

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

**PART 401
GENERAL PROVISIONS**

Section

401.101	Authority (Repealed)
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401.APPENDIX A References to Previous Rules

AUTHORITY: Authorized by Section 27 and implementing Sections 12 and 13 of the Illinois Environmental Protection Act [415 ILCS 5].

SOURCE: Adopted at 4 Ill. Reg. 34, p. 164, effective August 7, 1980; codified at 5 Ill. Reg. 34, p. 8527; effective August 10, 1981; amended in R18-24 at 43 Ill. Reg. 11574, effective September 25, 2019.

Section 401.101 Authority (Repealed)

(Source: Repealed at 43 Ill. Reg. 11574, effective September 25, 2019)

Section 401.102 Policy

A policy of the General Assembly in adopting the Environmental Protection Act [415 ILCS 5] is to restore, maintain and enhance the purity of the water of Illinois to protect health, welfare, property and the quality of life. It is determined that mining activities including the preparation, operation and abandonment of mines, mine refuse areas and mine related facilities without environmental planning and safeguards and using certain refuse materials can cause, threaten or allow the discharge of contaminants into the waters of Illinois. Causing, threatening, or allowing these discharges can cause or threaten to cause a nuisance or render these waters harmful or detrimental to public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational or other legitimate uses including use by livestock, wild animals, birds, fish or other aquatic life and riparian vegetation.

(Source: Amended at 43 Ill. Reg. 11574, effective September 25, 2019)

Section 401.103 Purpose

The purpose of Subtitle D is to prevent pollution of waters of Illinois caused by failure to plan proper environmental safeguards for the location, preparation, operation and abandonment of mining activities, mining and mine refuse operations. Subtitle D establishes a permit system to control contaminating point and non-point source discharges, visible and hidden, continuous and fluctuating, that are potentially present in mining activities, mining and mine refuse operations. To ensure that these activities meet environmental standards, Subtitle D establishes water quality and effluent standards to limit discharges from point sources and to protect waters for beneficial uses. Subtitle D establishes procedural safeguards to ensure the protection of waters. It is the purpose of Subtitle D to meet the requirements of Section 402 of the Federal Water Pollution Control Act of 1972 (FWPCA).

(Source: Amended at 43 Ill. Reg. 11574, effective September 25, 2019)

Section 401.104 Compliance with Other Laws Required

Nothing in this Part is intended to be inconsistent with or impair the obligation to comply with the provisions of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720] or with any other State or federal law affecting the duties of an operator.

(Source: Amended at 43 Ill. Reg. 11574, effective September 25, 2019)

SUBTITLE D

Section 401.105 Severability

If any provision of Subtitle D is adjudged invalid or if the application to any person or in any circumstances is adjudged invalid, the invalidity will not affect the validity of this Subtitle D as a whole or of any Part, Subpart, sentence or clause not adjudged invalid.

(Source: Amended at 43 Ill. Reg. 11574, effective September 25, 2019)

Section 401.106 Repealer (Repealed)

(Source: Repealed at 43 Ill. Reg. 11574, effective September 25, 2019)

Section 401.APPENDIX A REFERENCES TO PREVIOUS RULES

The following table is provided to correlate previous Board rule numbers with current Illinois Administrative Code Section numbers.

Chapter 4, Mine Related Pollution Part I, General Provisions	35 Ill. Adm. Code 401
Rule 102	Section 401.102
Rule 103	Section 401.103
Rule 104	Section 401.104
Rule 105	Section 401.105

(Source: Amended at 43 Ill. Reg. 11574, effective September 25, 2019)