. The Board has explicit jurisdiction to review compliance schedules established in NPDES permits. 35 Ill. Admin Code 309.148.
51. Neither the applicant nor IEPA has presented any evidence that the compliance schedule in Special Condition 16 is necessary or that it requires compliance "as soon as possible."
52. Instead it appears that the compliance schedule in Special Condition 16 was intended to afford Springfield Coal regulatory relief until the R11-18 manganese criteria come into effect.
53. However, now that the 1.0 mg/L effluent limit has been included in the permit, antibacksliding rules prevent IEPA from removing this effluent limit unless one of the exceptions to antibacksliding is demonstrated by the permittee. 33 U.S.C. § 1342 (o).
54. Petitioners therefore ask the Board to remand the Final Permit to IEPA to rescind the compliance schedule for manganese contained in Special Condition 16.

55. Petitioners further ask the Board to clarify that if IEPA determines that any exception to antibacksliding is met, any modification of the manganese effluent limit must be put on public notice.
56. Further, each outfall in the Final Permit to which the 1.0 mg/L effluent limit is applied also includes a 30-day average of 2.0 mg/L and a daily maximum of 4.0 mg/L. These effluent limits are accompanied with a footnote "[tt]" that reads: "Upon approval by USEPA of the Illinois Pollution Control Board's newly adopted Manganese Water Quality Standard in R-2011-18, discharges from Outfall [X] are subject to the technology based effluent limitations of 2.0 mg./l. (monthly average) and 4.0 mg./l/ (daily maximum), pursuant to 35 Ill. Adm. Code 406.106."
57. Footnote "[tt]" was not included in the October 13, 2010 Draft NPDES Permit, and the public has not been afforded an opportunity to comment on this issue.
58. Every discharge of pollutants from a coal mine must meet the technology-based effluent limits from 35 Ill. Admin. Code 406.106 unless specified exceptions apply.
59. The manganese technology-based limits of 2.0 mg/L (30-day average) and 4.0 mg/L (daily maximum) are among the effluent limits required by 35 Ill. Admin. Code 406.106.
60. The Industry Mine has been subject to effluent limits of 2.0 mg/L (30-day average) and 4.0 mg/L (daily maximum) for manganese since at least the 2003 NPDES permit.
61. In footnote "[tt]", IEPA improperly suspended the technology-based effluent limits that have long applied to this mine at the same time it granted a compliance schedule for the mine to implement technology to meet the 1.0 mg/L water quality based effluent limitation.
62. Petitioners therefore ask the Board to remand the Final Permit to IEPA to reinstate the 2.0 mg/L (30-day average) and 4.0 mg/L (daily maximum) technology-based effluent limitations for manganese.

COUNT FOUR: Coal Processing for the Littleton Mine Should Not Be Allowed

63. Fourth, the 2013 Final NPDES Permit significantly expanded the scope of the discharges that were identified in the October 13, 2010 Draft NPDES Permit by permitting discharges created by processing coal from the proposed Grindstone Management, LLC – Littleton Mine.
64. The 2010 Draft NPDES Permit made no mention of coal processing from the Littleton Mine or any other mine. The public was given no notice of these changes and was afforded no opportunity to comment on these expanded discharges.
65. The 2013 Final Permit added a paragraph allowing coal from the Littleton Mine to be processed at the Industry Mine.
66. Any material and substantial alteration to a permitted activity must be incorporated into a draft permit and presented for public review. 40 CFR 122.62 (2013).

67. Petitioners ask the Board to find that additional coal processing from the Littleton Mine constitutes a material and substantial alteration to the Industry Mine's operations that required public notice procedures to be followed.
68. The Industry Mine has ceased active coal mining.
69. The inclusion of coal processing discharges from the proposed Littleton Mine extends into the indefinite future discharges from a facility that has never been in consistent compliance with its NPDES permit.
70. By adding future coal processing discharges from the Littleton Mine, IEPA has permitted additional pollutant loading to the receiving watersheds over time.
71. This additional pollutant loading triggers antidegradation requirements under 35 Ill. Admin. Code 302.105.
72. IEPA has conducted no antidegradation analysis for the additional pollutant loading from Littleton Mine coal processing discharges.
73. Petitioners therefore ask the Board to remand the 2013 Final Permit to IEPA to rescind its authorization for the Industry Mine to discharge pollutants from processing coal from the yet-to-be-permitted Littleton Mine.
74. In the alternative, Petitioners ask the Board to suspend the 2013 Final Permit and remand the matter for IEPA to conduct a proper antidegradation analysis and present the analysis in a draft permit for public comment.

COUNT FIVE: Improper Reclassification of Outfalls

75. Fifth, in the 2013 Final Permit, IEPA improperly reclassified certain outfalls.
76. The 2013 Final NPDES Permit reclassifies former alkaline mine drainage outfalls 029 and 030 as "reclamation area discharge" outfalls. This change removes some effluent limitations and monitoring that were required under the 2003 NPDES Permit.
77. In the Responsiveness Summary, page 11, IEPA states that "prior to granting … reclassification, past Discharge Monitoring Reports (DMRs) are reviewed to determine if discharges from the outfall have consistently met applicable permit effluent limitations. Only after determining that discharges meet the alkaline and/or acid mine discharge permit limits are outfalls then granted reclassification to reclamation area discharge status."
78. The listed outfalls have not consistently met applicable permit limitations. Specifically, in PCB 10-61, the Board found Springfield Coal liable for violations from Outfall 030 (pH in 2009). The Board decision addresses violations through September 2011. Further violations may be discovered upon review of more recent DMRs.
79. The 2013 Final NPDES Permit reclassifies former reclamation area discharge outfalls 020, 021, 022, and 027 as "stormwater discharge" outfalls. This change removes some effluent limitations and monitoring that was required under the 2003 NPDES Permit.
80. In the Responsiveness Summary, page 18, IEPA states that reclamation area outfalls may be reclassified as stormwater outfalls if the outfall "consistently meets the applicable permit effluent limits."

81. The listed outfalls have not consistently met applicable permit limitations. Specifically, in PCB 10-61, the Board found Springfield Coal liable for violations from Outfall 021 (pH in 2010, settlable solids in 2010); Outfall 022 (pH in 2009); Outfall 027 (pH in 2009). The Board decision addresses violations through September 2011. Further violations may be discovered upon review of more recent DMRs.
82. Accordingly, IEPA's decision to reclassify Outfalls 030, 021, 022 and 027 was in error.
83. Petitioners ask the Board to remand the 2013 Final Permit to IEPA to reinstate the former designations of Outfalls 030, 021, 022 and 027 until such time that consistent compliance with these effluent limitations can be demonstrated.

COUNT SIX: IEPA Failed to Ensure Narrative Water Quality Standards Will Be Met

84. Sixth, IEPA failed to ensure that discharges from the Industry Mine do not cause or contribute to a violation of water quality standards.
85. Coal is known to have many toxic, carcinogenic organic compounds. Some of them are collectively known as polycyclic aromatic hydrocarbons (PAHs).
86. Illinois' narrative water quality standards state that "Waters of the State shall be free from any substances or combination of substances in concentrations toxic or harmful to human health, or to animal, plant or aquatic life." 302 Ill. Admin. Code 302.210 (2013).
87. IEPA implements this rule using derived water quality criteria. IEPA has derived water quality criteria for a number of PAHs, including Benzo(j,k)fluorene (fluoranthene), Acenaphthene, Acenaphtylene, Anthracene, Fluorene, and Phenanthrene.
88. On page 16 of the Responsiveness Summary, IEPA declined to even require monitoring for PAHs, stating that PAHs are likely to be "bound to sediment and other organic materials and are not expected to be readily transported in groundwater or present surface water discharges from the Industry Mine site."
89. Although sediment and other organic materials are meant to settle to the bottom of the Industry Mine's various sedimentation basins, the mine has a poor track record of compliance with effluent limitations for total suspended solids and settlable solids. In PCB 10-61, the Board found the mine liable for 56 violations of these effluent limitations.
90. IEPA's reliance on particles settling out of discharges was therefore unreasonable.
91. IEPA failed to ensure that narrative water quality standards will be protected by declining to require monitoring upon which a Reasonable Potential Analysis could be based.
92. Petitioners therefore ask the Board to remand the 2013 Final Permit to IEPA to require monitoring for PAHs from the Industry Mine so that a Reasonable Potential Analysis can be conducted for these pollutants in the future.

WHEREFORE, Prairie Rivers Network and the Sierra Club ask that the Pollution Control Board set aside the NPDES permit (No IL0061247) issued to Springfield Coal Company LLC – Industry Mine as not sufficiently protective of the environment and not in accord with law, and direct the Agency to revoke its decision to issue the 2013 Final Permit unless and until the permittee has demonstrated that it will comply with the terms and conditions of that permit. In the alternative, Petitioners ask the Board to remand the 2013 Final Permit in order to establish conditions and limits necessary to protect Illinois waters, assure protection of Illinois water quality standards, and comply with the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq., and Illinois law.

_____

Jessica Dexter (Reg. No. 6298340)
Counsel for Prairie Rivers Network and Sierra Club

Date: May 31, 2013

Environmental Law & Policy Center
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Chicago, Illinois 60601
312-795-3747

EXHIBIT 1:

NPDES Permit No. IL0061247

NPDES Permit No. IL0061247
Notice No. 5617c

Public Notice Beginning Date: **October 13, 2010**

Public Notice Ending Date: **November 12, 2010**

National Pollutant Discharge Elimination System (NPDES)
Permit Program

Draft Reissued and Modified NPDES Permit to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency
Bureau of Water, Division of Water Pollution Control
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-0610

Name and Address of Discharger:

Springfield Coal Company, L.L.C.
3008 Happy Landing
Springfield, IL 62711

Name and Address of Facility:

Springfield Coal Company, L.L.C.
Industry Mine
5 miles Southwest of Industry, Illinois
(McDonough and Schuyler Counties)

The Illinois Environmental Protection Agency (IEPA) has made a tentative determination to issue an NPDES permit to discharge into waters of the state and has prepared a draft permit and associated fact sheet for the above named discharger. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice/Fact Sheet. Comments will be accepted until the Public Notice period ending date indicated above, unless a request for an extension of the original comment period is granted by the Agency. Interested persons are invited to submit written comments on the draft permit to the IEPA at the above address. Commentors shall provide his or her name and address and the nature of the issues proposed to be raised and the evidence proposed to be presented with regards to those issues. Commentors may include a request for public hearing. The NPDES permit and notice number(s) must appear on each comment page.

The application, engineer's review notes, Public Notice/Fact Sheet, draft permit, comments received, and other documents are available for inspection and may be copied at the IEPA between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

As provided in Section 309.115(a) of the Act, any person may submit a request for a public hearing and if such written comments or requests indicate a significant degree of public interest in the draft permit, the permitting authority may, at its discretion, hold a public hearing. The Agency shall issue public notice of such hearing no less than thirty (30) days prior to the date of such hearing in the manner described by Sections 309.109 through 309.112 of the Act for public notice. The Agency's responses to written and/or oral comments will be provided in the Responsiveness Summary provided when the final permit is issued.

The applicant operates an existing surface mine (SIC 1221). Mine operations result in the discharge of acid mine drainage, alkaline mine drainage, reclamation area discharges and stormwater discharges.

Public comments are invited on the following proposed modifications incorporated into this renewal:

Permit is being transferred from Freeman United Coal Mining Company to Springfield Coal Company, L.L.C.

The incorporation of 18.2 additional acres to conduct surface mining activities.

The changing of reclamation area drainage points 020, 021, 022 and 027 to stormwater drainage points, the changing of alkaline mine drainage points 029 and 030 to reclamation area drainage points, and the release of stormwater drainage points 004, 005, 006, 007, 008, 010, 011 and 017.

The consideration of ponds 4 and 5 as small depressions within and adjacent to a post-mining land use of Forest, the consideration of pond 7 as a small depression within and adjacent to a post-mining land use of herbaceous wildlife and the consideration of pond 8 as small depression in and adjacent to a post mining land use of pasture.

Incorporation of Coal Combustion Waste (CCW) disposal previously approved under Subtitle D Permit Nos. 1997-MD-2392, 1997-MD-2392-1, 1997-MD-2392-2, 1997-MD-2392-3, 1997-MD-2392-4 and 1997-MD-2392-5.

This facility has seventeen (17) existing discharges which are located in McDonough and Schuyler Counties, Illinois. The following information identifies the discharge points, receiving streams, and stream classifications:

Outfall	Receiving Stream	Latitude (North)	Longitude (West)	Stream Classification
002	Unnamed tributary to Grindstone Creek	40° 17' 45"	90° 43' 07"	General Use
003	Unnamed tributary to Grindstone Creek	40° 18' 00"	90° 43' 15"	General Use
009	Willow Creek	40° 18' 22"	90° 42' 53"	General Use
018	Unnamed tributary to Grindstone Creek	40° 17' 40"	90° 43' 49"	General Use
019	Unnamed tributary to Grindstone Creek	40° 17' 55"	90° 44' 06"	General Use
020	Unnamed tributary to Grindstone Creek	40° 17' 45"	90° 44' 47"	General Use
021	Unnamed tributary to Grindstone Creek	40° 17' 43"	90° 45' 06"	General Use
022	Unnamed tributary to Camp Creek	40° 17' 17"	90° 45' 13"	General Use
024W	Willow Creek	40° 16' 14"	90° 42' 55"	General Use
026	Willow Creek	40° 16' 20"	90° 43' 03"	General Use
027	Willow Creek	40° 15' 54"	90° 43' 19"	General Use
029	Unnamed tributary to Willow Creek	40° 16' 22"	90° 45' 08"	General Use
030	Unnamed tributary to Willow Creek	40° 16' 16"	90° 44' 51"	General Use
031	Unnamed tributary to Grindstone Creek	40° 18' 11.5"	90° 43' 33.6"	General Use
032	Unnamed tributary to Grindstone Creek	40° 18' 11.5"	90° 43' 10.6"	General Use
033	Unnamed tributary to Grindstone Creek	40° 18' 24.5"	90° 43' 01.9"	General Use
035	Unnamed tributary to Grindstone Creek	40° 17' 46.8"	90° 42' 55.9"	General Use

The stream segment DGIA-03 of Grindstone Creek receiving the flow from the unnamed tributaries into which Outfalls 002, 003, 018, 019, 020, 021, 031, 032, 033 and 035 discharge is on the 2006 and the partially approved 2008 Illinois Integrated Water Quality Report and Section 303(d) list of impaired waters. The following parameters have been identified as the pollutants causing impairment:

The following parameters have been identified as the pollutants causing impairment on the 2006 303(d) list:

Outfall	Potential Causes	Designated Uses
002, 003, 018 019, 020, 021 031, 032, 033 035	Aquatic Life	Sulfates, Total Dissolved Solids

The following parameters have been identified as the pollutants causing impairment on the 2008 303(d) list:

Outfall	Potential Causes	Designated Uses
002, 003, 018 019, 020, 021 031, 032, 033 035	Aquatic Life	Sulfates

The stream segment DGZH of Willow Creek receiving the discharge from Outfalls 009, 024W, 026 and 027 is not on the 2006 or the partially approved 2008 303(d) list of impaired waters.

The stream segment DGZH of Willow Creek receiving the flow from the unnamed tributaries into which Outfalls 029 and 030 discharge is not on the 2006 or the partially approved 2008 303(d) list of impaired waters.

The stream segment DGI-01 of Camp Creek receiving the flow from the unnamed tributary into which Outfall 022 discharges is not on the 2006 or the partially approved 2008 303(d) list of impaired waters.

The alkaline mine discharge from this facility shall be monitored and limited at all times as follows:

Outfall: 002

Discharge Condition	Parameters												
	Total Suspended Solids (3) (mg/l)		Iron (total) (3) (4) (mg/l)		pH (3) (S.U.)	Alkalinity/ Acidity (3)	Sulfate (1) (mg/l)	Chloride (mg/l)	Mn (total) (mg/l)	Hardness (5)	Mercury	Flow (MGD)	Settleable Solids (2) (ml/l)
	30 day average	daily maximum	30 day average	daily maximum									
I	35	70	3.5	7.0	6.5-9.0	Alk.>Acid	2369	500	1.0	Monitor only	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	2369	500	-	Monitor only	-	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	2369	500	-	Monitor only	-	Measure When Sampling	-
IV	35	70	3.5	7.0	6.5-9.0	Alk.>Acid	2369	500	1.0	Monitor only	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24 hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.93 inches for McDonough County, in which Outfall 002 is located.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

(1) Sulfate water quality standards and effluent limitations determined in accordance with 35 Ill. Adm. Code 302.208(h).
(2) Settleable solids are monitored only as a result of a discharge due to precipitation events which exceed a predetermined 24-hour duration or snowmelt total. Settleable solids effluent limitations for alkaline mine discharges are contained in 35 Ill. Adm. Code 406.110.
(3) Effluent standards for mine discharges are contained in 35 Ill. Adm. Code 406.106.
(4) Discharges from Outfall 002, being approved prior to July 27, 1987, are subject to a 30-day average effluent limitation for Iron of 3.5 mg/l. Daily maximum effluent concentrations are calculated as twice the 30-day average.
(5) Hardness monitoring is required to determine the appropriateness of the sulfate permit limit.

The alkaline mine discharge from this facility shall be monitored and limited at all times as follows:

Outfall: 003

Discharge Condition	Parameters												
	Total Suspended Solids (3) (mg/l)		Iron (total) (3) (4) (mg/l)		pH (3) (S.U.)	Alkalinity/ Acidity (3)	Sulfate (1) (mg/l)	Chloride (mg/l)	Mn (total) (mg/l)	Hardness (5)	Mercury	Flow (MGD)	Settleable Solids (2) (ml/l)
	30 day average	daily maximum	30 day average	daily maximum									
I	35	70	3.5	7.0	6.5-9.0	Alk.>Acid	2000	500	1.0	Monitor only	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	2000	500	-	Monitor only	-	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	2000	500	-	Monitor only	-	Measure When Sampling	-
IV	35	70	3.5	7.0	6.5-9.0	Alk.>Acid	2000	500	1.0	Monitor only	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24 hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.93 inches for McDonough County in which Outfall 003 is located.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

(1) Sulfate water quality standards and effluent limitations determined in accordance with 35 Ill. Adm. Code 302.208(h).
(2) Settleable solids are monitored only as a result of a discharge due to precipitation events which exceed a predetermined 24-hour duration or snowmelt total. Settleable solids effluent limitations for alkaline mine discharges are contained in 35 Ill. Adm. Code 406.110.
(3) Effluent standards for mine discharges are contained in 35 Ill. Adm. Code 406.106.
(4) Discharges from Outfall 003, being approved prior to July 27, 1987, are subject to a 30-day average effluent limitation for Iron of 3.5 mg/l. Daily maximum effluent concentrations are calculated as twice the 30-day average.
(5) Hardness monitoring is required to determine the appropriateness of the sulfate permit limit.

The alkaline mine discharge from this facility shall be monitored and limited at all times as follows:

Outfall: 009, 018

Discharge Condition	Parameters											
	Total Suspended Solids (3) (mg/l)		Iron (total) (3) (4) (mg/l)		pH (3) (S.U.)	Alkalinity/ Acidity (3)	Sulfate (1) (mg/l)	Chloride (mg/l)	Mn (total) (mg/l)	Hardness (5)	Flow (MGD)	Settleable Solids (2) (ml/l)
	30 day average	daily maximum	30 day average	daily maximum								
I	35	70	3.5	7.0	6.5-9.0	Alk.>Acid	2000	500	1.0	Monitor Only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	2000	500	-	Monitor Only	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	2000	500	-	Monitor Only	Measure When Sampling	-
IV	35	70	3.5	7.0	6.5-9.0	Alk.>Acid	2000	500	1.0	Monitor Only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24 hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.45 inches for Schuyler County and 4.93 inches for McDonough County in which Outfalls 009 and 018 are located, respectively.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

(1) Sulfate water quality standards and effluent limitations determined in accordance with 35 Ill. Adm. Code 302.208(h).
(2) Settleable solids are monitored only as a result of a discharge due to precipitation events which exceed a predetermined 24-hour duration or snowmelt total. Settleable solids effluent limitations for alkaline mine discharges are contained in 35 Ill. Adm. Code 406.110.
(3) Effluent standards for mine discharges are contained in 35 Ill. Adm. Code 406.106.
(4) Discharges from Outfalls 009 and 018, being approved prior to July 27, 1987, are subject to a 30-day average effluent limitation for Iron of 3.5 mg/l. Daily maximum effluent concentrations are calculated as twice the 30-day average.
(5) Hardness monitoring is required to determine the appropriateness of the sulfate permit limit.

The alkaline mine discharge from this facility shall be monitored and limited at all times as follows:

Outfall: 024W, 026

Discharge Condition	Parameters											
	Total Suspended Solids (3) (mg/l)		Iron (total) (3) (4) (mg/l)		pH (3) (S.U.)	Alkalinity/ Acidity (3)	Sulfate (1) (mg/l)	Chloride (mg/l)	Mn (total) (mg/l)	Hardness (5)	Flow (MGD)	Settleable Solids (2) (ml/l)
	30 day average	daily maximum	30 day average	daily maximum								
I	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	2000	500	1.0	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	2000	500	-	Monitor only	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	2000	500	-	Monitor only	Measure When Sampling	-
IV	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	2000	500	1.0	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24 hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.45 inches for Schuyler County in which Outfalls 024W and 026 are located.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

(1) Sulfate water quality standards and effluent limitations determined in accordance with 35 Ill. Adm. Code 302.208(h).
(2) Settleable solids are monitored only as a result of a discharge due to precipitation events which exceed a predetermined 24-hour duration or snowmelt total. Settleable solids effluent limitations for alkaline mine discharges are contained in 35 Ill. Adm. Code 406.110.
(3) Effluent standards for mine discharges are contained in 35 Ill. Adm. Code 406.106.
(4) Discharges from Outfalls 024W and 026, being approved after July 27, 1987, are subject to a 30-day average effluent limitation for Iron of 3.0 mg/l. Daily maximum effluent concentrations are calculated as twice the 30-day average.
(5) Hardness monitoring is required to determine the appropriateness of the sulfate permit limit.

The alkaline mine discharge from this facility shall be monitored and limited at all times as follows:

Outfall: 031

Discharge Condition	Parameters											
	Total Suspended Solids (3) (mg/l)		Iron (total) (3) (4) (mg/l)		pH (3) (S.U.)	Alkalinity/ Acidity (3)	Sulfate (1) (mg/l)	Chloride (mg/l)	Mn (total) (mg/l)	Hardness (5)	Flow (MGD)	Settleable Solids (2) (ml/l)
	30 day average	daily maximum	30 day average	daily maximum								
I	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	813	500	1.0	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	813	500		Monitor only	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	813	500		Monitor only	Measure When Sampling	-
IV	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	813	500	1.0	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24 hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.93 inches for McDonough County in which Outfall 031 is located.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

(1) Sulfate water quality standards and effluent limitations determined in accordance with 35 Ill. Adm. Code 302.208(h).
(2) Settleable solids are monitored only as a result of a discharge due to precipitation events which exceed a predetermined 24-hour duration or snowmelt total. Settleable solids effluent limitations for alkaline mine discharges are contained in 35 Ill. Adm. Code 406.110.
(3) Effluent standards for mine discharges are contained in 35 Ill. Adm. Code 406.106.
(4) Discharges from Outfall 031, being approved after July 27, 1987, are subject to a 30-day average effluent limitation for Iron of 3.0 mg/l. Daily maximum effluent concentrations are calculated as twice the 30-day average.
(5) Hardness monitoring is required to determine the appropriateness of the sulfate permit limit.

The alkaline mine discharge from this facility shall be monitored and limited at all times as follows:

Outfall: 032

Discharge Condition	Parameters											
	Total Suspended Solids (3) (mg/l)		Iron (total) (3) (4) (mg/l)		pH (3) (S.U.)	Alkalinity/ Acidity (3)	Sulfate (1) (mg/l)	Chloride (mg/l)	Mn (total) (mg/l)	Hardness (5)	Flow (MGD)	Settleable Solids (2) (ml/l)
	30 day average	daily maximum	30 day average	daily maximum								
I	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	1950	500	1.0	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	1950	500		Monitor only	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	1950	500		Monitor only	Measure When Sampling	-
IV	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	1950	500	1.0	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24 hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.93 inches for McDonough County in which Outfall 032 is located.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

(1) Sulfate water quality standards and effluent limitations determined in accordance with 35 Ill. Adm. Code 302.208(h).
(2) Settleable solids are monitored only as a result of a discharge due to precipitation events which exceed a predetermined 24-hour duration or snowmelt total. Settleable solids effluent limitations for alkaline mine discharges are contained in 35 Ill. Adm. Code 406.110.
(3) Effluent standards for mine discharges are contained in 35 Ill. Adm. Code 406.106.
(4) Discharges from Outfall 032, being approved after July 27, 1987, are subject to a 30-day average effluent limitation for Iron of 3.0 mg/l. Daily maximum effluent concentrations are calculated as twice the 30-day average.
(5) Hardness monitoring is required to determine the appropriateness of the sulfate permit

The alkaline mine discharge from this facility shall be monitored and limited at all times as follows:

Outfall: 033

Discharge Condition	Parameters											
	Total Suspended Solids (3) (mg/l)		Iron (total) (3) (4) (mg/l)		pH (3) (S.U.)	Alkalinity/ Acidity (3)	Sulfate (1) (mg/l)	Chloride (mg/l)	Mn (total) (mg/l)	Hardness (5)	Flow (MGD)	Settleable Solids (2) (ml/l)
	30 day average	daily maximum	30 day average	daily maximum								
I	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	916	500	1.0	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	916	500	-	Monitor only	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	916	500	-	Monitor only	Measure When Sampling	-
IV	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	916	500	1.0	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24 hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.93 inches for McDonough County in which Outfall 033 is located.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

(1) Sulfate water quality standards and effluent limitations determined in accordance with 35 Ill. Adm. Code 302.208(h).
(2) Settleable solids are monitored only as a result of a discharge due to precipitation events which exceed a predetermined 24-hour duration or snowmelt total. Settleable solids effluent limitations for alkaline mine discharges are contained in 35 Ill. Adm. Code 406.110.
(3) Effluent standards for mine discharges are contained in 35 Ill. Adm. Code 406.106.
(4) Discharges from Outfall 033, being approved after July 27, 1987, are subject to a 30-day average effluent limitation for Iron of 3.0 mg/l. Daily maximum effluent concentrations are calculated as twice the 30-day average.
(5) Hardness monitoring is required to determine the appropriateness of the sulfate permit limit.

The alkaline mine discharge from this facility shall be monitored and limited at all times as follows:

Outfall: 035

Discharge Condition	Parameters											
	Total Suspended Solids (3) (mg/l)		Iron (total) (3) (4) (mg/l)		pH (3) (S.U.)	Alkalinity/ Acidity (3)	Sulfate (1) (mg/l)	Chloride (mg/l)	Mn (total) (mg/l)	Hardness (5)	Flow (MGD)	Settleable Solids (2) (ml/l)
	30 day average	daily maximum	30 day average	daily maximum								
I	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	744	500	1.0	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	744	500	-	Monitor only	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	744	500	-	Monitor only	Measure When Sampling	-
IV	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	744	500	1.0	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24 hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.93 inches for McDonough County in which Outfall 035 is located.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

(1) Sulfate water quality standards and effluent limitations determined in accordance with 35 Ill. Adm. Code 302.208(h).
(2) Settleable solids are monitored only as a result of a discharge due to precipitation events which exceed a predetermined 24-hour duration or snowmelt total. Settleable solids effluent limitations for alkaline mine discharges are contained in 35 Ill. Adm. Code 406.110.
(3) Effluent standards for mine discharges are contained in 35 Ill. Adm. Code 406.106.
(4) Discharges from Outfall 035, being approved after July 27, 1987, are subject to a 30-day average effluent limitation for Iron of 3.0 mg/l. Daily maximum effluent concentrations are calculated as twice the 30-day average.
(5) Hardness monitoring is required to determine the appropriateness of the sulfate permit limit.

The acid mine discharge from this facility shall be monitored and limited at all times as follows:

Outfall: 019

Discharge Condition	Parameters												
	Total Suspended Solids (3) (mg/l)		Iron (total) (3) (4) (mg/l)		pH (3) (S.U.)	Alkalinity/ Acidity (3)	Sulfate (1) (mg/l)	Chloride (mg/l)	Mn (total) (mg/l)	Hardness (5)	Mercury	Flow (MGD)	Settleable Solids (2) (ml/l)
	30 day average	daily maximum	30 day average	daily maximum									
I	35	70	3.5	7.0	6.5-9.0	Alk.>Acid	2000	500	1.0	Monitor only	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	2000	500	-	Monitor only	-	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	2000	500	-	Monitor only	-	Measure When Sampling	-
IV	35	70	3.5	7.0	6.5-9.0	Alk.>Acid	2000	500	1.0	Monitor only	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.110(b), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 1-year, 24-hours precipitation event, but less than or equal to the 10-year, 24 hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 1-year, 24-hour precipitation event for this area is considered to be 2.79 inches for McDonough County in which Outfall 019 is located.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.93 inches for McDonough County in which 019 is located.

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

(1) Sulfate water quality standards and effluent limitations determined in accordance with 35 Ill. Adm. Code 302.208(h).
(2) Settleable solids are monitored only as a result of a discharge due to precipitation events which exceed a predetermined 24-hour duration or snowmelt total. Settleable solids effluent limitations for acid mine drainage discharges are contained in 35 Ill. Adm. Code 406.110(b), (c), and (d).
(3) Effluent limitations for mine discharges are contained in 35 Ill. Adm. Code 406.106.
(4) Discharges from Outfall 019, being approved prior to July 27, 1987, are subject to a 30-day average effluent limitation for Iron of 3.5 mg/l. Daily maximum effluent concentrations are calculated as twice the 30-day average.
(5) Hardness monitoring is required to determine the appropriateness of the sulfate permit limitation.

The reclamation area discharges from this facility shall be monitored and limited at all times as follows:

Outfall[1]: 029

Discharge Condition	Parameters				
	pH (S.U.)	Sulfate[2] (mg/l)	Chloride (mg/l)	Hardness	Settleable Solids (ml/l)
I	6.5-9.0	500	500	Monitor only	0.5
II	6.0-9.0	500	500	Monitor only	0.5
III	6.0-9.0	500	500	Monitor only	-
IV	6.5-9.0	500	500	Monitor only	0.5

I Dry weather discharge (base flow, if present) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.109(b), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24 hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations. The 10-year, 24-hour precipitation event for this area is considered to be 4.45 inches for Schuyler County in which Outfall 029 is located.

III In accordance with 35 Ill. Adm. Code 406.109(c), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.109(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For reclamation area discharges, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

(1) Effluent limitations for reclamation area discharges are contained in 35 Ill. Adm. Code 406.109.
(2) Sulfate water quality standards and effluent limitations determined in accordance with 35 Ill. Adm. Code 302.208(h).

The reclamation area discharges from this facility shall be monitored and limited at all times as follows:

Outfall[1]: 030

Discharge Condition	Parameters				
	pH (S.U.)	Sulfate[2] (mg/l)	Chloride (mg/l)	Hardness	Settleable Solids (ml/l)
I	6.5-9.0	826	500	Monitor only	0.5
II	6.0-9.0	826	500	Monitor only	0.5
III	6.0-9.0	826	500	Monitor only	-
IV	6.5-9.0	826	500	Monitor only	0.5

I Dry weather discharge (base flow, if present) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.109(b), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24 hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations. The 10-year, 24-hour precipitation event for this area is considered to be 4.45 inches for Schuyler County in which Outfall 030 is located.

III In accordance with 35 Ill. Adm. Code 406.109(c), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.109(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For reclamation area discharges, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

(1) Effluent limitations for reclamation area discharges are contained in 35 Ill. Adm. Code 406.109.
(2) Sulfate water quality standards and effluent limitations determined in accordance with 35 Ill. Adm. Code 302.208(h).

The stormwater discharges from this facility shall be monitored and limited at all times as follows:

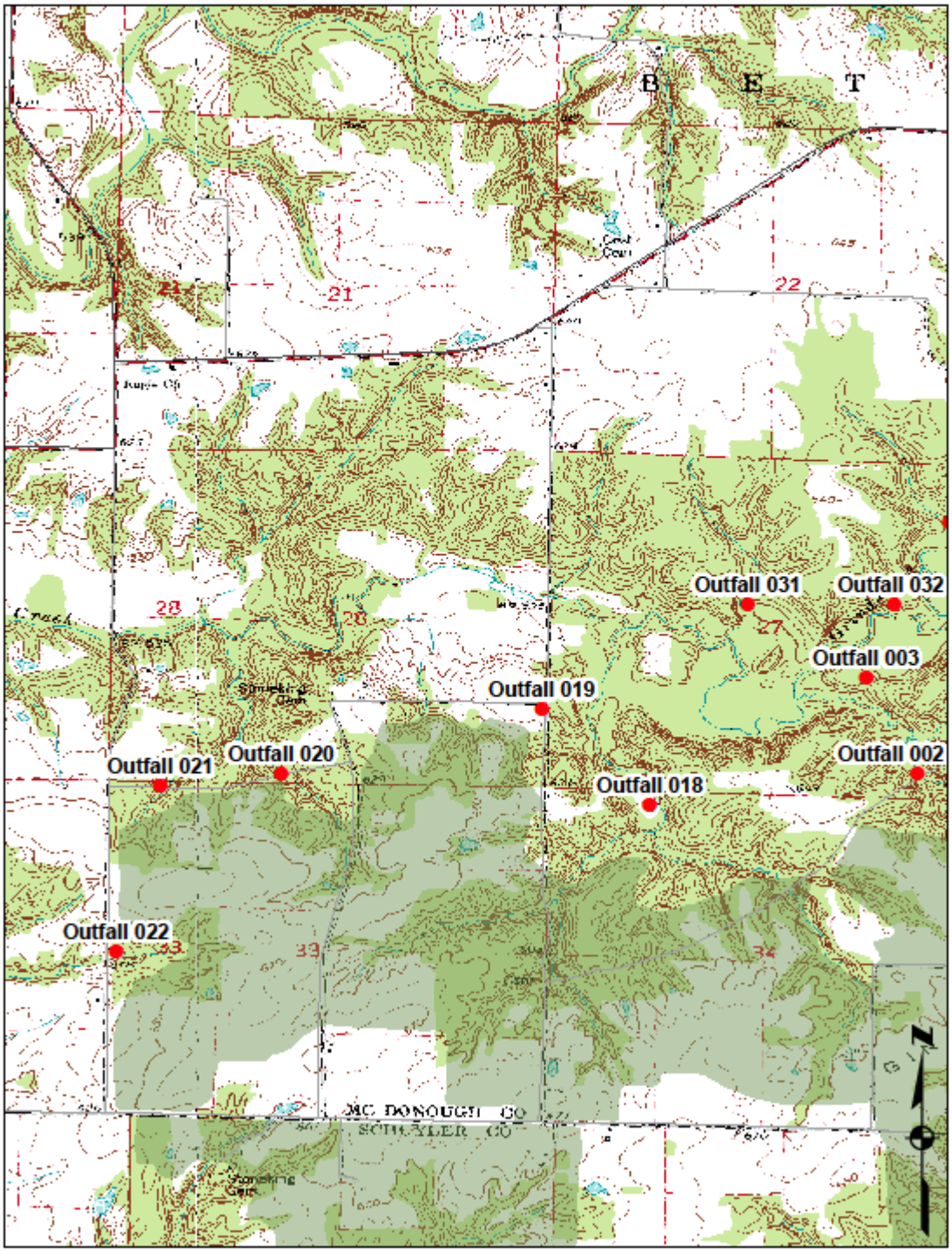
Outfall[(1)]: 020, 021, 022, 027

Parameters	
pH (S.U.)	Settleable Solids (ml/l)
6.0-9.0	0.5

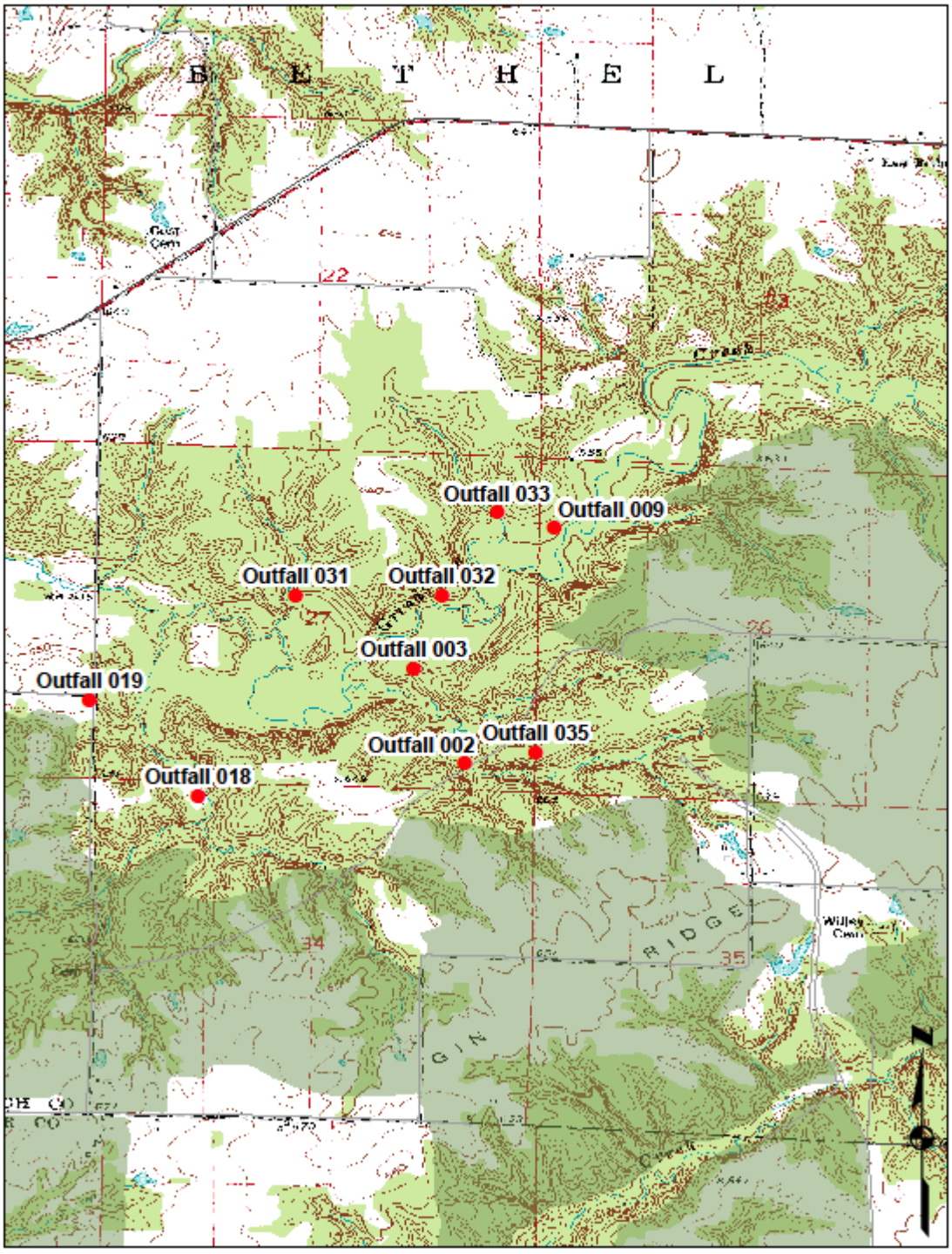
(1) Stormwater effluent limitations for all Discharge Conditions are established pursuant to 40 CFR 122.26, and IEPA correspondence to the industry dated July 31, 1992, with sample frequency for stormwater discharges being once per year.

To assist you in identifying the location of the discharges, please refer to the attached map. The permit area for this facility is located in Sections 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, Township 4 North, Range 3 West, and Sections 19 and 30, Township 4 North, Range 2 West, 4th P.M., McDonough County and Sections 2, 3 and 10, Township 3 North, Range 3 West, 4th P.M., Schuyler County, Illinois.

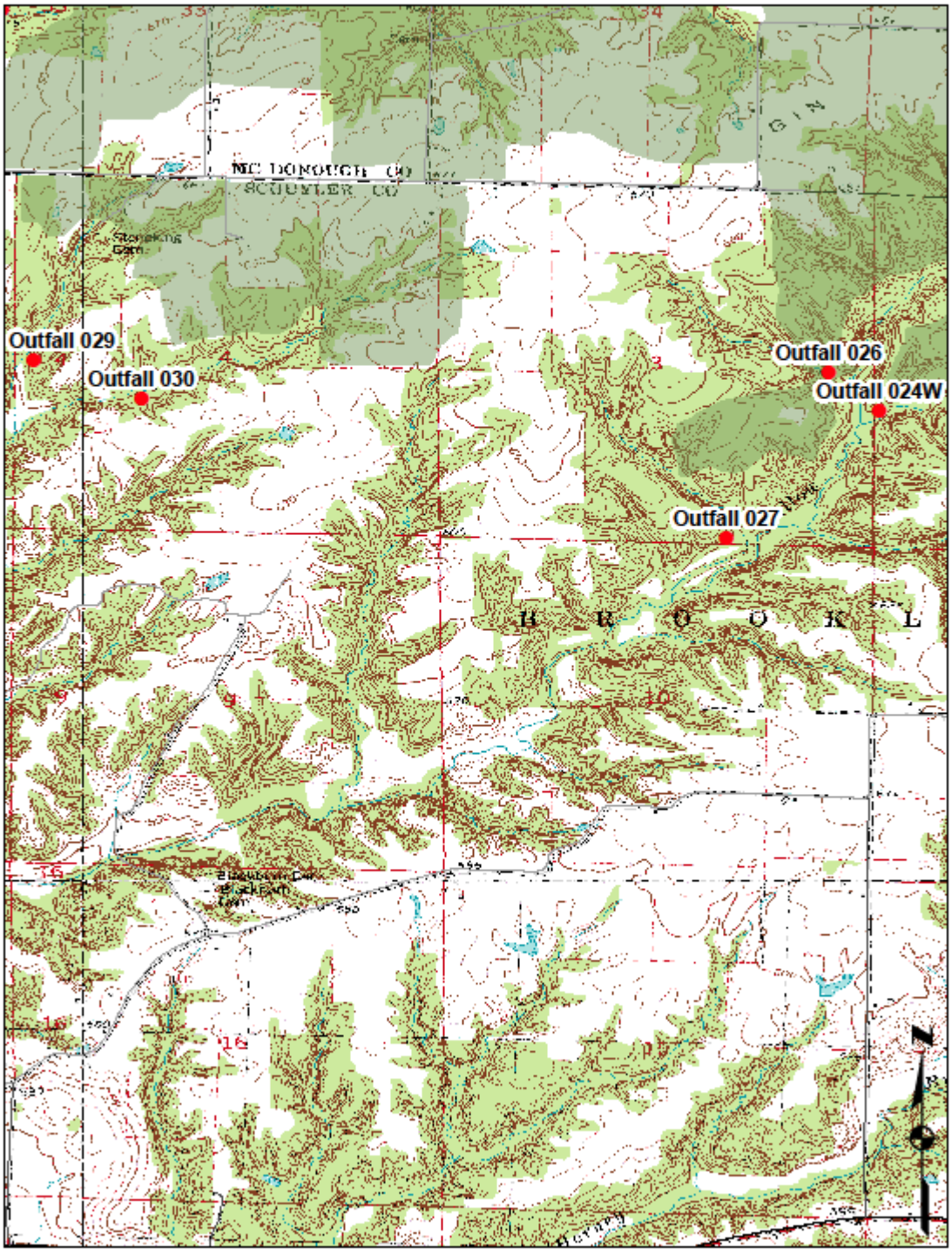
Springfield Coal Company, L.L.C. - Industry Mine
NPDES No. IL0061247
McDonough County
Township 4 North, Range 3 West



Springfield Coal Company, L.L.C. - Industry Mine
NPDES No. IL0061247
McDonough County
Township 4 North, Range 3 West



Springfield Coal Company, L.L.C. - Industry Mine
NPDES No. IL0061247
Schuyler County
Township 3 North, Range 3 West



NPDES Permit No. IL0061247

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue, East

P.O. Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Reissued and Modified NPDES Permit

Expiration Date:

Issue Date:
Effective Date:

Name and Address of Permittee:

Springfield Coal Company, L.L.C.
3008 Happy Landing
Springfield, IL 62711

Facility Name and Address:

Springfield Coal Company, L.L.C.
Industry Mine
5 miles Southwest of Industry, Illinois
(McDonough and Schuyler Counties)

Discharge Number and Classification:		Receiving waters
002	Alkaline Mine Drainage Discharge from Preparation Plant	Unnamed tributary to Grindstone Creek
003	Surface Alkaline Drainage	Unnamed tributary to Grindstone Creek
018	Alkaline Mine Drainage	Unnamed tributary to Grindstone Creek
019	Surface Acid Mine Drainage	Unnamed tributary to Grindstone Creek
020, 021	Stormwater Discharge	Unnamed tributary to Grindstone Creek
009, 024W, 026	Surface Alkaline Drainage	Willow Creek
022	Stormwater Discharge	Unnamed tributary to Camp Creek
029, 030	Reclamation Area Drainage	Unnamed tributary to Willow Creek
027	Stormwater Discharge	Willow Creek

In compliance with the provisions of the Illinois Environmental Protection Act, Subtitle C and/or Subtitle D Rules and Regulations of the Illinois Pollution Control Board, and the Clean Water Act, the above-named permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the standard conditions and attachments herein.

Permittee is not authorized to discharge after the above expiration date. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit the proper application as required by the Illinois Environmental Protection Agency (IEPA) not later than 180 days prior to the expiration date.

Ronald E. Morse, Manager
Mine Pollution Control Program
Bureau of Water

REM:LDC:jkb/5617c/09-07-10

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

From the effective date of this Permit until the expiration date, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 002[t] (Alkaline Mine Drainage)

Discharge Condition	Parameters												
	Total Suspended Solids (mg/l) ***		Iron (total) (mg/l) ***		pH** (S.U.) ***	Alkalinity/ Acidity ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Mn (total) (mg/l) ***	Hardness ***	Mercury see Special Condition No. 14	Flow (MGD)	Settleable Solids (ml/l)
	30 day average	daily maximum	30 day average	daily maximum									
I	35	70	3.5	7.0	6.5-9.0	Alk.>Acid	2369	500	1.0	Monitor only	Monitor Only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	2369	500	-	Monitor only	-	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	2369	500	-	Monitor only	-	Measure When Sampling	-
IV	35	70	3.5	7.0	6.5-9.0	Alk.>Acid	2369	500	1.0	Monitor only	Monitor Only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.93 inches for McDonough County in which Outfall 002 is located.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method.

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during either Discharge Condition I or IV should such discharge condition occur. A "no flow" situation is not considered to be a sample of the discharge. In the event that Discharge Conditions II and/or III occur, grab sample of each discharge caused by the above precipitation events (Discharge Conditions II and/or III) shall be taken and analyzed for the parameters identified in the table above during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). Should a sufficient number of discharge events occur during the quarter, the remaining three (3) quarterly samples may be taken during any of the Discharge Conditions described above.

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 12 for the discharges from Outfall 002 and the unnamed tributary to Grindstone Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

[t] Discharge from Outfall 002 is subject to the requirements and limitations of Special Condition No. 15.

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

From the effective date of this Permit until the expiration date, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 003[t] (Alkaline Mine Drainage)

Discharge Condition	Parameters												
	Total Suspended Solids (mg/l) ***		Iron (total) (mg/l) ***		pH** (S.U.) ***	Alkalinity/ Acidity ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Mn (total) (mg/l) ***	Hardness ***	Mercury see Special Condition No. 14	Flow (MGD)	Settleable Solids (ml/l)
	30 day average	daily maximum	30 day average	daily maximum									
I	35	70	3.5	7.0	6.5-9.0	Alk.>Acid	2000	500	1.0	Monitor only	Monitor Only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	2000	500	-	Monitor only	-	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	2000	500	-	Monitor only	-	Measure When Sampling	-
IV	35	70	3.5	7.0	6.5-9.0	Alk.>Acid	2000	500	1.0	Monitor only	Monitor Only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.93 inches for McDonough County in which Outfall 003 is located.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method.

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during either Discharge Condition I or IV should such discharge condition occur. A "no flow" situation is not considered to be a sample of the discharge. In the event that Discharge Conditions II and/or III occur, grab sample of each discharge caused by the above precipitation events (Discharge Conditions II and/or III) shall be taken and analyzed for the parameters identified in the table above during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). Should a sufficient number of discharge events occur during the quarter, the remaining three (3) quarterly samples may be taken during any of the Discharge Conditions described above.

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 12 for the discharges from Outfall 003 and the unnamed tributary to Grindstone Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

[t] Discharge from Outfall 003 is subject to the requirements and limitations of Special Condition No. 15.

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

From the effective date of this Permit until the expiration date, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 009[t], 018[t] (Alkaline Mine Drainage)

Discharge Condition	Parameters											
	Total Suspended Solids (mg/l) ***		Iron (total) (mg/l) ***		pH** (S.U.) ***	Alkalinity/ Acidity ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Mn (total) (mg/l) ***	Hardness ***	Flow (MGD)	Settleable Solids (ml/l)
	30 day average	daily maximum	30 day average	daily maximum								
I	35	70	3.5	7.0	6.5-9.0	Alk.>Acid	2000	500	1.0	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	2000	500	-	Monitor only	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	2000	500	-	Monitor only	Measure When Sampling	-
IV	35	70	3.5	7.0	6.5-9.0	Alk.>Acid	2000	500	1.0	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.45 inches for Schuyler County and 4.93 inches for McDonough County in which Outfalls 009 and 018 are located, respectively.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method.

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during either Discharge Condition I or IV should such discharge condition occur. A "no flow" situation is not considered to be a sample of the discharge. In the event that Discharge Conditions II and/or III occur, grab sample of each discharge caused by the above precipitation events (Discharge Conditions II and/or III) shall be taken and analyzed for the parameters identified in the table above during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). Should a sufficient number of discharge events occur during the quarter, the remaining three (3) quarterly samples may be taken during any of the Discharge Conditions described above.

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

---

* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 12 for the discharges from Outfalls 009 and 018 and Willow Creek and the unnamed tributary to Grindstone Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

[t] Discharge from Outfalls 009 and/or 018 is subject to the requirements and limitations of Special Condition No. 15.

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

From the effective date of this Permit until the expiration date, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 024W[t], 026[t] (Alkaline Mine Drainage)

Discharge Condition	Parameters											
	Total Suspended Solids (mg/l) ***		Iron (total) (mg/l) ***		pH** (S.U.) ***	Alkalinity/ Acidity ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Mn (total) (mg/l) ***	Hardness ***	Flow (MGD)	Settleable Solids (ml/l)
	30 day Average	daily maximum	30 day average	daily maximum								
I	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	2000	500	1.0	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	2000	500	-	Monitor only	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	2000	500	-	Monitor only	Measure When Sampling	-
IV	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	2000	500	1.0	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.45 inches for Schuyler County in which Outfalls 024W and 026 are located.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method.

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during either Discharge Condition I or IV should such discharge condition occur. A "no flow" situation is not considered to be a sample of the discharge. In the event that Discharge Conditions II and/or III occur, grab sample of each discharge caused by the above precipitation events (Discharge Conditions II and/or III) shall be taken and analyzed for the parameters identified in the table above during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). Should a sufficient number of discharge events occur during the quarter, the remaining three (3) quarterly samples may be taken during any of the Discharge Conditions described above.

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

---

* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 12 for the discharges from Outfalls 024W and 026 and Willow Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

[t] Discharge from Outfall 024W and 026 is subject to the requirements and limitations of Special Condition No. 15.

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

From the effective date of this Permit until the expiration date, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 031[y] (Alkaline Mine Drainage)

Discharge Condition	Parameters											
	Total Suspended Solids (mg/l) ***		Iron (total) (mg/l) ***		pH** (S.U.) ***	Alkalinity/ Acidity ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Mn (total) (mg/l) ***	Hardness ***	Flow (MGD)	Settleable Solids (ml/l)
	30 day average	daily maximum	30 day average	daily maximum								
I	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	813	500	1.0	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	813	500	-	Monitor only	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	813	500	-	Monitor only	Measure When Sampling	-
IV	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	813	500	1.0	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.93 inches for McDonough County in which Outfall 031 is located.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method.

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during either Discharge Condition I or IV should such discharge condition occur. A "no flow" situation is not considered to be a sample of the discharge. In the event that Discharge Conditions II and/or III occur, grab sample of each discharge caused by the above precipitation events (Discharge Conditions II and/or III) shall be taken and analyzed for the parameters identified in the table above during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). Should a sufficient number of discharge events occur during the quarter, the remaining three (3) quarterly samples may be taken during any of the Discharge Conditions described above.

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 12 for the discharges from Outfall 031 and the unnamed tributary to Grindstone Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

[t] Discharge from Outfall 031 is subject to the requirements and limitations of Special Condition No. 15.

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

From the effective date of this Permit until the expiration date, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 032[t] (Alkaline Mine Drainage)

Discharge Condition	Parameters											
	Total Suspended Solids (mg/l) ***		Iron (total) (mg/l) ***		pH** (S.U.) ***	Alkalinity/ Acidity ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Mn (total) (mg/l) ***	Hardness ***	Flow (MGD)	Settleable Solids (ml/l
	30 day average	daily maximum	30 day average	daily maximum								
I	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	1950	500	1.0	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	1950	500	-	Monitor only	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	1950	500	-	Monitor only	Measure When Sampling	-
IV	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	1950	500	1.0	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.93 inches for McDonough County in which Outfall 032 is located.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method.

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during either Discharge Condition I or IV should such discharge condition occur. A "no flow" situation is not considered to be a sample of the discharge. In the event that Discharge Conditions II and/or III occur, grab sample of each discharge caused by the above precipitation events (Discharge Conditions II and/or III) shall be taken and analyzed for the parameters identified in the table above during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). Should a sufficient number of discharge events occur during the quarter, the remaining three (3) quarterly samples may be taken during any of the Discharge Conditions described above.

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 12 for the discharges from Outfall 032 and the unnamed tributary to Grindstone Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

[t] Discharge from Outfall 032 is subject to the requirements and limitations of Special Condition No. 15.

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

From the effective date of this Permit until the expiration date, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 033[t] (Alkaline Mine Drainage)

Discharge Condition	Parameters											
	Total Suspended Solids (mg/l) ***		Iron (total) (mg/l) ***		pH** (S.U.) ***	Alkalinity/ Acidity ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Mn (total) (mg/l) ***	Hardness ***	Flow (MGD)	Settleable Solids (ml/l)
	30 day average	daily maximum	30 day average	daily maximum								
I	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	916	500	1.0	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	916	500	-	Monitor only	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	916	500	-	Monitor only	Measure When Sampling	-
IV	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	916	500	1.0	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.93 inches for McDonough County in which Outfall 033 is located.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method.

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during either Discharge Condition I or IV should such discharge condition occur. A "no flow" situation is not considered to be a sample of the discharge. In the event that Discharge Conditions II and/or III occur, grab sample of each discharge caused by the above precipitation events (Discharge Conditions II and/or III) shall be taken and analyzed for the parameters identified in the table above during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). Should a sufficient number of discharge events occur during the quarter, the remaining three (3) quarterly samples may be taken during any of the Discharge Conditions described above.

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 12 for the discharges from Outfall 033 and the unnamed tributary to Grindstone Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

[t] Discharge from Outfall 033 is subject to the requirements and limitations of Special Condition No. 15.

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

From the effective date of this Permit until the expiration date, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 035[t] (Alkaline Mine Drainage)

Discharge Condition	Parameters											
	Total Suspended Solids (mg/l) ***		Iron (total) (mg/l) ***		pH** (S.U.) ***	Alkalinity/ Acidity ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Mn (total) (mg/l) ***	Hardness ***	Flow (MGD)	Settleable Solids (ml/l)
	30 day average	daily maximum	30 day average	daily maximum								
I	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	744	500	1.0	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	744	500	-	Monitor only	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	744	500	-	Monitor only	Measure When Sampling	-
IV	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	744	500	1.0	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.93 inches for McDonough County in which Outfall 035 is located.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method.

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during either Discharge Condition I or IV should such discharge condition occur. A "no flow" situation is not considered to be a sample of the discharge. In the event that Discharge Conditions II and/or III occur, grab sample of each discharge caused by the above precipitation events (Discharge Conditions II and/or III) shall be taken and analyzed for the parameters identified in the table above during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). Should a sufficient number of discharge events occur during the quarter, the remaining three (3) quarterly samples may be taken during any of the Discharge Conditions described above.

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 12 for the discharges from Outfall 035 and the unnamed tributary to Grindstone Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

[t] Discharge from Outfall 035 is subject to the requirements and limitations of Special Condition No. 15.

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

From the effective date of this Permit until the expiration date, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 019[t] (Acid Mine Drainage)

Discharge Condition	Parameters												
	Total Suspended Solids (mg/l) ***		Iron (total) (mg/l) ***		pH** (S.U.) ***	Alkalinity/ Acidity ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Mn (total) (mg/l) ***	Hardness ***	Mercury see Special Condition No. 14	Flow (MGD)	Settleable Solids (ml/l)
	30 day average	daily maximum	30 day average	daily maximum									
I	35	70	3.5	7.0	6.5-9.0	Alk.>Acid	2000	500	1.0	Monitor only	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	2000	500	-	Monitor only	-	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	2000	500	-	Monitor only	-	Measure When Sampling	-
IV	35	70	3.5	7.0	6.5-9.0	Alk.>Acid	2000	500	1.0	Monitor only	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.110(b), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 1-year, 24-hour precipitation event, but less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 1-year, 24-hour precipitation event for this area is considered to be 2.79 inches for McDonough County in which Outfall 019 is located.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.93 inches for McDonough County in which Outfall 019 is located.

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method.

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during either Discharge Condition I or IV should such discharge condition occur. A "no flow" situation is not considered to be a sample of the discharge. In the event that Discharge Conditions II and/or III occur, grab sample of each discharge caused by the above precipitation events (Discharge Conditions II and/or III) shall be taken and analyzed for the parameters identified in the table above during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). Should a sufficient number of discharge events occur during the quarter, the remaining three (3) quarterly samples may be taken during any of the Discharge Conditions described above.

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 12 for the discharges from Outfall 019 and the unnamed tributary to Grindstone Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

[t] Discharge from Outfall 019 is subject to the requirements and limitations of Special Condition No. 15.

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

From the effective date of this Permit until the expiration date, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 029 (Reclamation Area Drainage)

Discharge Condition	Parameters					
	pH** (S.U.) ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Hardness ***	Flow (MGD)	Settleable Solids (ml/l) ***
I	6.5-9.0	500	500	Monitor only	Measure When Sampling	0.5
II	6.0-9.0	500	500	Monitor only	Measure When Sampling	0.5
III	6.0-9.0	500	500	Monitor only	Measure When Sampling	-
IV	6.5-9.0	500	500	Monitor only	Measure When Sampling	0.5

I Dry weather discharge (base flow, if present) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.109(b), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations. The 10-year, 24-hour precipitation event for this area is considered to be 4.45 inches for Schuyler County in which Outfall 029 is located.

III In accordance with 35 Ill. Adm. Code 406.109(c), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.109(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For reclamation area discharges, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method. A "no flow" situation is not considered to be a sample of the discharge.

*** One sample per month (1/month) shall be collected if and/or when a discharge occurs under either Discharge Condition I, II or IV and analyzed for the parameters identified in the table above. In addition, at least three (3) grab samples shall be taken each quarter from separate precipitation events under Discharge Condition III and analyzed for parameters indicated in the above table. For quarters in which there are less than 3 such precipitation events, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s).

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 12 for the discharges from Outfall 029 and the unnamed tributary of Willow Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

From the effective date of this Permit until the expiration date, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 030 (Reclamation Area Drainage)

Discharge Condition	Parameters					
	pH** (S.U.) ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Hardness ***	Flow (MGD)	Settleable Solids (ml/l) ***
I	6.5-9.0	826	500	Monitor only	Measure When Sampling	0.5
II	6.0-9.0	826	500	Monitor only	Measure When Sampling	0.5
III	6.0-9.0	826	500	Monitor only	Measure When Sampling	-
IV	6.5-9.0	826	500	Monitor only	Measure When Sampling	0.5

I Dry weather discharge (base flow, if present) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.109(b), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations. The 10-year, 24-hour precipitation event for this area is considered to be 4.45 inches for Schuyler County in which Outfall 030 is located.

III In accordance with 35 Ill. Adm. Code 406.109(c), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.109(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For reclamation area discharges, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method. A "no flow" situation is not considered to be a sample of the discharge.

*** One sample per month (1/month) shall be collected if and/or when a discharge occurs under either Discharge Condition I, II or IV and analyzed for the parameters identified in the table above. In addition, at least three (3) grab samples shall be taken each quarter from separate precipitation events under Discharge Condition III and analyzed for parameters indicated in the above table. For quarters in which there are less than 3 such precipitation events, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s).

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 12 for the discharges from Outfall 030 and the unnamed tributary of Willow Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

Upon completion of Special Condition 9 and approval from the Agency, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 002 (Reclamation Area Drainage)

Discharge Condition	Parameters					
	pH** (S.U.) ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Hardness ***	Flow (MGD)	Settleable Solids (ml/l) ***
I	6.5-9.0	2369	500	Monitor only	Measure When Sampling	0.5
II	6.0-9.0	2369	500	Monitor only	Measure When Sampling	0.5
III	6.0-9.0	2369	500	Monitor only	Measure When Sampling	-
IV	6.5-9.0	2369	500	Monitor only	Measure When Sampling	0.5

I Dry weather discharge (base flow, if present) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.109(b), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations. The 10-year, 24-hour precipitation event for this area is considered to be 4.93 inches for McDonough County in which Outfall 002 is located.

III In accordance with 35 Ill. Adm. Code 406.109(c), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.109(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For reclamation area discharges, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method. A "no flow" situation is not considered to be a sample of the discharge.

*** One sample per month (1/month) shall be collected if and/or when a discharge occurs under either Discharge Condition I, II or IV and analyzed for the parameters identified in the table above. In addition, at least three (3) grab samples shall be taken each quarter from separate precipitation events under Discharge Condition III and analyzed for parameters indicated in the above table. For quarters in which there are less than 3 such precipitation events, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s).

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 12 for the discharges from Outfall 002 and the unnamed tributary of Grindstone Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

Upon completion of Special Condition 9 and approval from the Agency, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 003, 009, 018, 019, 024W, 026 (Reclamation Area Drainage)

Discharge Condition	Parameters					
	pH** (S.U.) ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Hardness ***	Flow (MGD)	Settleable Solids (ml/l) ***
I	6.5-9.0	2000	500	Monitor only	Measure When Sampling	0.5
II	6.0-9.0	2000	500	Monitor only	Measure When Sampling	0.5
III	6.0-9.0	2000	500	Monitor only	Measure When Sampling	-
IV	6.5-9.0	2000	500	Monitor only	Measure When Sampling	0.5

I Dry weather discharge (base flow, if present) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.109(b), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations. The 10-year, 24-hour precipitation event for this area is considered to be 4.45 inches for Schuyler County in which Outfalls 009, 024W and 026 are located and 4.93 inches for McDonough County in which Outfalls 003, 018 and 019 are located.

III In accordance with 35 Ill. Adm. Code 406.109(c), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.109(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For reclamation area discharges, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method. A "no flow" situation is not considered to be a sample of the discharge.

*** One sample per month (1/month) shall be collected if and/or when a discharge occurs under either Discharge Condition I, II or IV and analyzed for the parameters identified in the table above. In addition, at least three (3) grab samples shall be taken each quarter from separate precipitation events under Discharge Condition III and analyzed for parameters indicated in the above table. For quarters in which there are less than 3 such precipitation events, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s).

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 12 for the discharges from Outfalls 003, 009, 018, 019, 024W and 026 and Willow Creek and the unnamed tributaries of Grindstone Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

Upon completion of Special Condition 9 and approval from the Agency, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 031 (Reclamation Area Drainage)

Discharge Condition	Parameters					
	pH** (S.U.) ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Hardness ***	Flow (MGD)	Settleable Solids (ml/l) ***
I	6.5-9.0	813	500	Monitor only	Measure When Sampling	0.5
II	6.0-9.0	813	500	Monitor only	Measure When Sampling	0.5
III	6.0-9.0	813	500	Monitor only	Measure When Sampling	-
IV	6.5-9.0	813	500	Monitor only	Measure When Sampling	0.5

I Dry weather discharge (base flow, if present) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.109(b), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations. The 10-year, 24-hour precipitation event for this area is considered to be 4.93 inches for McDonough County in which Outfall 031 is located.

III In accordance with 35 Ill. Adm. Code 406.109(c), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.109(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For reclamation area discharges, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method. A "no flow" situation is not considered to be a sample of the discharge.

*** One sample per month (1/month) shall be collected if and/or when a discharge occurs under either Discharge Condition I, II or IV and analyzed for the parameters identified in the table above. In addition, at least three (3) grab samples shall be taken each quarter from separate precipitation events under Discharge Condition III and analyzed for parameters indicated in the above table. For quarters in which there are less than 3 such precipitation events, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s).

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 12 for the discharges from Outfall 031 and the unnamed tributary of Grindstone Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

Upon completion of Special Condition 9 and approval from the Agency, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 032 (Reclamation Area Drainage)

Discharge Condition	Parameters					
	pH** (S.U.) ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Hardness ***	Flow (MGD)	Settleable Solids (ml/l) ***
I	6.5-9.0	1950	500	Monitor only	Measure When Sampling	0.5
II	6.0-9.0	1950	500	Monitor only	Measure When Sampling	0.5
III	6.0-9.0	1950	500	Monitor only	Measure When Sampling	-
IV	6.5-9.0	1950	500	Monitor only	Measure When Sampling	0.5

I Dry weather discharge (base flow, if present) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.109(b), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations. The 10-year, 24-hour precipitation event for this area is considered to be 4.93 inches for McDonough County in which Outfall 032 is located.

III In accordance with 35 Ill. Adm. Code 406.109(c), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.109(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For reclamation area discharges, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method. A "no flow" situation is not considered to be a sample of the discharge.

*** One sample per month (1/month) shall be collected if and/or when a discharge occurs under either Discharge Condition I, II or IV and analyzed for the parameters identified in the table above. In addition, at least three (3) grab samples shall be taken each quarter from separate precipitation events under Discharge Condition III and analyzed for parameters indicated in the above table. For quarters in which there are less than 3 such precipitation events, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s).

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 12 for the discharges from Outfall 032 and the unnamed tributary of Grindstone Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

Upon completion of Special Condition 9 and approval from the Agency, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 033 (Reclamation Area Drainage)

Discharge Condition	Parameters					
	pH** (S.U.) ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Hardness ***	Flow (MGD)	Settleable Solids (ml/l) ***
I	6.5-9.0	916	500	Monitor only	Measure When Sampling	0.5
II	6.0-9.0	916	500	Monitor only	Measure When Sampling	0.5
III	6.0-9.0	916	500	Monitor only	Measure When Sampling	-
IV	6.5-9.0	916	500	Monitor only	Measure When Sampling	0.5

I Dry weather discharge (base flow, if present) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.109(b), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations. The 10-year, 24-hour precipitation event for this area is considered to be 4.93 inches for McDonough County in which Outfall 033 is located.

III In accordance with 35 Ill. Adm. Code 406.109(c), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.109(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For reclamation area discharges, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method. A "no flow" situation is not considered to be a sample of the discharge.

*** One sample per month (1/month) shall be collected if and/or when a discharge occurs under either Discharge Condition I, II or IV and analyzed for the parameters identified in the table above. In addition, at least three (3) grab samples shall be taken each quarter from separate precipitation events under Discharge Condition III and analyzed for parameters indicated in the above table. For quarters in which there are less than 3 such precipitation events, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s).

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 12 for the discharges from Outfall 033 and the unnamed tributary of Grindstone Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

Upon completion of Special Condition 9 and approval from the Agency, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 035 (Reclamation Area Drainage)

Discharge Condition	Parameters					
	pH** (S.U.) ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Hardness ***	Flow (MGD)	Settleable Solids (ml/l) ***
I	6.5-9.0	744	500	Monitor only	Measure When Sampling	0.5
II	6.0-9.0	744	500	Monitor only	Measure When Sampling	0.5
III	6.0-9.0	744	500	Monitor only	Measure When Sampling	-
IV	6.5-9.0	744	500	Monitor only	Measure When Sampling	0.5

I Dry weather discharge (base flow, if present) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.109(b), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations. The 10-year, 24-hour precipitation event for this area is considered to be 4.93 inches for McDonough County in which Outfall 035 is located.

III In accordance with 35 Ill. Adm. Code 406.109(c), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.109(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For reclamation area discharges, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method. A "no flow" situation is not considered to be a sample of the discharge.

*** One sample per month (1/month) shall be collected if and/or when a discharge occurs under either Discharge Condition I, II or IV and analyzed for the parameters identified in the table above. In addition, at least three (3) grab samples shall be taken each quarter from separate precipitation events under Discharge Condition III and analyzed for parameters indicated in the above table. For quarters in which there are less than 3 such precipitation events, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s).

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 12 for the discharges from Outfall 035 and the unnamed tributary of Grindstone Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

From the effective date of this Permit until the expiration date, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfalls: 020, 021, 022, 027 (Stormwater Discharge)

Parameters	
pH* (S.U.) **	Settleable Solids (ml/l) **
6.0-9.0	0.5

Stormwater discharge monitoring is subject to the following reporting requirements:

Analysis of samples must be submitted with second quarter Discharge Monitoring Reports.

If discharges can be shown to be similar, a plan may be submitted by November 1 of each year preceding sampling to propose grouping of similar discharges and/or updated previously submitted groupings. If updating of a previously submitted plan is not necessary, a written notification to the Agency, indicating such is required. Upon approval from the Agency, one representative sample for each group may be submitted.

Annual stormwater monitoring is required for all discharges until Final SMCRA Bond is released and approval to cease such monitoring is obtained from the Agency.

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* No discharge is allowed from any above referenced permitted outfalls during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

** One (1) sample per year shall be collected and analyzed for the indicated parameter; however, such sampling and analysis is required only if and/or when a discharge occurs from the individual Outfall(s) identified above.

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

Upon completion of Special Condition No. 10 and approval from the Agency, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfalls: 002, 003, 009, 018, 019, 024W, 026, 029, 030, 031, 032, 033, 035 (Stormwater Discharge)

Parameters	
pH* (S.U.) **	Settleable Solids (ml/l) **
6.0-9.0	0.5

Stormwater discharge monitoring is subject to the following reporting requirements:

Analysis of samples must be submitted with second quarter Discharge Monitoring Reports.

If discharges can be shown to be similar, a plan may be submitted by November 1 of each year preceding sampling to propose grouping of similar discharges and/or updated previously submitted groupings. If updating of a previously submitted plan is not necessary, a written notification to the Agency, indicating such is required. Upon approval from the Agency, one representative sample for each group may be submitted.

Annual stormwater monitoring is required for all discharges until Final SMCRA Bond is released and approval to cease such monitoring is obtained from the Agency.

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* No discharge is allowed from any above referenced permitted outfalls during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

** One (1) sample per year shall be collected and analyzed for the indicated parameter; however, such sampling and analysis is required only if and/or when a discharge occurs from the individual Outfall(s) identified above.

NPDES Permit No. IL0061247

Construction Authorization No. 5362-03

C. A. Date: August 26, 2010

Authorization is hereby granted to the above designee to construct and operate the mine and mine refuse area described as follows:

A surface mine containing a total of 4,548 acres (OMM Permit Nos. 16, 180, 261, 305, 334, 341 and 357), located in Sections 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, Township 4 North, Range 3 West, and Sections 19 and 30, Township 4 North, Range 2 West, 4th P.M., McDonough County and Sections 2, 3 and 10, Township 3 North, Range 3 West, 4th P.M., Schuyler County, Illinois.

The operations consist of strip mining, coal processing, support facilities, refuse disposal areas, and surface drainage control facilities.

The addition of 18.2 acres, as described in Log No. 8225-10 (OMM Permit No. 357) located in the Northwest corner of the permit area. Surface runoff will be controlled by diversion ditches 'B' and 'F'. A portion of existing ditch 'B' has been relocated and ditch 'F' is a new diversion ditch. An additional 9.68 acres of watershed will report to Pond 031 and 17.08 acres of watershed will report to Pond 033. Two (2) small temporary sediment ponds 031A and 033A, will be built to receive the surface runoff, via ditches 'B' and 'F'. The impoundments will have a rip rap principal and emergency spillway. Runoff from this area shall be monitored in accordance with the stormwater monitoring requirements of this permit.

As proposed in IEPA Log No. 6193-02 and previously approved in Agency correspondence dated September 18, 2003, reclamation area drainage points 004, 005, 006, 007, 008, 010 and 011 are hereby reclassified as stormwater discharge points and acid mine drainage points 020, 021 and 022 are hereby reclassified as reclamation area drainage points.

As proposed in IEPA Log No. 8080-10, reclamation area drainage points 020, 021, 022 and 027 are hereby reclassified as stormwater discharge points, alkaline mine drainage points 029 and 030 are hereby reclassified as reclamation area drainage points, and stormwater discharge points 004, 005, 006, 007, 008, 010, 011 and 017 are hereby released from the permit.

As proposed in IEPA Log No. 0385-08 (OMM Permit No. 16, ISR No. 57), ponds 4 and 5 are hereby considered small depressions within and adjacent to a post-mining land use of Forest. Pond 7 is hereby considered a small depression within and adjacent to a post-mining land use of herbaceous wildlife. Pond 8 is hereby considered a small depression in and adjacent to a post mining land use of pasture.

As proposed and described in IEPA Log No. 4184-04, the modifications to the diversion designs are approved.

The discharge structure design for the final lake cut located on the south side of OMM Permit No. 341 may be modified as proposed and described in IEPA Log No. 4526-04.

The status of Pond 22 is hereby changed from temporary to permanent, as proposed in IEPA Log No. 4527-04.

As proposed and described in IEPA Log No. 3327-05, the final cut lake for Pit No. 4 is hereby revised to an incised final cut lake with an open channel. The spillway is a single spillway that will act as both the principle and emergency spillway.

A vehicle and equipment parking area within OMM Permit No. 357 boundary may be developed as proposed and described in IEPA Log No. 2223-06.

As proposed and described in IEPA Log Nos. 1112-07, 1112-07-A and 1112-07-B, the post-mining land use changes for OMM Permit No. 261 are hereby approved.

Surface drainage control at this facility consists of seventeen (17) sedimentation basins with discharges designated and located as indicated below:

Location and receiving stream of the outfall at this facility is as follows:

Outfall Number	Latitude			Longitude			Receiving Water
	DEG	MIN	SEC	DEG	MIN	SEC	
002	40°	17'	45"	90°	43'	07"	Unnamed tributary to Grindstone Creek
003	40°	18'	00"	90°	43'	15"	Unnamed tributary to Grindstone Creek
009	40°	18'	22"	90°	42'	53"	Willow Creek
018	40°	17'	40"	90°	43'	49"	Unnamed tributary to Grindstone Creek
019	40°	17'	55"	90°	44'	06"	Unnamed tributary to Grindstone Creek
020	40°	17'	45"	90°	44'	47"	Unnamed tributary to Grindstone Creek
021	40°	17'	43"	90°	45'	06"	Unnamed tributary to Grindstone Creek

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C. A. Date: August 26, 2010

Outfall Number	Latitude			Longitude			Receiving Water
	DEG	MIN	SEC	DEG	MIN	SEC	
022	40°	17'	17"	90°	45'	13"	Unnamed tributary to Camp Creek
024W	40°	16'	14"	90°	42'	55"	Willow Creek
026	40°	16'	20"	90°	43'	03"	Willow Creek
027	40°	15'	54"	90°	43'	19"	Willow Creek
029	40°	16'	22"	90°	45'	08"	Unnamed tributary to Willow Creek
030	40°	16'	16"	90°	44'	51"	Unnamed tributary to Willow Creek
031	40°	18'	11.5"	90°	43'	33.6"	Unnamed tributary to Grindstone Creek
032	40°	18'	11.5"	90°	43'	10.6"	Unnamed tributary to Grindstone Creek
033	40°	18'	24.5"	90°	43'	01.9"	Unnamed tributary to Grindstone Creek
035	40°	17'	46.8"	90°	42'	55.9"	Unnamed tributary to Grindstone Creek

As previously described and depicted in IEPA Log No. 2392-96-A and 2392-96-B and previously approved under Subtitle D Permit No. 1997-MD-2392, an eight acre CCW disposal area located in Section 35, Township 4 North, Range 3 West, McDonough County, is hereby incorporated into this permit.

All shale, sandstone, and coal faces at the highwall will be sealed with compacted clay. No pit pumpage is permitted unless prior approval is obtained from the Agency. Adequate dust control measures will be implemented to prevent airborne material from leaving the disposal area. If dust cannot be adequately controlled, disposal activities shall cease until more favorable conditions exist or modified operating procedures are proposed and approved by this Agency.

As previously proposed in IEPA Log No. 1155-97 and approved under Subtitle D Permit No. 1997-MD-2392-1, Midwest Generation-Powerton Bottom Ash is approved as an additional source for the current disposal operation.

As previously proposed in IEPA Log No. 0368-98-A and approved under Subtitle D Permit No. 1997-MD-2392-2, a 10.4-acre slurry cell located in OMM Permit No. 16 is approved for CCW disposal as proposed in Log Nos. 6182-92 and 6182-92-A. The site is located in Section 26, Township 4 North, Range 3 West, McDonough County.

Pumpage from the disposal area will be directed to the closed loop water system of the preparation plant. All disposal operations associated with this disposal activity will be confined to a 13.6 acre area described in the application.

The eight acre CCW disposal area located in Section 35, Township 4 North, Range 3 West, McDonough County shall be relocated as depicted in IEPA Log No. 0283-98 (OMM Permit No. 16, IPR No. 37, Addendum No. 1). All shall, sandstone and coal fines at the highwall will be sealed with compacted clay. No pit pumpage is permitted unless prior approval is obtained from the Agency.

As previously proposed in IEPA Log No. 9399-99 and approved under Subtitle D Permit No. 1997-MD-2392-3, Midwest Generation-Powerton (boiler slag) and Western Illinois University (fly ash/bottom ash mixture) are approved as additional sources for the current disposal operation.

As previously proposed in IEPA Log Nos. 8203-00 and 8203-00-A and approved under Subtitle D Permit No. 1997-MD-2392-4, Ameren CIPS-Meredosia (ponded ash) is approved as an additional source for the current disposal operation.

As previously proposed in IEPA Log Nos. 8312-00 and 8369-00 and approved under Subtitle d Permit No. 1997-MD-2392-5, Marshall Utilities and Chillicothe Municipal Utilities are approved as additional sources for the current disposal operation.

Groundwater monitoring at this facility consists of Monitoring Well Nos. UG-1, UG-2, DG-1, DG-2, DG-3, IDG, W-11, W-24, W-25, SP0800 and SP1200. Monitoring of wells at this facility shall be performed in accordance with Condition No. 12.

Three (3) groundwater monitoring wells designated 12, 13 and 14 will be removed from the monitoring requirements for this facility as proposed and described in IEPA Log No. 6182-02.

Seven (7) groundwater monitoring wells designated as W-05, W16, W17, W20, W21, W22 and W23 will be removed from the monitoring requirements for this facility as proposed and described in IEPA Log No. 9368-09 and approved in Agency correspondence dated November 30, 2009.

NPDES Permit No. IL0061247

Construction Authorization No. 5362-03

C. A. Date: August 26, 2010

Coal combustion waste sources approved for disposal are as follows:

Coal Combustion Waste Source	Sample Frequency
ADM-Cedar Rapids (fly ash)	Quarterly
ADM-Cedar Rapids (bed ash)	Quarterly
ADM-Clinton	Quarterly
ADM-Decatur (fly ash)	Quarterly
ADM-Decatur (bottom ash)	Annual
ADM-Des Moines	Quarterly
ADM-Peoria	Quarterly
A.E. Staley	Quarterly
Ameren CIPS-Meredosia (ponded ash)	Quarterly
American Cyanamid (fly ash/bed ash mixture)	Quarterly
Aqualon	Annual
Chillicothe Municipal Utilities	Quarterly
CILCO-Edwards	Quarterly
Grain Processing Corp.-Muscatine	Quarterly
Illinois Power-Hennepin	Quarterly
John Deere-East Moline	Quarterly
Marshall Utilities	Quarterly
Midwest Generation-Powerton (fly ash)	Quarterly
Midwest Generation-Powerton (boiler slag)	Quarterly
Millennium-Tuscola	Quarterly
Pekin Energy	Annual
University of Iowa (FBC)	Quarterly
Western Illinois University (fly/bottom ash mixture)	Quarterly

Coal Combustion Waste disposal approved herein shall be subject to the requirements of Condition No. 13.

In accordance with information provided in IEPA Log Nos. 1374-07-7 and 1374-07-A this permit is hereby transferred from Freeman United Coal Mining Company to Springfield Coal Company, L.L.C.

This Construction Authorization supersedes and replaces Construction Authorization No. 0368-98, Supplemental Construction Authorization Nos. 0368-98-1, 0368-98-2, 0368-98-3 and 0368-98-4 and Subtitle D Permit Nos. 1997-MD-2392, 1997-MD-2392-1, 1997-MD-2392-2, 1997-MD-2392-3, 1997-MD-2392-4 and 1997-MD-2392-5 previously issued for the herein permitted facilities.

The abandonment plan shall be executed and completed in accordance with 35 Ill. Adm. Code 405.109.

All water remaining upon abandonment must meet the requirements of 35 Ill. Adm. Code 406.202. For the constituents not covered by Parts 302 or 303, all water remaining upon abandonment must meet the requirements of 35 Ill. Adm. Code 406.106.

This Authorization is issued subject to the following Conditions. If such Conditions require additional or revised facilities, satisfactory engineering plan documents must be submitted to this Agency for review and approval to secure issuance of a Supplemental Authorization to Construct.

1. If any statement or representation is found to be incorrect, this permit may be revoked and the permittee thereupon waives all rights thereunder.

2. The issuance of this permit (a) shall not be considered as in any manner affecting the title of the premises upon which the mine or mine refuse area is to be located; (b) does not release the permittee from any liability for damage to person or property caused by or resulting from the installation, maintenance or operation of the proposed facilities; (c) does not take into consideration the structural stability of any units or parts of the project; and (d) does not release the permittee from compliance with other applicable statutes of the State of Illinois, or with applicable local laws, regulations or ordinances.

3. Final plans, specifications, application and supporting documents as submitted by the person indicated on Page 1 as approved shall constitute part of this permit and are located in the records of the Illinois Environmental Protection Agency.

4. There shall be no deviations from the approved plans and specifications unless revised plans, specifications and application shall first have been submitted to the Illinois Environmental Protection Agency and a supplemental permit issued.

5. The permit holder shall notify the Environmental Protection Agency (217/782-3637) immediately of an emergency at the mine or mine refuse area which causes or threatens to cause a sudden discharge of contaminants into the waters of Illinois and shall immediately undertake necessary corrective measures as required by 35 Ill. Adm. Code 405.111. (217/782-3637 for calls between the hours of 5:00 p.m. to 8:30 a.m. and on weekends.)

6. The termination of an NPDES discharge monitoring point or cessation of monitoring of an NPDES discharge is not authorized by this Agency until the permittee submits adequate justification to show what alternate treatment is provided or that untreated drainage will meet applicable effluent and water quality standards.

7. Initial construction activities in areas to be disturbed shall be for collection and treatment facilities only. Prior to the start of other activities, surface drainage controls shall be constructed and operated to avoid violations of the Act or Subtitle D. At such time as runoff water is collected in the sedimentation pond, a sample shall be collected and analyzed, for the parameters designated as 1M through 15M under Part 5-C of Form 2C and the effluent parameters designated herein with the results sent to this Agency. Should additional treatment be necessary to meet the standards of 35 Ill. Adm. Code 406.106, a Supplemental Permit must be obtained. Discharge from ponds is not allowed unless applicable effluent and water quality standards are met in the basin discharge(s).

8. This Agency must be informed in writing and an application submitted if drainage, which was previously classified as alkaline (pH greater than 6.0), becomes acid (pH less than 6.0) or ferruginous (base flow with an iron concentration greater than 10 mg/l). The type of drainage reporting to the basin should be reclassified in a manner consistent with the applicable rule of 35 Ill. Adm. Code 406 as amended in R84-29 at 11 Ill. Reg. 12899. The application should discuss the treatment method and demonstrate how the discharge will meet the applicable standards.

9. A permittee has the obligation to add a settling aid if necessary to meet the suspended solids or settleable solids effluent standards. The selection of a settling aid and the application practice shall be in accordance with a. or b. below

    a. Alum ($Al_2(SO_4)_3$), hydrated slime ($Ca(OH)_2$), soda ash (Na_2CO_3), alkaline pit pumpage, acetylene production by-product (tested for impurities), and ground limestone are acceptable settling aids and are hereby permitted for alkaline mine drainage sedimentation ponds.

    b. Any other settling aids such as commercial flocculents and coagulants are permitted only on prior approval from the Agency. To obtain approval a permitted must demonstrate in writing to the Agency that such use will not cause a violation of the toxic substances standard of 35 Ill. Adm. Code 302.210 or of the appropriate effluent and water quality standards of 35 Ill. Adm. Code parts 302, 304, and 406.

10. A general plan for the nature and disposition of all liquids used to drill boreholes shall be filed with this Agency prior to any such operation. This plan should be filed at such time that the operator becomes aware of the need to drill unless the plan of operation was contained in a previously approved application. After settling, recirculation water which meets the requirements of 35 Ill. Adm. Code 406.106 and 406.202, may be discharged. The use of additives in the recirculation water which require treatment other than settling to comply with the Act will require a revised permit.

11. Any of the following shall be a violation of the provisions required under 35 Ill. Adm. Code 406.202:

    a. It is demonstrated that an adverse effect on the environment in and around the receiving stream has occurred or is likely to occur.

    b. It is demonstrated that the discharge has adversely affected or is likely to adversely affect any public water supply.

    c. The Agency determines that the permittee is not utilizing Good Mining Practices in accordance with 35 Ill. Adm. Code 406.204 which are fully described in detail in Sections 406.205, 406.206, 406.207 and 406.208 in order to minimize the discharge of total dissolved solids, chloride, sulfate, iron and manganese. To the extent practical, such Good Mining Practices shall be implemented to:

        i. Stop or minimize water from coming into contact with disturbed areas through the use of diversions and/or runoff controls (Section 406.205).

        ii. Retention and control within the site of waters exposed to disturbed materials utilizing erosion controls, sedimentation controls, water reuse or recirculation, minimization of exposure to disturbed materials, etc. (Section 406.206).

iii. Control and treatment of waters discharged from the site by regulation of flow of discharges and/or routing of discharges to more suitable discharge locations (Section 406.207).

iv. Utilized unconventional practices to prevent the production or discharge of waters containing elevated contaminant concentrations such as diversion of groundwater prior to entry into a surface or underground mine, dewatering practices to remove clean water prior to contacting disturbed materials and/or any additional practices demonstrated to be effective in reducing contaminant levels in discharges (Section 406.208).

12. Groundwater monitoring requirements for Well Nos. UG-1, UG-2, DG-1, DG-2, DG-3, IDG, W-11, W-24, W-25, SP0800 and SP1200 are as follows:

a. Ambient background monitoring shall be performed for all referenced wells. Such ambient monitoring shall consist of six (6) samples collected during the first year (approximately bi-monthly) following well installation but no later than during the first year of operation or disturbance to determine ambient background concentrations. Background monitoring shall include the following list of constituents:

Aluminum	Fluoride	Sulfate
Antimony	Iron (dissolved)	Thallium
Arsenic	Iron (total)	Total Dissolved Solids
Barium	Lead	Vanadium
Beryllium	Manganese (dissolved)	Zinc
Boron	Manganese (total)	pH
Cadmium	Mercury	Acidity
Chloride	Molybdenum	Alkalinity
Chromium	Nickel	Hardness
Cobalt	Phenols	Water Elevation
Copper	Selenium	
Cyanide	Silver	

b. Following the ambient monitoring as required under 12(a) above, routine monitoring shall continue on a quarterly basis as follows:

i. Monitoring Well Nos. UG-1, UG-2, DG-1, DG-2, DG-3 and IDG shall continue to be monitored quarterly for the parameters identified in 12(a) above.

ii. Monitoring Well Nos. W-11, W-24, W-25, SP0800 and SP1200 shall be monitored quarterly as required by IDNR/OMM for the following list of constituents:

Iron (dissolved)	Hardness
Iron (total)	Acidity
Manganese (dissolved)	Aklalinity
Manganese (total)	pH
Sulfate	Water Elevation
Total Dissolved Solids	

c. Following completion of active mining and reclamation, post-mining monitoring of the above referenced wells shall consist of six (6) samples collected during a 12-month period (approximately bi-monthly) to determine post-mining concentrations. Post-mining monitoring shall include the list of constituents identified in Condition 12(a) above.

d. Groundwater monitoring reports shall be submitted to the Agency in accordance with Special Condition Nos. 3 and 5 of this NPDES permit.

e. A statistically valid representation of groundwater quality required under Condition Nos. 12(a) and (c) above shall be submitted utilizing the following method. This method shall be used to determine the upper 95 percent confidence limit for each parameter listed above.

Should the Permittee determine that an alternate statistical method would be more appropriate based on the data being evaluated, the Permittee may request utilization of such alternate methodology. Upon approval from the Agency, the alternate methodology may be utilized to determine a statistically valid representation of background water quality.

This method should be used to predict the confidence limit when single groundwater samples are taken from each monitoring (test) well.

i. Determine the arithmetic mean ($\overline{X}_b$) of each indicator parameter for the sampling period. If more than one well is used, an equal number of samples must be taken from each well.

$$\overline{X}_b = \frac{X_1 + X_2 + \ldots X_n}{n}$$

Where:

$\overline{X}_b$ = Average value for a given chemical parameter

X_n = Values for each upgradient sample

n = the number of samples taken

ii. Calculate the variance (S_b^2) and standard deviation (S_b) for each parameter using the values (X_n) from each sample of the well(s) as follows:

$$S_b^2 = \frac{(X_1 - \overline{X}_b)^2 + (X_2 - \overline{X}_b)^2 + \ldots + (X_n - \overline{X}_b)^2}{n-1}$$

$$S_b = \sqrt{S_b^2}$$

iii. Calculate the upper confidence limit using the following formula:

$$CL = \overline{X}_b \pm t\sqrt{1+1/n}\ (S_b)$$

Where:

CL = upper confidence limit prediction
(upper and lower limits should be calculated for pH)
t = one-tailed t value at the required significance
level and at n-1 degrees of freedom from Table 1
(a two-tailed t value should be used for pH)

iv. If the values of any routine parameter for any monitoring well exceed the upper confidence limit for that parameter, the permittee shall conclude that a statistically significant change has occurred at that well.

v. When some of the values are less than the Method Detection Limit (MDL), a value of one-half (1/2) the MDL shall be substituted for each value that is reported as less than the MDL. All other computations shall be calculated as given above.

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C. A. Date: August 26, 2010

If all the values are less than the MDL for a given parameter, the Practical Quantitation Limit (PQL), as given in 35 Ill. Adm. Code Part 724 Appendix I shall be used to evaluate data from monitoring wells. If the analytical results from any monitoring well exceed two (2) times the PQL for any single parameter, or if they exceed the PQLs for two or more parameters, the permittee shall conclude that a statistically significant change has occurred.

Table 1
Standard t-Tables Level of Significance

Degrees of freedom	t-values (one-tail)		t-values (two-tail)*	
	99%	95%	99%	95%
4	3.747	2.132	4.604	2.776
5	3.365	2.015	4.032	2.571
6	3.143	1.943	3.707	2.447
7	2.998	1.895	3.499	2.365
8	2.896	1.860	3.355	2.306
9	2.821	1.833	3.250	2.262
10	2.764	1.812	3.169	2.228
11	2.718	1.796	3.106	2.201
12	2.681	1.782	3.055	2.179
13	2.650	1.771	3.012	2.160
14	2.624	1.761	2.977	2.145
15	2.602	1.753	2.947	2.131
16	2.583	1.746	2.921	2.120
17	2.567	1.740	2.898	2.110
18	2.552	1.734	2.878	2.101
19	2.539	1.729	2.861	2.093
20	2.528	1.725	2.845	2.086
21	2.518	1.721	2.831	2.080
22	2.508	1.717	2.819	2.074
23	2.500	1.714	2.807	2.069
24	2.492	1.711	2.797	2.064
25	2.485	1.708	2.787	2.060
30	2.457	1.697	2.750	2.042
40	2.423	1.684	2.704	2.021

Adopted from Table III of "Statistical Tables for Biological Agricultural and Medical Research" (1947, R.A. Fisher and F. Yates).

* For pH only when required.

13. Coal Combustion Waste disposal approved for this facility shall be subject to the following:

    a. American Cyanide ash shall be thoroughly mixed and incorporated with other ash sources during the disposal operation. This ash shall not exceed 10% of the total ash disposed during the quarter.

    b. Fugitive dust from the coal combustion waste material shall not leave the disposal area. Timely covering, incorporation and/or wetting shall be utilized as necessary to protect exposed surfaces from wind erosion. If during the disposal operations such procedures do not sufficiently control fugitive dust, disposal activities shall cease until such time that more favorable conditions exist or modified operation procedures are proposed and approved by the Agency.

    c. A quarterly report shall be submitted to the Agency containing a weighted composite analysis of all CCW sources disposed during the quarter. This report shall include an analysis of individual CCW sources as appropriate based on the noted sample frequency. This quarterly report shall also include an estimate of the volume of each individual coal combustion waste source disposed during the quarter. All analysis required herein shall be performed in accordance with Condition No. 13(d) below.

d. A Toxicity Characteristics Leaching Procedure (TCLP) analysis shall be conducted on representative samples of the individual CCW sources and of the weighted composite CCW samples for the following contaminants:

Antimony	Cobalt	Nickel
Arsenic	Copper	Phenols
Barium	Iron	Selenium
Beryllium	Lead	Silver
Boron	Manganese	Thallium
Cadmium	Mercury	Vanadium
Chromium	Molybdenum	Zinc

An appropriate leaching procedure shall be conducted for the following contaminants:

Chloride	Fluoride
Cyanide	Sulfate

An appropriate laboratory analysis on a slurry paste shall include the following:

Acidity ($CaCO_3$ Equivalents)
Alkalinity ($CaCO_3$ Equivalents)
pH
Total Dissolved Solids
Net Neutralization Potential

Should a new or revised leachate test method be approved by U.S. Environmental Protection Agency, such methodology shall be utilized for coal combustion waste (CCW) analysis in lieu of TCLP analysis required above.

e. Quarterly CCW analyses reports shall be submitted to the Agency in accordance with Special Condition Nos. 3 and 5 of this NPDES permit.

NPDES Permit No. IL0061247

Special Conditions

Special Condition No. 1: No effluent from any mine related facility area under this permit shall, alone or in combination with other sources, cause a violation of any applicable water quality standard as set out in the Illinois Pollution Control Board Rules and Regulations, Subtitle C: Water Pollution.

Special Condition No. 2: Samples taken in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge, but prior to entry into the receiving stream.

Special Condition No. 3: All periodic monitoring and reporting forms, including Discharge Monitoring Report (DMR) forms, shall be submitted to the Agency according to the schedule outlined in Special Condition No. 4 or 5 below with one (1) copy forwarded to each of the following addresses:

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Ave., East
P.O. Box 19276
Springfield, IL 62794-9276

Attn: Compliance Assurance Section

Illinois Environmental Protection Agency
Mine Pollution Control Program
2309 West Main Street, Suite 116
Marion, Illinois 62959

Should electronic filing be available and elected for any periodic monitoring and reporting requirements, the Agency shall be notified via correspondence or e-mail at such time that the electronic filing has been completed.

Special Condition No. 4: Completed Discharge Monitoring Report (DMR) forms and stream monitoring results, shall be retained by the Permittee for a period of three (3) months and shall be mailed and received by the IEPA at the addresses indicated in Special Condition No. 3 above in accordance with the following schedule, unless otherwise specified by the permitting authority.

Period	Received by IEPA
January, February, March	April 28
April, May, June	July 28
July, August, September	October 28
October, November, December	January 28

The Permittee shall record discharge monitoring results on Discharge Monitoring Report forms (DMR's) using one such form for each applicable Discharge Condition each month.

Special Condition No. 5: Completed periodic monitoring and reporting, other than DMR's and stream monitoring (i.e., groundwater monitoring, coal combustion waste analysis reports, etc.), shall be retained by the Permittee for a period of three (3) months and shall be mailed and received by the IEPA at the addresses indicated in Special Condition No. 3 above in accordance with the following schedule, unless otherwise specified by the permitting authority.

Period	Received by IEPA
January, February, March	May 1
April, May, June	August 1
July, August, September	November 1
October, November, December	February 1

Special Condition No. 6: If an applicable effluent standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the NPDES Permit, the Agency shall revise or modify the permit in accordance with the more stringent standard or prohibition and shall so notify the permittee.

Special Condition No. 7: The permittee shall notify the Agency in writing by certified mail within thirty days of abandonment, cessation, or suspension of active mining for thirty days or more unless caused by a labor dispute. During cessation or suspension of active mining, whether caused by a labor dispute or not, the permittee shall provide whatever interim impoundment, drainage diversion, and wastewater treatment is necessary to avoid violations of the Act or Subtitle D.

Special Condition No. 8: Plans must be submitted to and approved by this Agency prior to construction of a sedimentation pond. At such time as runoff water is collected in the sedimentation pond, a sample shall be collected and analyzed for the parameters designated as 1M-15M under Part 5-C of Form 2C and the effluent parameters designated herein with the results sent to this Agency. Should additional treatment be necessary to meet these standards, a Supplemental Permit must also be obtained. Discharge from a pond is not allowed unless applicable effluent and water quality standards are met.

Special Conditions

Special Condition No. 9: The special reclamation area effluent standards of 35 Ill. Adm. Code 406.109 apply only on approval from the Agency. To obtain approval, a request form and supporting documentation shall be submitted 45 days prior to the month that the permittee wishes the discharge be classified as a reclamation area discharge. The Agency will notify the permittee upon approval of the change.

Special Condition No. 10: The special stormwater effluent standards apply only on approval from the Agency. To obtain approval, a request with supporting documentation shall be submitted 45 days prior to the month that the permittee proposes the discharge to be classified as a stormwater discharge. The documentation supporting the request shall include analysis results indicating the discharge will consistently comply with reclamation area discharge effluent standards. The Agency will notify the permittee upon approval of the change.

Special Condition No. 11: Annual stormwater monitoring is required for all discharges not reporting to a sediment basin until Final SMCRA Bond is released and approval to cease such monitoring is obtained from the Agency.

a. Each discharge must be monitored for pH and settleable solids annually.

b. Analysis of samples must be submitted with second quarter Discharge Monitoring Reports. A map with discharge locations must be included in this submittal.

c. If discharges can be shown to be similar, a plan may be submitted by November 1 of each year preceding sampling to propose grouping of similar discharges and/or update previously submitted groupings. If updating of a previously submitted plan is not necessary, a written notification to the Agency indicating such is required. Upon approval from the Agency, one representative sample for each group may be submitted.

Special Condition No. 12: Sediment Pond Operation and Maintenance (Outfalls 002, 003, 009, 018, 019, 024W, 026, 029, 030, 031, 032, 033 and 035):

a. For discharges resulting from precipitation events, in addition to the alternate effluent (Discharge Condition Nos. II and III) monitoring requirements, as indicated on the applicable effluent pages of this Permit, discharges from Outfalls 002, 003, 009, 018, 019, 024W, 026, 029, 030, 031, 032, 033 and 035 shall be monitored and reported for Discharge Rate, Sulfate, Chloride and Hardness.

b. The following sampling and monitoring requirements are applicable to flow in Willow Creek and the unnamed tributaries to Grindstone Creek and Willow Creek which receive discharges from Outfalls 002, 003, 009, 018, 019, 024W, 026, 029, 030, 031, 032, 033 and 035.

   i. All sampling and monitoring required under 12(b)(ii) and (iii) below shall be performed during a discharge and monitoring event from the associated outfall.

   ii. Willow Creek and the unnamed tributaries to Grindstone Creek and Willow Creek shall be monitored and reported quarterly for Discharge Rate, Chloride, Sulfate and Hardness downstream of the associated outfall. This downstream monitoring shall be performed a sufficient distance downstream of the associated outfall to ensure that complete mixing has occurred. At such time that sufficient information has been collected regarding receiving stream flow characteristics and in-stream contaminant concentrations the permittee may request a re-evaluation of the monitoring frequency required herein for possible reduction or elimination. For the purpose of re-evaluating the downstream monitoring frequency of the receiving stream, "sufficient information" is defined as a minimum of ten (10) quarterly sampling events.

   In the event that downstream monitoring of the receiving waters is eliminated during the term of this permit based on an evaluation of the quarterly data, a minimum of three (3) additional samples analyzed for the parameters identified above must be submitted with the permit renewal application a minimum of 180 days prior to expiration of this permit.

   iii. Willow Creek and the unnamed tributaries to Grindstone Creek and Willow Creek which receive the discharges from Outfalls 002, 003, 009, 018, 019, 024W, 026, 029, 030, 031, 032, 033 and 035 shall be monitored and reported annually for Discharge Rate, Chloride, Sulfate and Hardness upstream of the associated outfall.

Special Condition No. 13: Data collected in accordance with Special Condition No. (SCNO) above will be utilized to evaluate the appropriateness of the effluent limits established in this Permit. Should the Agency's evaluation of this data indicate revised effluent limits are warranted; this permit may be reopened and modified to incorporate more appropriate effluent limitations. This data will also be used for determination of effluent limitations at the time of permit renewal.

NPDES Permit No. IL0061247

Special Conditions

Special Condition No. 14: Mercury shall be monitored quarterly until a minimum of ten (10) samples have been collected. Samples shall be collected and tested in accordance with USEPA 1631E using the option at Section 11.1.1.2 requiring the heating of samples at 50°C for 6 hours in a BrCl solution in closed vessels. This test method has a Method Detection Limit (MDL) of 0.001 ug/l. The results of such testing must be submitted with the quarterly Discharge Monitoring Reports (DMRs). The Permittee may submit a written request to the Agency to discontinue quarterly Mercury monitoring if the sampling results show no reasonable potential to exceed the Mercury water quality standard.

Special Condition No. 15: Schedule of Compliance with Manganese Effluent Limitations.

Project Description: Permittee shall achieve compliance with the effluent limitations for Manganese as follows:

Phase I	Research and Design Treatment System
Phase II	Construct Treatment System
Phase III	Initiate and Obtain Treatment

Operational level must be obtained by the completion date of Phase III. If no technology is identified which would allow Permittee to comply with the limit, the Permittee may apply to the Illinois Pollution Control Board for an adjusted standard or a site specific rule change.

Unless a site specific rule change has been granted, the Permittee shall achieve compliance with the manganese limits as specified in this permit for discharges from Outfall Nos. 002, 003, 009, 018, 019, 024W, 026, 031, 032, 033 and 035 by completion of the project described above in accordance with the following compliance schedule:

ITEM	COMPLETION DATE
Phase I Progress Report	April 1, 2011
Final Phase I Report	July 1, 2011
Phase II Progress Report	January 1, 2012
Final Phase II Report	April 1, 2012
Final Phase III Report	October 1, 2012

Reporting

The permittee shall submit a report no later than fourteen (14) days following the completion dates indicated for each item in the compliance schedule, indicating, a) the date the item was completed, or b) that the item was not completed, unless otherwise specified by the permitting authority. All reports shall be mailed and received by the IEPA at the addresses indicated in Special Condition No. 3 above.

EXHIBIT 2:

Post-Hearing Comments of Prairie Rivers Network and
Illinois Chapter of the Sierra Club
May 11, 2011

prairieriversnetwork

PRAIRIE RIVERS NETWORK
1902 Fox Drive, Suite G
Champaign, Illinois 61820
217 / 344-2371
217 / 344-2381 fax
www.prairierivers.org

May 11, 2011

Via email to epa.publichearingcom@illinois.gov

Hearing Officer Dean Studer
Illinois Environmental Protection Agency
1021 North Grand Avenue East
PO Box 19276
Springfield, IL 62794-9276

RE: NPDES Permit No. IL0061247, Notice No. 5617c:
Springfield Coal Company, LLC – Industry Mine
Post-Hearing Comments

Dear Mr. Studer,

On behalf of the Prairie Rivers Network (PRN) and the Illinois Chapter of Sierra Club (SC), we provide post-hearing comments and recommendations on the proposed NPDES permit planned to be issued to Springfield Coal Company for discharges of alkaline mine drainage, acid mine drainage, reclamation area discharges and stormwater discharges from their Industry mine to tributaries into and mainstem of Willow Creek, tributaries into and mainstem of Grindstone Creek, and a tributary to Camp Creek in McDonough and Schuyler Counties. The proposal includes an additional 18.2 acres of surface mining and the incorporation of Coal Combustion Waste (CCW) into an operation that has a long history of noncompliance with its NPDES permit as well as other environmental permits. Members of our groups live and recreate in McDonough and Schuyler Counties and depend on clean waters in streams and wetlands in the Grindstone Creek and LaMoine River watersheds for activities including swimming, fishing, boating, birdwatching and other wildlife viewing.

These comments are follow-up to the issues and questions we raised in our initial request-for-hearing letter of November 12, 2010 on the draft NPDES permit and the oral and written comments submitted at the public hearing held on April 12, 2011.

Objections

As detailed below, we object to the issuance of this permit for the following reasons which are described in further detail in the following paragraphs:

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I. The Agency may not issue this permit to Springfield Coal Company for continued operation of Industry Mine per 35 IAC 309.105, 35 IAC 309.106, 35 IAC 309.141(a), 40 CFR122.4(d), 415 ILCS 5/39 and 415 ILCS 5/11.

II. IEPA has not Demonstrated that the Proposed Discharge will not Cause or Contribute to the Violation of Water Quality Standards in Tributaries and/or Mainstem Reaches of Willow Creek, Grindstone Creek or Camp Creek.

III. The Agency has Failed to Fully Identify and Quantify Proposed Pollutant Load Increases and the Potential Impacts of those Load Increases on the Affected Waters and share the findings with the public as Required by 35 IAC 302.105 c) 2),f) 1) B) and f)3).

IV. The Agency Has Failed to Demonstrate Existing Uses Will be Fully Protected in accordance with 35 IAC 302.105.

VI. The Agency has not Complied with the Guidelines Established by Memorandum 92-11.

VII. The Agency has not Complied with the Guidelines Established by Memorandum 95-8.

VIII. This permit's proposed activities do not meet performance standards set by the Resource Conservation and Recovery Act (RCRA).

I.

I. The Agency may not issue this permit to Springfield Coal Company for continued operation of Industry Mine per 35 IAC 309.105, 35 IAC 309.106, 35 IAC 309.141(a), 40 CFR122.4(d), 415 ILCS 5/39 and 415 ILCS 5/11.

The Industry Mine facility has one of the worst permit compliance records of any Illinois coal mine we have reviewed. It is currently subject to an NPDES enforcement suit brought by the Attorney General (to which Prairie Rivers Network and Sierra Club have intervened) at the Illinois Pollution Control Board. The complaint filed by Prairie Rivers Network and Sierra Club on February 25, 2010 cited more than 300 violations of NPDES effluent limits at various Industry Mine outfalls since 2004. Further, Springfield Coal Company has been in violation of its NPDES every quarter since the case was filed. Most recently, the following violations have been reported to the U.S.EPA ICIS system for Quarters 1, 2, 3 and 4 of 2010:

Parameter	# Violations, 2010	Outfalls
Iron	**8**	**031, 032, 033**
Manganese	**31**	**009, 018, 019, 026**

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pH	**1**	**026**
Settleable Solids	**2**	**020, 021**
Sulfate	**9**	**009, 024W, 026, 030**

These violations do not show a consistent problem with a particular parameter type or a particular outfall, but a general pattern of noncompliance. In a document submitted to IEPA on June 3, 2010, the applicant asserts that if IEPA would renew the permit with updated sulfate standards, the compliance problems at the mine would be resolved. If the January-June 2010 Discharge Monitoring Report data is any indication, it does not appear likely that compliance will be achieved under the draft permit limits. Had the new effluent limits been in place, the following violations would have occurred:

Parameter	# Violations, 2010	Outfalls
Manganese	**46**	003, 009, 018, 019, 026, 24W
Sulfate	**6**	029, 030
Iron	**6**	026, 032, 033, 031
Total Suspended Solids	**6**	018, 031, 033, 035

Further, site visits to the Industry facility in September 2010 and again in April 2011 revealed the poor onsite practices employed by Springfield Coal Company. Coal ash was dumped in a large pile that was spilling onto the roadway, into a ravine and was moving downgradient from the dumpsite as far as the eye could see. Light winds present on the days of the visits carried clouds of black coal ash into the sky and could be felt in the throat, mouth and eyes of both visitors. There was no evidence of purposeful grading for drainage, berms or other windbreaks to block wind gusts from blowing ash, wetting of roads or coal ash to prevent fugitive dust, or other practices that may be employed to prevent coal ash from moving either by air, gravity or water to an undesirable location. The state of the coal ash dump site on the permitted Industry Mine site revealed that the permittee 1) was not utilizing good mining practices as defined and required per 35 Ill. Adm. Code 406.204 and 2) was not complying with their NPDES permit condition #11 contained in the Construction Authorization No. 0368-98 dated January 13,1999.

The Industry Mine has also been cited with permit violations by state agencies on a number of occasions. Illinois EPA issued a Violation Notice in March 2005 for manganese violations (especially in Ponds 018 and 019) which have not yet been resolved to our knowledge. There are clearly manganese problems in other outfalls that need to be addressed as well. The draft permit contains a compliance schedule for manganese (Special Condition 15) that would require compliance by October 2012, but we see no justification for allowing two more years to address manganese problems, some of which the IEPA cited the facility for nearly six years ago. In fact, per 35 IAC Section 309.105, "no NPDES permit may be issued in any case in which: e) the applicant has not provided proof to the Agency that he will

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meet any schedule of compliance which may be established, in accordance with the Act and regulations, as a condition of his permit." Additionally, per 40 CFR 122.4(d), "No permit may be issued: (a) When the conditions of the permit do not provide for compliance with the applicable requirements of CWA, or regulations promulgated under CWA."

According to 35 IAC Section 309.141(a), "In establishing the terms and conditions of each issued NPDES Permit, the Agency shall apply and ensure compliance with all of the following, whenever applicable: a) Effluent limitations under Sections 301 and 302 of the CWA. Clearly, the Agency has been unable to ensure compliance with effluent limits and must not issue the permit until compliance with effluent limitations under Section 301 and 302 of the Clean Water Act can be ensured.

Further, the permit applicant must prove that the facility will not cause a violation of the state's Environmental Protection Act (the Act) or its implementing regulations per 415 ILCS 5/39(a). The purpose of the Act is to assure that no contaminants are discharged into the waters of the State, without being given the degree of treatment or control necessary to prevent pollution. *415 ILCS 5/11.* Section 12 of the Act prohibits the discharge of contaminants that cause or tend to cause water pollution in Illinois. No where in the file maintained by Illinois EPA's Bureau of Water for Industry Mine (IL0061247), in the publicly noticed materials in support of Industry Mine's draft NPDES permit and no where in the exhibited operations at the Industry Mine do we see that the applicant has proven that Industry Mine will not cause a violation of the Illinois Environmental Protection Act. Namely, Springfield Coal Company cannot prove that discharges will not cause or tend to cause water pollution.

In fact, there is overwhelming evidence that Industry Mine operations are causing or tending to cause pollution. A simple Google Earth search shows several acid mine drainage seeps from failing reclamation practices onsite (see Attachment A). Several of these sites were visible from public roads during an April site visit. At one such site, it was obvious that the mine seep was draining towards Outfall 019. Conductivity at Outfall 019 measured 5400 uS/cm with a handheld conductivity probe. A water sample was collected and submitted to a state-certified laboratory for analysis with the following results with manganese and sulfate exceeding effluent limitations:

Results:		Permit limits:
Aluminum	2.28 mg/L	
Manganese	23.7 mg/L	2/4 mg/L
Zinc	0.054 mg/L	
Chloride	13.3 mg/L	500 mg/L
Sulfate	2040 mg/L	1800 mg/L
Acidity	12 mg/L	
Ferrous Iron	0.631 mg/L	
pH	6.93	6-9

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Nearby residents complain of coal ash blowing up to a ½ mile in distance away from the mine site on windy days. At the public hearing, Kim Sedgwick stated (p.58 hearing transcript) "I live in close proximity of the mine and Grindstone. And I have lived right on the Grindstone for many years prior to that. I am here because I am concerned about the pollution of our waterways, of course, taking place and the fact that the laws are not being followed, as we have all heard. I have witnessed changes occurring around the mine. The bright orange iron runoff, the muck, if you will." Area anglers were concerned in August 2010 when the stream bed of Willow Creek,downstream of one of the mine's sedimentation basins, was covered in black sediment- what looked to be coal slurry or coal ash. Illinois Department of Natural Resources has also issued numerous Violation Notices to the Industry Mine. Since 1995, the IDNR has issued 19 violations to the facility, 9 of which relate to water quality. The most recent was in June 2010 for noncompliance with sulfate limits in Pond 026, discovered on a mine inspection. The inspection reports also reveal a total suspended solids violation at 021 and manganese levels that would violate the new effluent limit at 009, 021, 026 and 24W.

Finally, 35 IAC Section 309.106 provides for the Agency to conduct a site visit or obtain additional information in order to evaluate an NPDES permit application. We request that the Agency use their authority for such a request and deny issuance of this final permit until the applicant is able to demonstrate and ensure compliance with applicable permits, rule and regulations for the duration of a permit's life.

II.
IEPA has not Demonstrated that the Proposed Discharge will not Cause or Contribute to the Violation of Water Quality Standards in Tributaries and/or Mainstem Reaches of Willow Creek, Grindstone Creek or Camp Creek

As noted in the draft permit, the Industry Mine discharges to tributaries of Willow Creek, Grindstone Creek and Camp Creek. It does not appear from the draft's fact sheet nor draft permit that a complete characterization of the pollutant load to the receiving waterbodies has been conducted. It follows then that a reasonable potential analysis was not completed. The IEPA must include limitations in the permit necessary to achieve water quality standards. Such limitations must control all pollutants which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard. 40 CFR 122.44 (d) (1). Despite this requirement, no reasonable potential analysis has been performed on the proposed pollutant loadings. The agency cannot postpone its duty to perform the reasonable potential analysis (RPA) which must be done using data representing all wastestreams likely to contributing to the discharge (i.e. alkaline mine drainage, acid mine pumpage, stormwater and discharges from coarse and fine refuse disposal areas, stormwater and discharges from coal combustion waste disposal areas, stormwater and discharges from coal slurry impoundment, stormwater and surface

runoff from mine reclamation activities). It must perform the requisite analysis before issuing the final permit and set permit limits as necessary to ensure compliance with water quality standards. 40 CFR 122.44.

The failure to do a reasonable potential analysis is of particular concern in this case, because 1) Grindstone Creek, one of the streams receiving polluted runoff and discharges from the Industry Mine was identified in 2002 as a "B" stream, bordering an a "A" stream for aquatic life according to the Illinois DNR's stream classification system; 2) in 2006, after years of disruption to the watershed and mine-related discharges to Grindstone Creek, the stream was ranked as the third worst watershed in terms of water quality out of the 62 sub watershed that comprise the broader LaMoine River Watershed at the time a comprehensive watershed plan was developed; 3) reaches of Grindstone Creek, receiving mine-related discharges from Outfalls 002, 003, 018, 019, 020, 021, 031, 032, 033, and 035 have been determined to have biological impairments due to high levels of sulfates and total dissolved solids; 4) the receiving streams for the remaining outfalls including 009, 022, 024W, 026, 027, 029, and 030 to Willow Creek and unnamed tributaries of Willow and Camp Creeks have not been assessed for condition and support of designated uses, and 5) there are additional contaminants typically found in coal combustion waste that have not been adequately assessed. We therefore, recommend that Outfalls 002 and 009, which will receive runoff from the coal combustion byproducts area and the coal combustion waste disposal area, be monitored quarterly for toxic chemicals typically found in coal combustion waste including ammonia, arsenic, mercury, cadmium, chromium, selenium, aluminum, antimony, barium, beryllium, boron, copper, lead, manganese, molybdenum, nickel, vanadium and zinc.

Over the last few years, IEPA has evaluated Illinois' eighty-three ash impoundments on the basis of structural integrity and potential for leakage to groundwater and drinking water wells. What the Agency has found and reported is startling:

1. Most coal ash impoundments do not have liners to contain waste and prevent pollution of groundwater.

2. Groundwater monitoring was not required at most coal ash impoundments.

3. ***At the time of the last available report, groundwater had been found to be contaminated at all sites evaluated (6 of 24).***

4. ***Dams creating the impoundments at most sites are unpermitted and have not been inspected for safety or stability by the Illinois Department of Natural Resources– Office of Water Resources.***

This is in addition to the seven contamination sites in Illinois acknowledged by the USEPA in a 2007 report and an additional site contaminated by coal ash in Vermilion County, according to a 2009 Earthjustice report. Now, in a recent report, an additional three contamination sites have been documented in Illinois by Earthjustice.

These findings are relevant to the permitted activities at the Industry Mine site. The area where coal ash is disposed of does not contain a liner. Though groundwater monitoring has been required in previous permits as well as the current draft permit, the data has not been completely reviewed and assessed by Illinois EPA in order to determine to what extent coal ash has or is impacting groundwater quality. It was noted at the public hearing by Amy Zimmerman of the BOW Groundwater Section that there have been exceedances of groundwater standards onsite at Industry. We request that a comprehensive review of both the 1) groundwater conditions (upgradient and downgradient), and 2) surface water conditions (upstream and downstream) in relation to Industry's mining and coal ash disposal activities should be conducted prior to the issuance of a renewed permit for Industry.

Additionally, a review of the laboratory analyses for both single-source and composite coal ash samples shows that 1) for coal combustion waste disposed of onsite at the Industry Mine, many of the parameters evaluated exceed Class II groundwater quality levels and pose a risk to nearby water resources, and 2) for coal combustion by-product utilized onsite at the Industry Mine, many of the parameters evaluated exceed Class I groundwater quality standards. See enclosed tables in Attachment E. Coal combustion waste/byproduct from the proposed sources should not be accepted for disposal or use at the Industry site.

Further, the laboratory analyses of the coal combustion materials permitted to be accepted for disposal at the Industry site were conducted using methods that are currently under scrutiny. Laboratory testing of "representative samples" has been the traditional method of determining whether or not leaching conditions in harmful quantities will occur. The concentrations of trace elements in any leachate formed during the test are a function of initial sample composition, the composition (and pH) of the leaching solution, and the rates of water flow of the test. The Academies concluded that current leaching tests "do not use leaching solutions that are representative of the large range of geochemical conditions likely to be encountered in mines, and they may greatly underestimate the actual leaching that will occur". The Academies concluded that the TCLP test was the most widely used test to evaluate leaching potential for combustion wastes, although the test was never intended or designed for use by the mining industry to predict actual leaching conditions in the field. The acidic leaching conditions of the test are meant to represent municipal solid waste landfill waste conditions. The TCLP test is a single-point batch test in which a set volume of leaching solution at a set (acidic) pH is agitated with wastes for a fixed period of time (18 hours). The Academies recognized that the test has been widely criticized for combustion waste leaching potential use because 1.) the leaching solution pH may not be representative of actual field conditions, 2.) the characteristics of the final leaching solutions are not controlled or even monitored and may differ from the initial (acidic) solution, and 3.) secondary precipitates may form. As a result, the Academies concluded that the TCLP test may under or over-estimate the real conditions. A recent paper describing improved leaching tests for coal ash wastes conducted by USEPA's Office of

Research and Development is attached (Attachment F) for your review and use for characterizing each of the coal ash sources proposed for disposal at the Industry Mine site.

Finally, additional permit requirements are necessary, considering the amount of coal and coal ash dust and fines that will be present onsite and contributing to stormwater pollutants as a result of coal refuse and coal combustion waste management and disposal activities. Coal is known to have many toxic, carcinogenic organic compounds. Some of them are collectively known as PAHs. This stands for polycyclic aromatic hydrocarbons of which 20 found in coal are also on the ATSDR (Agency for Toxic Substances and Disease Registry) list. These compounds are semi-volatile and adhere to particles. They are found in unburnt coal and coal combustion wastes and pose a threat to designated uses of the receiving waters. This permit should include a monitoring requirement for PAHs.

III.
The Agency has Failed to Fully Identify and Quantify Proposed Pollutant Load Increases and the Potential Impacts of those Load Increases on the Affected Waters and share the findings with the public as Required by 35 IAC 302.105 c) 2),f) 1) B) and f)3).

This permit has been modified to incorporate coal combustion waste disposal, previously approved under Subtitle D Permit Nos. 1997-MD-2392, 1997-MD-2392-1, 1997-MD-2392-2, 1997-MD-2392-3, 1997-MD-2392-4 and 1997-MD-2392-5. The disposal of CCW from the sources and in the amounts described in the Subtitle D permits has not been included previously under an NPDES permit and therefore, has not been evaluated by the personnel of IEPA's Bureau of Water to ensure that existing uses and water quality standards in streams receiving discharges are upheld and protected. Therefore, the pollutants likely to be in the alkaline and acid mine drainage resulting from coal ash disposal and coal ash byproduct use from the sources outlined in the Subtitle D permits must be identified and quantified and the Agency must determine potential impacts of those load increases to meet their duty required by 35 IAC 302.105 c) 2) and f) 1) B).

Second, the Subtitle D permits permit large amounts (in tonnage) of coal ash to be disposed of at the Industry site. Four facilities including ADM-Clinton, ADM Quincy, Aqualon/Hercules, and Roquette are currently sending their coal ash for disposal and/or use at the Industry site, though volumes vary greatly from quarter to quarter and year to year. Any impacts detected are the result of a fraction of the coal ash that actually could at any given time be placed onsite. We understand that, to date, market forces have driven where utilities receive their coal and ultimately send their coal ash for disposal. But due to pending regulation of coal ash disposal at utility sites, we may start seeing an increased trend toward minefilling of coal combustion waste. If this occurs, we could an increase of coal ash disposal at the Industry site. Certainly, an increase of the on-site disposal of toxic chemicals *to an unlined site* with discharges of toxic pollutants carried downstream *every*

time it rains would be of interest and concern to the Illinois Environmental Protection Agency as they fulfill their duty to protect downstream waters and their users.

Conditions identified by the National Academy of Sciences as central to the responsible management of coal combustion residues in mines, also must be taken into consideration by the Agency. According to the National Academy of Sciences (Managing Coal Combustion Residues in Mines, National Research Council of the National Academies, 2006.), it has been demonstrated that the characteristics of combustion wastes vary widely according to the make-up of disposed materials and the source of the coal. Accordingly, the composition of the leachate varies widely with parent coal composition, the combustion and waste handling technologies used, and the geochemical environment of the disposal site.

The Academies further concluded that there is a "poor understanding of conditions influencing the field behavior" of combustion wastes. This is due to a poor understanding of conditions of pH, oxidation-reduction potential, and hydraulic conductivity over time at disposal sites. Without a detailed understanding of the conditions and how they vary over time, one cannot possibly adequately understand the contaminant migration potential.

The actual impact to groundwater after mining has occurred and when combustion wastes are placed will depend on the orientation of groundwater flow direction relative to multiple interbedded layers of wastes with multiple hydraulic conductivities, among other factors. When those wastes are placed near the water table, a thicker-than normal capillary fringe can develop and cause a more pronounced rise in water table due to precipitation – thus the water table can rise higher into waste.

Third, the Agency is required to share this information with the public in a factsheet accompanying the public notice as required by 35 IAC 302.105 f) 3). No antidegradation assessment was provided to the public despite the introduction of new coal ash disposal at the site.

Specifically, identification and quantification of additional loadings to the unnamed tributaries of Camp, Willow and Grindstone Creeks from the placement of coal combustion waste onsite at the Industry mine must be completed as part of an antidegradation assessment which must be made available to the public. Most importantly, the agency must also analyze the potential impacts of these pollutant loadings on the affected waters, including the fate and effect of each pollutant, to ensure full compliance with water quality standards and protection of existing uses. Failure to do so is a direct violation of the regulations and grounds for appeal.

IV.
The Agency Has Failed to Demonstrate Existing Uses Will be Fully Protected in accordance with 35 IAC 302.105 c) 2) B) i). and ii).

We specifically object to Agency's failure to require Springfield Coal Co., LLC to characterize the impact on receiving waters (including Grindstone Creek as a stream immediately downstream) of additional pollutants from the 18.2 acre surface mining expansion and the addition of Coal Combustion Waste disposal on the site. Under Illinois's antidegradation rule, applicants are required to include a characterization of the impacted body of water in their permit application: "Identification and characterization of the water body affected by the proposed load increase or proposed activity and the existing water body's uses. Characterization must address physical, biological and chemical conditions of the water body." *35 Ill. Adm. Code 302.105 f)1)A)*

While we understand that the Springfield Coal Company's Industry Mine site has been permitted for several years to accept coal combustion waste for placement in mined- out areas, we were surprised to learn that a comprehensive review of both surface water conditions (upstream and downstream) and groundwater conditions (upgradient and downgradient) has not been conducted to determine the relative impact from onsite operations on the existing uses of water resources in this area. Further, no biological or chemical data seems to have been collected on the unnamed tributaries to Camp Creek, Willow Creek and Grindstone Creek, neither for establishing baseline conditions prior to mining and coal waste disposal activities nor to detect any impact or impairment once these activities commenced.

The Illinois Biological Streams Rating Tool (found online at http://geoserver.dnr.illinois.gov/IllinoisBiologicalStreamRatings/Default.aspx) provides additional information on area waters. While not all downstream segments have been assessed, both Grindstone Creek and Camp Creek have segments that are rated "B" for their integrity. Camp Creek's diversity is rated "C" and Grindstone Creek's diversity is rated "B". Downstream, an assessed segment of the LaMoine River received a "B" rating for both integrity and diversity. Clearly, high quality aquatic life is present in these watersheds and their use must be protected. See Attachment D.

In addition to important aquatic life uses of the receiving waters, we are aware that downstream waters are commonly used for fishing and support wildlife that are regularly hunted (deer, ducks, snow geese, turkeys). Heavy metals released from the fly ash dump are available to the downstream waters and threaten the larger ecosystem's health. In light of the toxics introduced by Coal Combustion Waste, the applicant should be required to do a fish tissue analysis to ensure that the fishing use will be protected, and that fish caught in these waters will be safe to consume.

Once existing uses are properly assessed, the agency must examine the impacts of the proposed activity on those uses and determine whether existing uses will be fully protected through issuance of an NPDES permit. Without evidence of existing use protection, the

agency must further condition the NPDES permit or refuse to issue. In this case, the agency has not made sufficient findings that existing uses will be fully protected.

V.
The Agency has not complied with the guidelines established by Memorandum 92-11.

Memorandum 92-11 summarizes the requirements by which the Illinois Department of Natural Resources-Office of Mines and Minerals and Illinois EPA permit the disposal of coal combustion waste at coal mine facilities per Section 21(r) of the Illinois Environmental Protection Act. Springfield Coal Company, L.L.C has not addressed the following provisions for their CCW disposal permit conditions:

> *Provision No. 2: "The facility shall be adequately protected from wind and water erosion"*

As discussed previously, site visits to the Industry facility in September 2010 and April 2011 and subsequent communication from resident living near the mine site property reveal the poor onsite practices employed by Springfield Coal Company. Because the facility does not maintain adequate protection from wind and water erosion, coal dust can be felt and viewed blowing and depositing up to ½ mile from the disposal sites. Pictures have been included as Attachment E. A site inspection was conducted at the mine site on September 27, 2010 after a pollution complaint was submitted by Prairie Rivers Network on September 7, 2010. Referring to the ~8 acre beneficial use coal combustion waste disposal area, Site Inspector Todd Huson noted (see Attachment E), " Dust control in the areas appeared to be marginal during this inspection." Referring to the ~10.4 acres coal combustion waste disposal area, Mr. Huson noted "Runoff from the site needs to be contained; however it appeared that some runoff would drain offsite south of the stockpiles and along the access road." He further noted that "Dust control along the haul road during this inspection appeared marginal."

> *Provision No. 3: "Demonstration that the pH will be maintained so as to prevent excessive leaching of metal ions. To evaluate the potential for leaching of inorganic contaminants from the CCW or mixtures proposed for disposal," several analyses must be completed and include the following:*
>
> *-"Appropriate laboratory analysis on the slurry paste" for pH, alkalinity, acidity and total dissolved solids*
>
> *- Toxicity Characteristics Leaching Procedure (TCLP) for: arsenic, barium, boron, cadmium, chromium, cobalt, copper, iron, lead, manganese, mercury, nickel, selenium, silver, phenol, zinc.*
>
> *-"Appropriate leaching procedure" for: chloride, cyanide, fluoride, sulfate*

As mentioned earlier in the letter, a review of the laboratory analyses for both single-source and composite coal ash samples shows that many of the parameters evaluated pose a risk to nearby water resources. See Attachment B.

> *Provision No. 4: "Provide adequate containment to protect surface water and groundwater from contamination at levels prohibited by the Agency."*

Nowhere in the draft permit, construction authorization, reference logs, applicable regulations, etc. are containment and compaction standards required and applied. Because much of the coal ash is being disposed of on a elevated disposal site, and because drainage patterns are impacted by mining activity due to the higher porosity and permeability of the disposed materials, there will be an enhanced opportunity for windblown movement of coal ash and associated pollutants and infiltration of water from precipitation which may lead to contaminant transport. Contaminant flow and transport modeling should be completed to demonstrate potential for migration of contaminants into surface drainage and groundwater and to help define the design and specifications of containment and compaction standards to be included in the permit.

VI.
The Agency has not Complied with the Guidelines Established by Memorandum 95-8.

Memorandum 95-8 establishes the Department's procedures for approving the beneficial use of coal combustion by-product (CCB). It is stated in several materials examined as part of a file review of NPDES No. IL0061247 that coal combustion by-products are being utilized by direct dumping within Industry's approved beneficial use area(s) at the mine. CCB material will be coming from four facilities including ADM-Clinton, ADM-Quincy, Aqualon/Hercules, and Roquette. Upon review of materials submitted by these companies and Springfield Coal Company, L.L.C. to the Illinois EPA, it is clear that Springfield Coal Company, L.L.C has not addressed the following provisions for their CCB disposal permit conditions:

> *Provision No. 3: "To demonstrate the chemical characteristics of the CCB or mixtures of CCB proposed, the following chemical analyses shall be conducted. The CCB shall not exceed Class I groundwater standards for metals when utilizing test method ASTM D3987-85. The test shall be conducted on the following:*

Arsenic	*Chromium*	*Lead*	*Selenium*
Barium	*Manganese*	*Cobalt*	*Silver*
Boron	*Copper*	*Mercury*	*Phenol*
Cadmium	*Iron*	*Nickel*	*Zinc*
Antimony	*Beryllium*	*Thallium*	

First, two of the methods used had detection limits greater than or equal to the Class I groundwater quality standards to which the results must be compared. It is not possible to determine whether the levels for the asterisked parameters in the table in Attachment B. exist at safe levels. The Agency should require the applicant to perform the required tests using standard methodology capable of detection levels at least as low as the Class I water quality standards. Second, the values which are highlighted exceed Class I groundwater quality levels and pose a risk to nearby water resources. Coal combustion waste from the proposed sources should not be accepted for disposal at the Industry Mine site per Section 21(r) of the Illinois Environmental Protection Act and Memorandum 95-8.

VII.
This permit's proposed activities do not meet performance standards set by the Resource Conservation and Recovery Act (RCRA).

In 2003, USEPA released a draft report detailing concerns regarding minefilling entitled "EPA Minefill Regulatory Concerns, Draft – August 14, 2003" (available at http://www.epa.gov/osw/nonhaz/industrial/special/fossil/). In it, they address performance standards set by both SMCRA and RCRA in their regulation of coal combustion waste disposal. The following section was taken from this report:

> "II. **Performance Standards**: Regulations can require compliance with either specific operating practices or performance standards. Where operating practices (which include practices for design and construction operations, as well as practices for operation of the facility) are specified, the owner/operator is restricted to the specified practices. Where performance standards are specified, the owner/operator has flexibility to use creative design, construction, and operational approaches and need only be concerned with compliance with the performance level specified. For minefill practices, the performance standard approach is preferred in order to allow increased flexibility. Performance standards are specified here for ground-water impacts only.
>
> A. Maximum Contaminant Levels (MCLs): For the 8 RCRA "toxicity characteristic" metals listed in item I.B., above, the MCLs specified under the Safe Drinking Water Act (SDWA) serve as the ground-water performance standard for mine placement of ash. The facility is to be operated so that it does not cause ground-water quality to exceed the MCLs. The point at which compliance is demonstrated is to be no more than 150 meters from the ash placement boundary and located on the facility property.
> RCRA References: Part 141 – MCLs
> Part 258.40(d) – Point of compliance
> Part 258.2 – Definition of "boundary"

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B. Non-degradation: There are likely to be situations where the facility owner/operator can demonstrate that ground water within 150 meters of the outermost boundary of placed ash or for potential placement of ash exceeds the MCLs solely for reasons other than impact of the ash; i.e., background levels attributable to prior mining activity or some up-gradient phenomenon unrelated to ash placement. Where this situation exists, the measured high background levels would be an affirmative defense for measured exceedences of the MCL performance standards. In such cases the performance standard would be no degradation beyond the measured high background levels, rather than no exceedence of the MCLs.
RCRA References:
Part 258.53(e) – Statistical procedures for detecting contamination
Part 258.40(d) – Point of compliance
Part 258.2 – Definition of "boundary"

The eight RCRA "toxicity characteristic" metals are arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver. Attachment F contains exceedances of RCRA performance standards for these eight metals within coal combustion waste disposed of at the Industry site.

* * * * *

We appreciate your consideration of our comments.

Sincerely,

Traci L. Barkley

Traci L. Barkley
Water Resources Scientist

prairierivers network

Cindy Skrukrud
Clean Water Advocate
Illinois Sierra Club

Attachments:
Attachment A: Satellite images of Industry Mine showing acid mine seeps
Attachment B: Coal combustion waste characterization showing exceedances of Class I and II groundwater quality standards
Attachment C: Improved Leaching Test Methods for Environmental Assessment of Coal Ash and Recycled Materials Used in Construction
Attachment D: IDNR Stream Assessments – Industry Mine Area
Attachment E: Pictures of fly ash dump from 9_2010 and 4_2011 site visits
Attachment F: Industry 9-27-10 inspection
Attachment G: Coal combustion waste characterization showing exceedances of Resource Conservation and Recovery Act performance standards.

Cc: Linda Holst, USEPA, Water Quality Standards and Monitoring

Springfield Coal Company, L.L.C.
P.O. Box 259
Farmersville, IL 62533-0259

EXHIBIT 3:

2003 NPDES Permit

RECEIVED

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

ROD R. BLAGOJEVICH, GOVERNOR RENEE CIPRIANO, DIRECTOR

618/993-7200

July 21, 2003

Freeman United Coal Mining Company
1480 East 1200th Street
P.O. Box 260
Industry, IL 61440

Re: Freeman United Coal Mining Company
Industry Mine
NPDES Permit No. IL0061247
Final Modified Permit (Modified After Public Notice)

Gentlemen:

Attached is the final modified NPDES Permit for your discharge. The modified Permit as issued covers discharge limitations, monitoring, and reporting requirements. The failure of you to meet any portion of the modified Permit could result in civic and/or criminal penalties. The Illinois Environmental Protection Agency is ready and willing to assist you in interpreting any of the conditions of the modified Permit as they relate specifically to your discharge.

Please be advised that the Permit attached hereto includes modifications made after the public notice to incorporate comments and/or address concerns received from the public during the public notice comment period. The Permit has been modified as follows:

1. Page 4 and 5 – The second (2^{nd}) paragraph in the footnotes was deleted and replaced with the appropriate requirements.

2. Page 24 – Special Condition No. 11 was clarified to incorporate reference to the "area of allowed mixing."

3. Page 24 – Special Condition No. 11 was modified to clarify that Sulfate and Chloride monitoring performed pursuant to this Condition shall be subject to compliance with the Permit limitations.

The modified Permit as issued is effective as of the date indicated on the first page of the modified Permit. You have the right to appeal any conditions of the modified Permit to the Illinois Pollution Control Board within a 35 day period following the issuance date.

Should you have questions concerning the modified Permit, please contact Bob Kerr, P.E., at 217/786-6892.

Sincerely,

Toby Frevert, Manager
Division of Water Pollution Control
Bureau of Water

TF:LDC:BK:djp/freemanindustry

Enclosure: Final Permit

cc: IDNR/Office of Mines and Minerals/Land Reclamation/with Enclosure
IDNR/Division of Water Resources/with Enclosure
Marion Region/Mine Pollution Control Program/with Enclosure
BOW/DWPC/CAS
BOW/DWPC/Records

NPDES Permit No. IL0061247

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue, East

P.O. Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Modified NPDES Permit

Expiration Date: February 28, 2004

Issue Date: April 2, 1999
Effective Date: April 2, 1999
Modification Date: March 9, 2000
Modification Date: December 11, 2000
Modification Date: July 21, 2003

Name and Address of Permittee:

Freeman United Coal Mining Company
1480 East 1200th Street
P.O. Box 260
Industry, IL 61440

Facility Name and Address:

Freeman United Coal Mining Company
Industry Mine
5 miles southwest of Industry, Illinois
(McDonough and Schuyler Counties)

Discharge Number and Name:	Receiving waters
002 – Acid Mine Drainage Discharge from Preparation Plant	Unnamed tributary to Grindstone Creek
003-Surface Acid Mine Drainage	Grindstone Creek
018, 019, 020, 021-Surface Acid Mine Drainage	Unnamed tributary to Grindstone Creek
009, 024W, 026-Surface Acid Mine Drainage	Willow Creek
022-Surface Acid Mine Drainage	Unnamed tributary to Camp Creek
029, 030-Alkaline Mine Drainage	Unnamed tributary to Willow Creek
031, 032, 033, 035-Alkaline Mine Drainage	Grindstone Creek
004, 005, 006, 007, 008 010, 011 – Reclamation Area Drainage	Grindstone Creek
027-Reclamation Area Drainage	Willow Creek
017-Stormwater Discharge	Grindstone Creek

In compliance with the provisions of the Illinois Environmental Protection Act, Subtitle C and/or Subtitle D Rules and Regulations of the Illinois Pollution Control Board, and the Clean Water Act, the above-named permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the standard conditions and attachments herein.

Permittee is not authorized to discharge after the above expiration date. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit the proper application as required by the Illinois Environmental Protection Agency (IEPA) not later than 180 days prior to the expiration date.

Toby Frevert, Manager
Division of Water Pollution Control
Bureau of Water

REM:LDC:jkb/2728c/03-31-03

Modification Date: July 21, 2003

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day 30 DAY AVERAGE	LOAD LIMITS lbs/day DAILY MAXIMUM	CONCENTRATION LIMITS mg/l 30 DAY AVERAGE	CONCENTRATION LIMITS mg/l DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
From the effective date of this Permit until February 28, 2004 the effluent of the following discharge(s) shall be monitored and limited at all times as follows:						
	Outfalls*:	018, 019 (Acid Mine Drainage)				
Flow (MGD)					Measure When Monitoring	
Total Suspended Solids			35.0	70.0	***	Grab
Iron (total)			3.5	7.0	***	Grab
pH	The pH shall not be less than 6.0 nor greater than 9.0				3/month	Grab
Alkalinity/ Acidity	Total acidity shall not exceed total alkalinity				1/month	Grab
Sulfates				1800	***	Grab
Chlorides				500	***	Grab
Manganese (total)			2.0	4.0	***	Grab

*Outfalls permitted herein are also subject to the limitations and monitoring and reporting requirements of Special Condition No. 11.

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during base flow conditions. A "no flow" situation is not considered to be a sample of the discharge. A grab sample of each discharge caused by the following precipitation event(s) shall be taken for the following parameters during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). The remaining three (3) samples may be taken from either base flow or during precipitation event.

Any discharge or increase in volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 2-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 2-year, 24-hour precipitation event for this area is considered to be 3.02 inches.

Pollutant or Pollutant Property	Effluent Limitations
Iron	7.0 mg/l daily maximum
Settleable Solids	0.5 ml/l daily maximum
pH	6.0 - 9.0 at all times

Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 2-year, 24-hour precipitation event, but less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b).

Pollutant or Pollutant Property	Effluent Limitations
Settleable Solids	0.5 ml/l daily maximum
pH	6.0 - 9.0 at all times

In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.45 inches.

Pollutant or Pollutant Property	Effluent Limitations
pH	6.0 - 9.0 at all times

Modification Date: July 21, 2003

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day 30 DAY AVERAGE	LOAD LIMITS lbs/day DAILY MAXIMUM	CONCENTRATION LIMITS mg/l 30 DAY AVERAGE	CONCENTRATION LIMITS mg/l DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
From the effective date of this Permit until February 28, 2004 the effluent of the following discharge(s) shall be monitored and limited at all times as follows:						
Outfalls: 020, 021, 022, 024W, 026 (Acid Mine Drainage)						
Flow (MGD)					Measure When Monitoring	
Total Suspended Solids			35.0	70.0	***	Grab
Iron (total)			3.0	6.0	***	Grab
pH	The pH shall not be less than 6.0 nor greater than 9.0				3/month	Grab
Alkalinity/ Acidity	Total acidity shall not exceed total alkalinity				1/month	Grab
Sulfates				500	***	Grab
Chlorides				500	***	Grab
Manganese (total)			2.0	4.0	***	Grab

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during base flow conditions. A "no flow" situation is not considered to be a sample of the discharge. A grab sample of each discharge caused by the following precipitation event(s) shall be taken for the following parameters during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). The remaining three (3) samples may be taken from either base flow or during precipitation event.

Any discharge or increase in volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 2-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 2-year, 24-hour precipitation event for this area is considered to be 3.02 inches.

Pollutant or Pollutant Property	Effluent Limitations
Iron	6.0 mg/l daily maximum
Settleable Solids	0.5 ml/l daily maximum
pH	6.0 - 9.0 at all times

Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 2-year, 24-hour precipitation event, but less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b).

Pollutant or Pollutant Property	Effluent Limitations
Settleable Solids	0.5 ml/l daily maximum
pH	6.0 - 9.0 at all times

In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.45 inches.

Pollutant or Pollutant Property	Effluent Limitations
pH	6.0 - 9.0 at all times

Modification Date: July 21, 2003

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day 30 DAY AVERAGE	LOAD LIMITS lbs/day DAILY MAXIMUM	CONCENTRATION LIMITS mg/l 30 DAY AVERAGE	CONCENTRATION LIMITS mg/l DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
From the effective date of this Permit until February 28, 2004 the effluent of the following discharge(s) shall be monitored and limited at all times as follows:						
Outfalls*:	002 (Acid Mine Drainage)					
Flow (MGD)					Measure When Monitoring	
Total Suspended Solids			35.0	70.0	***	Grab
Iron (total)			3.5	7.0	***	Grab
pH	The pH shall not be less than 6.0 nor greater than 9.0				3/month	Grab
Alkalinity/ Acidity	Total acidity shall not exceed total alkalinity				1/month	Grab
Sulfates				1100	***	Grab
Chlorides				500	***	Grab
Manganese (total)			2.0	4.0	***	Grab

*Outfalls permitted herein are also subject to the limitations and monitoring and reporting requirements of Special Condition No. 11.

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during base flow conditions. A "no flow" situation is not considered to be a sample of the discharge. A grab sample of each discharge caused by the following precipitation event(s) shall be taken for the following parameters during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). The remaining three (3) samples may be taken from either base flow or during precipitation event.

Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 1-year, 24-hour precipitation event, but less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 1-year, 24-hour precipitation event for this area is considered to be 2.52 inches.

Pollutant or Pollutant Property	Effluent Limitations
Settleable Solids	0.5 ml/l daily maximum
pH	6.0 - 9.0 at all times

In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10 year, 24 hour precipitation event is considered to be 4.45 inches.

Pollutant or Pollutant Property	Effluent Limitations
pH	6.0 - 9.0 at all times

Modification Date: July 21, 2003

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day 30 DAY AVERAGE	LOAD LIMITS lbs/day DAILY MAXIMUM	CONCENTRATION LIMITS mg/l 30 DAY AVERAGE	CONCENTRATION LIMITS mg/l DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
From the effective date of this Permit until February 28, 2004 the effluent of the following discharge(s) shall be monitored and limited at all times as follows:						
	Outfalls*:	003, 009 (Acid Mine Drainage)				
Flow (MGD)					Measure When Monitoring	
Total Suspended Solids			35.0	70.0	***	Grab
Iron (total)			3.5	7.0	***	Grab
pH	The pH shall not be less than 6.0 nor greater than 9.0				3/month	Grab
Alkalinity/ Acidity	Total acidity shall not exceed total alkalinity				1/month	Grab
Sulfates				1100	***	Grab
Chlorides				500	***	Grab
Manganese (total)			2.0	4.0	***	Grab

*Outfalls permitted herein are also subject to the limitations and monitoring and reporting requirements of Special Condition No. 11.

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during base flow conditions. A "no flow" situation is not considered to be a sample of the discharge. A grab sample of each discharge caused by the following precipitation event(s) shall be taken for the following parameters during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). The remaining three (3) samples may be taken from either base flow or during precipitation event.

Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 2-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 2-year, 24-hour precipitation event for this area is considered to be 3.02 inches.

Pollutant or Pollutant Property	Effluent Limitations
Iron (total)	7.0 mg/l daily maximum
Settleable Solids	0.5 ml/l daily maximum
pH	6.0 - 9.0 at all times

Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 2-year, 24-hour precipitation event, but less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b).

Pollutant or Pollutant Property	Effluent Limitations
Settleable Solids	0.5 ml/l daily maximum
pH	6.0 - 9.0 at all times

In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.45 inches.

Pollutant or Pollutant Property	Effluent Limitations
pH	6.0 - 9.0 at all times

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day 30 DAY AVERAGE	LOAD LIMITS lbs/day DAILY MAXIMUM	CONCENTRATION LIMITS mg/l 30 DAY AVERAGE	CONCENTRATION LIMITS mg/l DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
From the effective date of this Permit until February 28, 2004 the effluent of the following discharge shall be monitored and limited at all times as follows:						
Outfalls*:	029, 030, 031, 032, 033, 035 (Alkaline Mine Drainage)					
Flow (MGD)					Measure When Monitoring	
Total Suspended Solids			35.0	70.0	***	Grab
Iron (total)			3.0	6.0	***	Grab
pH	The pH shall not be less than 6.0 nor greater than 9.0				1/month	Grab
Alkalinity/ Acidity	Total acidity shall not exceed total alkalinity				1/month	Grab
Sulfates				1100	***	Grab
Chlorides				500	***	Grab

*Outfalls permitted herein are also subject to the limitations and monitoring and reporting requirements of Special Condition No. 11.

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during base flow conditions. A "no flow" situation is not considered to be a sample of the discharge. A grab sample of each discharge caused by the following precipitation event(s) shall be taken for the following parameters during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). The remaining three (3) samples may be taken from either base flow or during precipitation event.

Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.45 inches.

Pollutant or Pollutant Property	Effluent Limitations
Settleable Solids	0.5 ml/l daily maximum
pH	6.0 - 9.0 at all times

In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b).

Pollutant or Pollutant Property	Effluent Limitations
pH	6.0 - 9.0 at all times

 Modification Date: July 21, 2003

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day 30 DAY AVERAGE	LOAD LIMITS lbs/day DAILY MAXIMUM	CONCENTRATION LIMITS mg/l 30 DAY AVERAGE	CONCENTRATION LIMITS mg/l DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
From the effective date of this Permit until February 28, 2004 the effluent of the following discharge shall be monitored and limited at all times as follows:						
Outfalls:	004, 008, 027 (Reclamation Area Drainage)					
Flow (MGD)					Measure When Monitoring	
Settleable Solids				0.5 ml/l	1/month	Grab
pH	The pH shall not be less than 6.0 nor greater than 9.0				1/month	Grab
Sulfates				500	1/month	Grab
Chlorides				500	1/month	Grab

In addition to the above base flow sampling requirements, a grab sample of each discharge caused by the following precipitation event(s) shall be taken (for the following parameters) during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s).

In accordance with 35 Ill. Adm. Code 406.109(c), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10 year, 24 hour precipitation event for this area is considered to be 4.45 inches.

Pollutant or Pollutant Property	Effluent Limitations
pH	6.0 - 9.0 at all times

Modification Date: July 21, 2003

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day 30 DAY AVERAGE	LOAD LIMITS lbs/day DAILY MAXIMUM	CONCENTRATION LIMITS mg/l 30 DAY AVERAGE	CONCENTRATION LIMITS mg/l DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
From the effective date of this Permit until February 28, 2004 the effluent of the following discharge shall be monitored and limited at all times as follows:						
Outfalls*: 006 (Reclamation Area Drainage)						
Flow (MGD)					Measure When Monitoring	
Settleable Solids				0.5 ml/l	1/month	Grab
pH	The pH shall not be less than 6.0 nor greater than 9.0				1/month	Grab
Sulfates				1100	1/month	Grab
Chlorides				500	1/month	Grab

*Outfalls permitted herein are also subject to the limitations and monitoring and reporting requirements of Special Condition No. 11.

In addition to the above base flow sampling requirements, a grab sample of each discharge caused by the following precipitation event(s) shall be taken (for the following parameters) during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s).

In accordance with 35 Ill. Adm. Code 406.109(c), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10 year, 24 hour precipitation event for this area is considered to be 4.45 inches.

Pollutant or Pollutant Property	Effluent Limitations
pH	6.0 - 9.0 at all times

Modification Date: July 21, 2003

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day 30 DAY AVERAGE	LOAD LIMITS lbs/day DAILY MAXIMUM	CONCENTRATION LIMITS mg/l 30 DAY AVERAGE	CONCENTRATION LIMITS mg/l DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
From the effective date of this Permit until February 28, 2004 the effluent of the following discharge shall be monitored and limited at all times as follows:						
	Outfalls*:	005, 007, 010, 011 (Reclamation Area Drainage)				
Flow (MGD)					Measure When Monitoring	
Settleable Solids				0.5 ml/l	1/month	Grab
pH	The pH shall not be less than 6.0 nor greater than 9.0				1/month	Grab
Sulfates				1800	1/month	Grab
Chlorides				500	1/month	Grab

*Outfalls permitted herein are also subject to the limitations and monitoring and reporting requirements of Special Condition No. 11.

In addition to the above base flow sampling requirements, a grab sample of each discharge caused by the following precipitation event(s) shall be taken (for the following parameters) during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s).

In accordance with 35 Ill. Adm. Code 406.109(c), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10 year, 24 hour precipitation event for this area is considered to be 4.45 inches.

Pollutant or Pollutant Property	Effluent Limitations
pH	6.0 - 9.0 at all times

 Modification Date: July 21, 2003

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day 30 DAY AVERAGE	LOAD LIMITS lbs/day DAILY MAXIMUM	CONCENTRATION LIMITS mg/l 30 DAY AVERAGE	CONCENTRATION LIMITS mg/l DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE

Upon completion of Special Condition 8 and approval from the Agency, the effluent of the following discharges shall be monitored and limited at all times as follows:

Outfalls: 020, 021, 022, 024W, 026 (Reclamation Area Drainage)

Flow (MGD)			Measure When Monitoring	
Settleable Solids		0.5 ml/l	1/month	Grab
pH	The pH shall not be less than 6.0 nor greater than 9.0		1/month	Grab
Sulfates		500	1/month	Grab
Chlorides		500	1/month	Grab

In addition to the above base flow sampling requirements, a grab sample of each discharge caused by the following precipitation event(s) shall be taken (for the following parameters) during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s).

In accordance with 35 Ill. Adm. Code 406.109(c), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10 year, 24 hour precipitation event for this area is considered to be 4.45 inches.

Pollutant or Pollutant Property	Effluent Limitations
pH	6.0 - 9.0 at all times

Modification Date: July 21, 2003

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day 30 DAY AVERAGE	LOAD LIMITS lbs/day DAILY MAXIMUM	CONCENTRATION LIMITS mg/l 30 DAY AVERAGE	CONCENTRATION LIMITS mg/l DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
Upon completion of Special Condition No. 8 and approval from the Agency, the effluent of the following discharges shall be monitored and limited at all times as follows:						
Outfalls*: 002, 003, 009, 029, 030, 031, 032, 033, 035 (Reclamation Area Drainage)						
Flow (MGD)					Measure When Monitoring	
Settleable Solids				0.5 ml/l	1/month	Grab
pH	The pH shall not be less than 6.0 nor greater than 9.0				1/month	Grab
Sulfates				1100	1/month	Grab
Chlorides				500	1/month	Grab

*Outfalls permitted herein are also subject to the limitations and monitoring and reporting requirements of Special Condition No. 11.

In addition to the above base flow sampling requirements, a grab sample of each discharge caused by the following precipitation event(s) shall be taken (for the following parameters) during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s).

In accordance with 35 Ill. Adm. Code 406.109(c), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10 year, 24 hour precipitation event for this area is considered to be 4.45 inches.

Pollutant or Pollutant Property	Effluent Limitations
pH	6.0 - 9.0 at all times

 Modification Date: July 21, 2003

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day 30 DAY AVERAGE	LOAD LIMITS lbs/day DAILY MAXIMUM	CONCENTRATION LIMITS mg/l 30 DAY AVERAGE	CONCENTRATION LIMITS mg/l DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
Upon completion of Special Condition No. 8 and approval from the Agency, the effluent of the following discharges shall be monitored and limited at all times as follows:						
Outfalls*:	018, 019 (Reclamation Area Drainage)					
Flow (MGD)					Measure When Monitoring	
Settleable Solids				0.5 ml/l	1/month	Grab
pH	The pH shall not be less than 6.0 nor greater than 9.0				1/month	Grab
Sulfates				1800	1/month	Grab
Chlorides				500	1/month	Grab

*Outfalls permitted herein are also subject to the limitations and monitoring and reporting requirements of Special Condition No. 11.

In addition to the above base flow sampling requirements, a grab sample of each discharge caused by the following precipitation event(s) shall be taken (for the following parameters) during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s).

In accordance with 35 Ill. Adm. Code 406.109(c), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10 year, 24 hour precipitation event for this area is considered to be 4.45 inches.

Pollutant or Pollutant Property	Effluent Limitations
pH	6.0 - 9.0 at all times

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day 30 DAY AVERAGE	LOAD LIMITS lbs/day DAILY MAXIMUM	CONCENTRATION LIMITS mg/l 30 DAY AVERAGE	CONCENTRATION LIMITS mg/l DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
From the effective date of this Permit until February 28, 2004 the effluent of the following discharge shall be monitored and limited at all times as follows:						
	Outfall:	017 (Stormwater Discharge)				
Settleable Solids				0.5 ml/l	1/Year	Grab
pH	The pH shall not be less than 6.0 nor greater than 9.0				1/Year	Grab

Storm water discharge monitoring is subject to the following reporting requirements:

Analysis of samples must be submitted with second quarter Discharge Monitoring Reports.

If discharges can be shown to be similar, a plan may be submitted by November 1 of each year preceding sampling to propose grouping of similar discharges and/or updated previously submitted groupings. If updating of a previously submitted plan is not necessary, a written notification to the Agency, indicating such is required. Upon approval from the Agency, one representative sample for each group may be submitted.

Annual storm water monitoring is required for all discharges until Final SMCRA Bond is released and approval to cease such monitoring is obtained from the Agency.

Modification Date: July 21, 2003

NPDES Coal Mine Permit

NPDES Permit No. IL0061247

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day 30 DAY AVERAGE	LOAD LIMITS lbs/day DAILY MAXIMUM	CONCENTRATION LIMITS mg/l 30 DAY AVERAGE	CONCENTRATION LIMITS mg/l DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
Upon completion of Special Condition No. 9 and approval from the Agency, the effluent of the following discharges shall be monitored and limited at all times as follows: Outfalls: 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 018, 019 020, 021, 024, 026, 027, 029, 030, 031, 032, 033, 035 (Stormwater Discharge)						
Settleable Solids				0.5 ml/l	1/Year	Grab
pH	The pH shall not be less than 6.0 nor greater than 9.0				1/Year	Grab

Storm water discharge monitoring is subject to the following reporting requirements:

Analysis of samples must be submitted with second quarter Discharge Monitoring Reports.

If discharges can be shown to be similar, a plan may be submitted by November 1 of each year preceding sampling to propose grouping of similar discharges and/or updated previously submitted groupings. If updating of a previously submitted plan is not necessary, a written notification to the Agency, indicating such is required. Upon approval from the Agency, one representative sample for each group may be submitted.

Annual storm water monitoring is required for all discharges until Final SMCRA Bond is released and approval to cease such monitoring is obtained from the Agency.

NPDES Permit No. IL0061247

Construction Authorization No.: 0368-98

C.A. Date: January 13, 1999

Engineer: Craig Schoonover, P.E.

Authorization is hereby granted to the above designee to construct the mine and mine refuse area described as follows:

A surface coal mining operation consisting of 4548.0 acres located in Sections 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, T4N, R3W, and Sections 19 and 30 in T4N, R2W of McDonough County; and 474.5 acres in Section 2 and 3 in T3N, R3W, Schuyler County.

The operations consist of strip mining, coal processing, support facilities, refuse disposal areas, and surface drainage control facilities. Sediment pond and Outfall classifications are as follows:

Discharge No.	Classification	Receiving Waters
002	Acid Mine Drainage from Coal Refuse Piles	Grindstone Creek
003, 018, 019, 020, 021	Non-Controlled Acid Mine Drainage	Grindstone Creek
022	Non-Controlled Acid Mine Drainage	Camp Creek
009, 024W, 025, 026	Non-Controlled Acid Mine Drainage	Willow Creek
004, 005, 006, 007, 008, 010, 011	Reclamation Area Drainage	Grindstone Creek
017	Stormwater Discharge	Grindstone Creek

Grindstone Creek is tributary to Camp Creek, tributary to LaMoine River. Willow Creek is tributary to LaMoine River.

Pond 017 may be converted to a dry dam as proposed in Log No. 4061-94. The discharge will be classified as a stormwater discharge.

The preparation plant facilities are revised to include a blending conveyor and a 25-ton capacity truck hopper as described in Log No. 4286-94.

Outfall 019 is reclassified as acid mine drainage as proposed in Log No. 3259-95

An additional surface mining area, identified as IDNR/OMM Permit Area No. 305, is incorporated as proposed in Log No. 1099-97, 1099-97-A and 1099-97-B. This IDNR/OMM permit area contains 255.0 acres in Section 2, T3N, R3W, Schuyler County; however, due to overlapping OMM permit areas, only 104.5 acres is added to this NPDES permit and is included in the above totals.

Drainage from disturbed areas in OMM Permit Area No. 305 will report to Ponds 009 and 024W, which are classified acid mine drainage and report to Willow Creek.

Three groundwater monitoring wells shall be installed around a coal combustion by-product beneficial use area as proposed in Log No. 1062-97 (OMM Permit No. 261, Insignificant Permit Revision (IPR) No. 10). These monitoring wells are for the Permittee's use and data collection only. Monitoring data from these wells is not required to be submitted to the Agency. Haul roads to the beneficial use area will be modified as proposed in Log No. 2300-96 (OMM Permit No. 261, IPR No. 7 and OMM Permit No. 16, IPR No. 36).

Two areas of 22 acres and 7 acres, previously designated as support areas, are incorporated into the mining area as proposed in Log Nos. 1230-97 (OMM Permit No. 261, IPR No. 13) and 1252-97 (OMM Permit 261, IPR No. 14), respectively.

Soda ash briquets may be used to neutralize acidic water in Pond 019 as proposed in Log No. 1394-97.

The operations plan is modified as proposed in Log No. 0006-98, identified as Revision No. 4 to OMM Permit No. 16, Revision No. 1 to OMM Permit No. 180 and Revision No. 1 to OMM Permit No. 261. No additional area or Outfalls are added with these modifications.

NPDES Permit No. IL0061247

Construction Authorization No.: 0368-98

C.A. Date: January 13, 1999

Reclamation plans for the final cut lake in OMM Permit No. 16 area as proposed in Log No. 1354-97 for downdrain structures and Log No. 0005-98 for the discharge structure are approved. Discharges from this final cut will report to Pond 009.

The embankment of Impoundment No. 12 will be raised approximately 6 feet to an elevation of 643 M.S.L. as described in IEPA Log No. 0380-98. The impoundment water surface elevation will also be raised by installing a 6-foot extension onto the existing 24-inch drop inlet decant. The final impoundment water surface elevation will be 637 feet M.S.L.

This Construction Authorization replaces C.A. No. 4158-94; S.C.A. Nos. 4158-94-1, 4158-94-2, 4158-94-3, 4158-94-4, 4158-94-5 and 4158-94-6; and State Permit No. 1998-MD-0380.

The abandonment plan shall be executed and completed in accordance with 35 Ill. Adm. Code 405.109.

All water remaining upon abandonment must meet the requirements of 35 Ill. Adm. Code 406.202. For constituents not covered by Parts 302 and 303, all water remaining upon abandonment must meet the requirements of 35 Ill. Adm. Code 406.106.

This Authorization is issued subject to the following Conditions. If such Conditions require additional or revised facilities, satisfactory engineering plan documents must be submitted to this Agency for review and approval to secure issuance of a Supplemental Authorization to Construct.

1. If any statement or representation is found to be incorrect, this permit may be revoked and the permittee thereupon waives all rights thereunder.

2. The issuance of this permit (a) shall not be considered as in any manner affecting the title of the premises upon which the mine or mine refuse area is to be located; (b) does not release the permittee from any liability for damage to person or property caused by or resulting from the installation, maintenance or operation of the proposed facilities; (c) does not take into consideration the structural stability of any units or parts of the project; and (d) does not release the permittee from compliance with other applicable statutes of the State of Illinois, or with applicable local laws, regulations or ordinances.

3. Final plans, specifications, application and supporting documents as submitted by the person indicated on Page 1 as approved shall constitute part of this permit and are identified by Logs. 9159-79, 6038-82, 6113-82, 2020-86, 1076-87, 0511-88, 0709-88, 6008-92, 6182-92, 5184-93, 5185-93, 4061-94, 1099-97, 1099-97-A, 1230-97, 1252-97, 1354-97, 0005-98, 0006-98 and 0380-98 in the records of the Illinois Environmental Protection Agency.

4. There shall be no deviations from the approved plans and specifications unless revised plans, specifications and application shall first have been submitted to the Illinois Environmental Protection Agency and a supplemental permit issued.

5. The permit holder shall notify the Environmental Protection Agency (217/782-3637) immediately of an emergency at the mine or mine refuse area which causes or threatens to cause a sudden discharge of contaminants into the waters of Illinois and shall immediately undertake necessary corrective measures as required by 35 Ill. Adm. Code 405.111. (217/782-3637 for calls between the hours of 5:00 p.m. to 8:30 a.m. and on weekends.)

6. The termination of an NPDES discharge monitoring point or cessation of monitoring of an NPDES discharge is not authorized by this Agency until the permittee submits adequate justification to show what alternate treatment is provided or that untreated drainage will meet applicable effluent and water quality standards.

7. Initial construction activities in areas to be disturbed shall be for collection and treatment facilities only. Prior to the start of other activities, surface drainage controls shall be constructed and operated to avoid violations of the Act or Subtitle D. At such time as runoff water is collected in the sedimentation pond, a sample shall be collected and analyzed, with the results sent to this Agency. Should additional treatment be necessary to meet these standards, a Supplemental Permit must be obtained. Discharge from this pond is not allowed unless applicable effluent and water quality standards are met.

8. This Agency must be informed in writing and an application submitted if drainage, which was previously classified as alkaline (pH greater than 6.0), becomes acid (pH less than 6.0) or ferruginous (base flow with an iron concentration greater than 10 mg/l). The type of drainage reporting to the basin should be reclassified in a manner consistent with the applicable rule of 35 Ill. Adm. Code 406 as amended in R84-29 at 11 Ill. Reg. 12899. The application should discuss the treatment method and demonstrate how the discharge will meet the applicable standards.

9. A permittee has the obligation to add a settling aid if necessary to meet the suspended solids or settleable solids effluent standards. The selection of a settling aid and the application practice shall be in accordance with subsection a. or b. below.

   a. Alum ($Al_2(SO_4)_3$), hydrated slime ($Ca(OH)_2$), soda ash (Na_2CO_3), alkaline pit pumpage, acetylene production by-product (tested for impurities), and ground limestone are acceptable settling aids and are hereby permitted for alkaline mine drainage sedimentation ponds.

   b. Any other settling aids such as commercial flocculents and coagulants are permitted only on prior approval from the Agency. To obtain approval a permittee must demonstrate in writing to the Agency that such use will not cause a violation of the toxic substances standard of 35 Ill. Adm. Code 302.210 or of the appropriate effluent and water quality standards of 35 Ill. Adm. Code parts 302, 304, and 406.

10. A general plan for the nature and disposition of all liquids used to drill boreholes shall be filed with this Agency prior to any such operation. This plan should be filed at such time that the operator becomes aware of the need to drill unless the plan of operation was contained in a previously approved application. After settling, recirculation water which meets the requirements of 35 Ill. Adm. Code 406.106 and 406.202, may be discharged. The use of additives in the recirculation water which require treatment other than settling to comply with the Act will require a revised permit.

11. Any of the following shall be a violation of the provisions required under 35 Ill. Adm. Code 406.203(c):

   A. It is demonstrated that an adverse effect on the environment in and around the receiving stream has occurred or is likely to occur.

   B. It is demonstrated that the discharge has adversely affected or is likely to adversely affect any public water supply.

   C. The Agency determines the permittee is not utilizing good mining practices as defined in 35 Ill. Adm. Code 406.204 which are applicable in order to minimize the discharge of total dissolved solids, chloride, sulfate, iron and manganese.

NPDES Permit No. IL0061247

Supplemental Construction Authorization No. 0368-98-1

S.C.A. Date: October 18, 1999

Supplemental Authorization is hereby granted to the above designee to construct the mine and mine refuse area, which were previously approved under Authorization No. 0368-98 dated January 13, 1999. These facilities have been revised as follows:

The addition of 20.0 acres identified as OMM Permit No. 180, IBR No. 1, located in Section 3, Township 3 North, Range 3 West, Schuyler County, to be used for the construction of a borrow area as proposed in IEPA Log No. 9471-99. The inclusion of this additional area brings the total area under OMM Permit No. 180 to 178.8 acres; and the total area covered under this NPDES permit to 4568.0 acres of which 494.5 acres is located in Schuyler County.

Pond and Outfall 026 will be constructed as requested in IEPA Log No. 9472-99 (OMM Permit No. 180, IPR No. 3). It is noted for reference purposes only at this time that the designs for Pond 026 are contained in IEPA Log No. 9162-99 (OMM Permit No. 334 Application). This reference is not to imply that IEPA Log No. 9162-99 (OMM Permit No. 334) is being approved at this time. As-built plans shall be submitted to the Agency upon completion of construction of Basin 026. Discharge from Outfall 026 is subject to Condition No. 1.

Drainage from the borrow area will report to Basin 026. In the event that pit pumpage is directed to the basin, any material removed during pond clean-out shall be disposed in the active pit.

The abandonment plan shall be executed and completed in accordance with 35 Ill. Adm. Code 405.109 as detailed in Log Nos. 9471-99 and 9472-99.

All Conditions in the original Authorization to Construct are incorporated in this Supplemental Authorization unless specifically deleted or revised herein.

This Supplemental Authorization is issued subject to the following Conditions. If such Conditions require additional or revised facilities, appropriate engineering plan documents must be submitted to this Agency for review and approval to secure issuance of a Supplemental Authorization to Construct.

1. At such time as runoff is collected in Pond 026, a sample shall be collected and analyzed for the parameters designated as 1M-15M under Part 5-C of Form 2C, with the results sent to this Agency. Should additional treatment be necessary to meet these standards, a Supplemental Permit must be obtained. Discharge from a pond is not allowed unless applicable effluent and water quality standards are met.

NPDES Permit No. IL0061247

Supplemental Construction Authorization No. 0368-98-2

S.C.A. Date: December 1, 1999

Supplemental Authorization is hereby granted to the above designee to construct the mine and mine refuse area, which were previously approved under Authorization No. 0368-98 dated January 13, 1999 and Supplemental Construction Authorization No. 0368-98-1 dated October 18, 1999. Tnese facilities have been revised as follows:

The addition of 131.0 acres, identified as OMM Permit No. 334 area, located in Sections 3 and 10, Township 3 North, Range 3 West, Schuyler County, for surface mining activities as proposed in IEPA Log Nos. 9162-99, 9162-99-A and 9162-99-B. This additional area includes 20.0 acres (OMM Permit No. 180, IBR No. 1) previously incorporated into this Permit under IEPA Log No. 9471-99 in Supplemental Construction Authorization No. 0368-98-1. Therefore, the total area permitted herein is increased by only 111.0 acres to 4,679.0 acres, of which 605.5 acres is located in Schuyler County.

Coal will be processed at the existing preparation facility. Fine refuse is disposed in slurry ponds with coarse refuse being returned to the active pit.

Drainage control is provided by temporary diversions and two (2) permanent impoundments (sedimentation ponds) with discharges designated as Outfalls 026 and 027. The discharge designated as Outfall 027 is located at Latitude 40°15'54" North, Longitude 90°43'19" West, classified as alkaline mine drainage and reports to an unnamed tributary to Willow Creek, tributary to LaMoine River. Pond and Outfall 026 were previously approved.

A currently permitted area of 2.7 acres, previously designated as not to be disturbed, is hereby incorporated into the mining area as proposed in IEPA Log No. 9582-99 (OMM Permit No. 180, IPR No. 4). This area is included in the total permit area noted above.

The abandonment plan shall be executed and completed in accordance with 35 Ill. Adm. Code 405.109 as detailed in IEPA Log Nos. 9162-99, 9162-99-A and 9162-99-B.

All Conditions in the original Authorization to Construct are incorporated in this Supplemental Authorization unless specifically deleted or revised herein.

Modification Date: July 21, 2003

NPDES Permit No. IL0061247

Supplemental Construction Authorization No. 0368-98-3

S.C.A. Date: July 25, 2000

Michael W. Rapps, P.E., Rapps Engineering and Applied Science

Supplemental Authorization is hereby granted to the above designee to construct the mine and mine refuse area, which were previously approved under Authorization No. 0368-98 dated January 13, 1999 and Supplemental Construction Authorization Nos. 0368-98-1 and 0368-98-2 dated October 18, 1999, and December 1, 1999, respectively. These facilities have been revised as follows:

An additional 459.2 acres located in Sections 3 and 4, Township 3 North, Range 3 West, Schuyler county, 4th P.M. to be surface mined as proposed in Log Nos. 8119-00 and 8119-00-B. Total area covered by this permit is increased to 5138.2 acres of which 1064.7 acres is located in Schuyler County.

Surface drainage will be controlled by diversions and two sediment ponds. Outfalls 029 and 030 from these ponds will be classified as alkaline mine drainage and report to an unnamed tributary to Willow Creek, tributary to LaMoine River. If either pond requires sediment to be removed to maintain performance, and pit pumpage has been directed to or chemical treatment has been conducted in the pond, sediment must be buried with the refuse, unless testing shows that the material is suitable for use as root medium.

The abandonment plan shall be executed and completed in accordance with 35 Ill. Adm. Code 405.109 as detailed in the log numbers referenced in Condition as detailed in Log Nos. 8119-00 and 8119-00-B.

All Conditions in the original Authorization to Construct are incorporated in this Supplemental Authorization unless specifically deleted or revised herein.

NPDES Permit No. IL0061247

Supplemental Construction Authorization No. 0368-98-4

S.C.A. Date: March 27, 2003

Steven M. Bishoff, P.E., Rapps Engineering and Applied Science

Supplemental Authorization is hereby granted to the above designee to construct the mine and mine refuse area, which were previously approved under Authorization No. 0368-98 dated January 13, 1999 and Supplemental Authorization Nos. 0368-99-1, 0368-99-2 and 0368-99-3 dated October 18, 1999, December 1, 1999 and July 25, 2000 respectively. These facilities have been revised as follows:

Total area covered by this permit is increased to 5651.3 acres of which 1064.7 acres are located in Schuyler County and 4886.6 acres are in McDonough County.

An area of 493.1 acres located in Sections 22, 23, 26 and 27, Township 4 North, Range 3 West, 4th P.m. McDonough County will be surface mined as proposed in Log Nos. 6244-02, 6244-02-A, 6244-02-B and 6244-02-D.

Surface drainage will be controlled by diversions and four sediment ponds designated as Pond Nos. 031, 032, 033 and 035 with respectively numbered Outfalls. Outfall Nos. 031, 032, 033 and 035 all report to Grindstone Creek and are classified as alkaline mine drainage.

An area of 20 acres located in Section 27, Township 4 North, Range 3 West, 4th P.M., McDonough County will be added to the permit for construction of a haul road as proposed in Log No. 5132-03. This area is also identified as Incidental Boundary Revision (IBR) No. 6 to IDNR/OMM Permit No. 16.

Active surface mining will not be conducted in this area. Since this is a narrow strip of land for construction of a road, a sedimentation pond will be not required, however standard erosion controls will be. Construction will be completed in dry weather conditions and at a time when seeding will likely be most successful. This road will cross Grindstone Creek, where four (4) nine foot diameter culverts will be used to pass water under the road. The crossing will be constructed so that flow over the road from significant precipitation events will not endanger the crossing.

The abandonment plan for this area in accordance with Log No. 5132-03 consists of removing the road and crossing and returning the area to its current use, with minimal disturbance.

Outfall No. 027 is re-classified as reclamation area drainage as proposed in Log No. 5071-03.

The abandonment plan shall be executed and completed in accordance with 35 Ill. Adm. Code 405.109 as detailed in Log Nos. 6244-02, 6244-02-A and 6244-02-B.

All water remaining upon abandonment must meet the requirements of 35 Ill. Adm. Code 406.202. For the constituents not covered by Parts 302 or 303, all water remaining upon abandonment must meet the requirements of 35 Ill. Adm. Code 406.106.

Longitude and latitude co-ordinates for all Outfalls covered by this Permit are as follows:

Outfall	Latitude (North)	Longitude (West)
002	40°17'45.0"	90°43'07.0"
003	40°18'00.0"	90°43'15.0"
004	40°18'24.0"	90°42'43.0"
005	40°18'40.0"	90°42'03.0"
006	40°18'30.0"	90°41'45.0"
007	40°18'39.0"	90°41'13.0"
008	40°18'30.0"	90°40'33.0"
009	40°16'22.0"	90°42'53.0"
010	40°18'16.0"	90°42'50.0"
011	40°18'19.0"	90°42'48.0"
017	40°18'41.0"	90°42'18.0"
018	40°17'40.0"	90°43'49.0"
019	40°17'55.0"	90°44'06.0"
020	40°17'45.0"	90°44'47.0"
021	40°17'43.0"	90°45'06.0"
022	40°17'17.0"	90°45'13.0"
024W	40°16'14.0"	90°42'55.0"
026	40°16'20.0"	90°43'03.0"
027	40°15'54.0"	90°43'19.0"

NPDES Permit No. IL0061247

Supplemental Construction Authorization No. 0368-98-4

S.C.A. Date: March 27, 2003

Steven M. Bishoff, P.E., Rapps Engineering and Applied Science

Outfall	Latitude (North)	Longitude (West)
029	40°16'22.0"	90°45'08.0"
030	40°16'16.0"	90°44'51.0"
031	40°18'11.5"	90°43'33.6"
032	40°18'11.5"	90°43'10.6"
033	40°18'24.5"	90°43'01.9"
035	40°18'46.8"	90°42'55.9"

All Conditions in the original Authorization to Construct are incorporated in this Supplemental Authorization unless specifically deleted or revised herein.

This Supplemental Authorization is issued subject to the following Condition. If such Condition requires additional or revised facilities, appropriate engineering plan documents must be submitted to this Agency for review and approval to secure issuance of a Supplemental Authorization to Construct.

1. No discharge is allowed from any herein permitted Outfall during "low flow" or "no flow" conditions in the receiving stream, unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302. Discharges not meeting the water quality standards of 35 Ill. Adm. Code 302 may only be discharged in combination with storm water discharges from the basin, and only at such times that sufficient flow exists in the receiving stream to ensure that water quality standards in the receiving stream beyond the mixing zone will not be exceeded. Following any such stormwater discharge during which water quality standards are not being met, but prior to the flow in the receiving stream subsiding, the impounded water in the basin(s) may be pumped or otherwise evacuated sufficiently below the discharge elevation to provide capacity for holding a sufficient volume of mine pumpage and/or surface runoff to preclude the possibility of discharge until such time that subsequent precipitation event results in discharge from the basin. At times of stormwater discharges, in addition to the alternate effluent monitoring requirements, the basin discharges shall be analyzed for sulfate and chloride concentrations. Also, basin discharge, and stream flow upstream and downstream of the basin discharge confluence shall be determined, recorded, and submitted with basin Discharge Monitoring Reports (DMR's) to demonstrate that adequate mixing is provided to ensure water quality standards in the receiving stream are not exceeded.

NPDES Permit No. IL0061247

Special Conditions

Special Condition No. 1: No effluent from any mine related facility area under this permit shall, alone or in combination with other sources, cause a violation of any applicable water quality standard as set out in the Illinois Pollution Control Board Rules and Regulations, Subtitle C: Water Pollution.

Special Condition No. 2: Samples taken in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge, but prior to entry into the receiving stream.

Special Condition No. 3: The permittee shall record monitoring results on Discharge Monitoring Report Forms using one such form for each discharge each month. The Discharge Monitoring Report forms shall be submitted to the Agency in accordance with the schedule outlined in Special Condition No. 4 below.

Discharge Monitoring Reports shall be mailed to the IEPA at the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Ave., East
P.O. Box 19276
Springfield, Illinois 62794-9276

Attn: Compliance Assurance Section

Special Condition No. 4: The completed Discharge Monitoring Report form shall be retained by the permittee for a period of three months and shall be mailed and received by the IEPA in accordance with the following schedule, unless otherwise specified by the permitting authority.

Period	Received by IEPA
January, February, March	April 28
April, May, June	July 28
July, August, September	October 28
October, November, December	January 28

Special Condition No. 5: If an applicable effluent standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the NPDES Permit, the Agency shall revise or modify the permit in accordance with the more stringent standard or prohibition and shall so notify the permittee.

Special Condition No. 6: The permittee shall notify the Agency in writing by certified mail within thirty days of abandonment, cessation, or suspension of active mining for thirty days or more unless caused by a labor dispute. During cessation or suspension of active mining, whether caused by a labor dispute or not, the permittee shall provide whatever interim impoundment, drainage diversion, and wastewater treatment is necessary to avoid violations of the Act or Subtitle D.

Special Condition No. 7: Plans must be submitted to and approved by this Agency prior to construction of a sedimentation pond. At such time as runoff water is collected in the sedimentation pond, a sample shall be collected and analyzed for the parameters designated as 1M-15M under Part 5-C of Form 2C and the effluent parameters designated herein with the results sent to this Agency. Should additional treatment be necessary to meet these standards, a Supplemental Permit must also be obtained. Discharge from a pond is not allowed unless applicable effluent and water quality standards are met.

Special Condition No. 8: The special reclamation area effluent standards of 35 Ill. Adm. Code 406.109 apply only on approval from the Agency. To obtain approval, a request form and supporting documentation shall be submitted 45 days prior to the month that the permittee wishes the discharge be classified as a reclamation area discharge. The Agency will notify the permittee upon approval of the change.

Special Condition No. 9: The special stormwater effluent standards apply only on approval from the Agency. To obtain approval, a request with supporting documentation shall be submitted 45 days prior to the month that the permittee proposes the discharge to be classified as a stormwater discharge. The documentation supporting the request shall include analysis results indicating the discharge will consistently comply with reclamation area discharge effluent standards. The Agency will notify the permittee upon approval of the change.

Special Conditions

Special Condition No. 10: Annual stormwater monitoring is required for all discharges not reporting to a sediment basin until Final SMCRA Bond is released and approval to cease such monitoring is obtained from the Agency.

A. Each discharge must be monitored for pH and settleable solids annually.

B. Analysis of samples must be submitted with second quarter Discharge Monitoring Reports. A map with discharge locations must be included in this submittal.

C. If discharges can be shown to be similar, a plan may be submitted by November 1 of each year preceding sampling to propose grouping of similar discharges and/or update previously submitted groupings. If updating of a previously submitted plan is not necessary, a written notification to the Agency indicating such is required. Upon approval from the Agency, one representative sample for each group may be submitted.

Special Condition No. 11: No discharge is allowed from any herein permitted Outfall during "low flow" or "no flow" conditions in the receiving stream, unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302. Discharges not meeting the water quality standards of 35 Ill. Adm. Code 302 may only be discharged in combination with storm water discharges from the basin, and only at such times that sufficient flow exists in the receiving stream to ensure that water quality standards in the receiving stream beyond the area of allowed mixing will not be exceeded. Following any such stormwater discharge during which water quality standards are not being met, but prior to the flow in the receiving stream subsiding, the impounded water in the basin(s) may be pumped or otherwise evacuated sufficiently below the discharge elevation to provide capacity for holding a sufficient volume of mine pumpage and/or surface runoff to preclude the possibility of discharge until such time that subsequent precipitation event results in discharge from the basin. At times of stormwater discharges, in addition to the alternate effluent monitoring requirements, the basin discharges shall be analyzed for sulfate and chloride concentrations to demonstrate compliance with the permit limitations. Also, basin discharge, and stream flow upstream of the basin discharge confluence shall be determined, recorded, and submitted with basin Discharge Monitoring Reports (DMR's) to demonstrate that adequate dilution is provided to ensure water quality standards in the receiving stream are not exceeded.

LDC:BK:cs/2728c/3-31-03

Attachment H

Standard Conditions

Definitions

Act means the Illinois Environmental Protection Act, 415 ILCS 5 as Amended.

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) means Pub. L 92-500, as amended. 33 U.S.C. 1251 et seq.

NPDES (National Pollutant Discharge Elimination System) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of the Clean Water Act.

USEPA means the United States Environmental Protection Agency.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

Maximum Daily Discharge Limitation (daily maximum) means the highest allowable daily discharge.

Average Monthly Discharge Limitation (30 day average) means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Discharge Limitation (7 day average) means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Aliquot means a sample of specified volume used to make up a total composite sample.

Grab Sample means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes.

24 Hour Composite Sample means a combination of at least 8 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24-hour period.

8 Hour Composite Sample means a combination of at least 3 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over an 8-hour period.

Flow Proportional Composite Sample means a combination of sample aliquots of at least 100 milliliters collected at periodic intervals such that either the time interval between each aliquot or the volume of each aliquot is proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot.

(1) Duty to comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

(2) Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.

(3) Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(4) Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(5) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.

(6) Permit actions. This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(7) Property rights. This permit does not convey any property rights of any sort, or any exclusive privilege.

(8) Duty to provide information. The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency, upon request, copies of records required to be kept by this permit.

(9) Inspection and entry. The permittee shall allow an authorized representative of the Agency, upon the presentation of credentials and other documents as may be required by law, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.

(10) Monitoring and records.

(a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. This period may be extended by request of the Agency at any time

(c) Records of monitoring information shall include:

(1) The date, exact place, and time of sampling or measurements;

(2) The individual(s) who performed the sampling or measurements;

(3) The date(s) analyses were performed;

(4) The individual(s) who performed the analyses;

(5) The analytical techniques or methods used; and

(6) The results of such analyses.

(d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.

(11) Signatory requirement. All applications, reports or information submitted to the Agency shall be signed and certified.

(a) Application. All permit applications shall be signed as follows:

(1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

(b) Reports. All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph (a); and

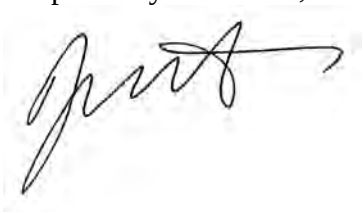
(2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and

(3) The written authorization is submitted to the Agency.

CERTIFICATE OF SERVICE

I, Jessica Dexter, hereby certify that I have filed the attached **NOTICE OF FILING, APPEARANCE OF JESSICA DEXTER** and **PETITION FOR ADMINISTRATIVE REVIEW OF AN NPDES PERMIT ISSUED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** upon the parties below by depositing said documents in the United States Mail, postage prepaid, in Chicago, Illinois on May 31, 2013

Respectfully submitted,



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