

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

**PART 402  
DEFINITIONS**

**Section**

- 402.100        Terms Defined Elsewhere  
402.101        Definitions  
Appendix A    References to Previous Rules

AUTHORITY: Implementing Sections 12 and 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1012, 1013 and 1027).

SOURCE: Adopted at 4 Ill. Reg. 34, p. 164, effective August 7, 1980; Codified 5 Ill. Reg. 34, p. 8527, amended in R84-29 at 11 Ill. Reg. 12890, effective July 27, 1987.

**Section 402.100        Terms Defined Elsewhere**

Unless otherwise stated or unless the context clearly indicates a different meaning, the definition of terms used in this Chapter are the same as those found in the Illinois Environmental Protection Act (Act), (Ill. Rev. Stat. 1979, ch. 111 1/2, Section 1001 et seq.) the Water Pollution Regulations of the Illinois Pollution Control Board (subtitle C, chapter I) and the Federal Water Pollution Control Act of 1972 (FWPCA), (33 U.S.C. 1251 et seq., 1972 as amended). The following definitions which apply to this Chapter can be found in the Act, Subtitle C, Chapter I or the FWPCA: Administrator, Agency, Board, Contaminant, Effluent, Federal Water Pollution Control Act (FWPCA), National Pollutant Discharge Elimination System (NPDES), Point Source Discharge, Pollutant, Refuse, Storet, Treatment Works, Underground Waters, Wastewater, Wastewater Source, Water Pollution and Waters.

**Section 402.101        Definitions**

For purposes of this Chapter the following terms are defined:

"Abandon": to transfer ownership of or to close down mining activities, a mine or mine refuse area with no intention by that operator to reopen the affected land. A mine or mine refuse area which has been inoperative for one year shall be rebuttably presumed to be abandoned.

"Acid or Ferruginous Mine Drainage": mine drainage which, before any treatment, has a pH of less than 6.0 or a total iron concentration greater than 10

mg/L.

"Acid-producing Material": material which when exposed to air and water is capable of causing drainage containing sulfuric acid. In determining whether material is acid-producing, consideration shall be given to the sulfur content of the material, the size and spatial distribution of pyritic compounds and other compounds of sulfur, the neutralizing effect of surrounding intermixed materials and the quality of drainage produced by mining on sites with similar soils.

"Affected Land": any land owned or controlled or otherwise used by the operator in connection with mining activities except the surface area above underground mine workings that is not otherwise used for mining activities. The term does not include offsite office buildings and farming operations or recreational activities on undisturbed land. Land described in a certificate of abandonment issued by the Agency under Section 405.110(e) is no longer part of the affected land.

"Alkaline Mine Drainage": mine drainage which, prior to treatment, has a pH equal to or greater than 6.0 and a total iron concentration of less than 10 mg/L/.

"Aquifer": A zone, stratum or group of strata which can store and transmit water in sufficient quantities for a specific use.

"Base Flow": any flow which is not a result of immediate runoff from precipitation. It includes, but is not limited to, groundwater flow, mechanical pumpages, springs, discharges from subsurface drainage systems, and controlled outfalls from other treatment works. It is normally any flow beyond 24 hours after the rainfall ceases.

"Coal Preparation Plant": a facility where coal is subjected to cleaning, concentrating, or other processing or preparation in order to separate coal from its impurities.

"Coal Preparation Plant Associated Areas": coal preparation plant yards, immediate access roads, coal refuse piles and coal storage piles and facilities.

"Coal Refuse Disposal Pile": any coal refuse permanently deposited on the earth or stored for more than 180 days. It does not include coal refuse deposited within the active mining area or coal refuse never removed from the active mining area.

"Coal Transfer Facility or Coal Storage Yard": any area where coal is transferred from one mode of transportation to another or where coal is

dumped, piled, stored or blended. The term includes but is not limited to coal docks, blending yards, conveyor belts and pipelines. As used in this Chapter, the terms mining activity and mine related facility shall include coal transfer facilities and coal storage yards.

"Construction Authorization": authorization under Section 403.104 to prepare land for mining activities or to construct mine related facilities. Construction authorization is issued to a person who holds or is required to have an NPDES permit.

"Construction Permit": a state permit issued under Section 404.101 which allows the operator to prepare land for mining activities or to construct mine related facilities.

"Controlled Surface Mine Drainage": any surface mine drainage that is pumped or siphoned from a mine area or mined area.

"Domestic Retail Sales Yard": a business which stockpiles coal or other minerals solely for the purpose of supplying homeowners, small businesses, small industries or other institutions with the mineral for their individual consumption. The term does not include any sales yard located at a mine.

"Drainage Course": any natural or man-made channel or ditch which serves the purpose of directing the flow of water into a natural waterway.

"Facility": a contiguous area of land, including all structures above or below the ground, which is owned or controlled by one person.

"Mine Area or Mined Area": the surface and subsurface land where mining has occurred or is occurring. The term does not include the unmined surface land directly above underground mine workings which is not otherwise disturbed by mining activities.

"Mine Discharge": any point source discharge, whether natural or man-made, from a mine related facility. Such discharges include but are not limited to mechanical pumpages, pit overflows, spillways, drainage ditches, seepage from mine or mine refuse areas, effluent from processing and milling or mineral preparation plants. Other discharges including but not limited to sanitary sewers and sewage treatment works are not mine discharges. The term mine discharge includes surface runoff discharged from a sedimentation pond but does not include non-point source mine discharges.

"Mine Refuse": gob, coal, rock, slate, shale, mill tailings, boney, clay, pyrites and

other unmerchantable solid or slurry material intended to be discarded which is connected with the cleaning and preparation of mined materials at a preparation plant or washery. It includes sludge or other precipitated matter produced by the treatment of acid mine drainage but does not otherwise generally include sediment from alkaline mine drainage. The term also includes acid-producing spoil.

"Mine Refuse Area": any land used for dumping, storage or disposal of mine refuse.

"Mine Refuse Pile": any deposit of solid mine refuse which is intended to serve as permanent disposal of such material.

"Mine Related Facility": a portion of a facility which is related to mining activities. The term includes, but is not limited to, the following:

- Affected land;
- Coal storage yard or transfer facility;
- Mine;
- Mine drainage treatment facility;
- Mine refuse area; and
- Processing or mineral preparation plant.

"Mining": the surface or underground extraction or processing of natural deposits of coal, clay, fluorspar, gravel, lead bearing ores, peat, sand, stone, zinc bearing ores or other minerals by the use of any mechanical operation or process. The term also includes the recovery or processing of the minerals from a mine refuse area. It does not include drilling for oil or natural gas.

"Mining Activities": all activities on a facility which are directly in furtherance of mining, including activities before, during and after mining. The term does not include land acquisition, exploratory drilling, surveying and similar activities. The term includes, but is not limited to, the following:

- Preparation of land for mining activities;
- Construction of mine related facilities which could generate refuse, result in a discharge or have the potential to cause water pollution;
- Ownership or control of a mine related facility;
- Ownership or control of a coal storage yard or transfer facility;
- Generation or disposal of mine refuse;
- Mining;
- Opening a mine;
- Production of a mine discharge or non-point source mine discharge;

Surface drainage control; and  
Use of acid-producing mine refuse.

"Mountaintop Removal": surface coal mining and reclamation operations that remove entire coal seams running through the upper fraction of a mountain, ridge, or hill by removal of all of the overburden and create a level plateau or gently rolling contour with no highwalls remaining.

"New Source Coal Mine": a coal mine, including an abandoned mine which is being remined, at which:

Construction commenced after May 4, 1984; or  
A major alteration has resulted in a new, altered or increased discharge of pollutants. Major alterations are:

Extraction from a coal seam not previously extracted by that mine;  
Discharge into a drainage area not previously affected by wastewater discharge from that mine;  
Extensive new surface disruption at the mining operation; and  
Construction of a new shaft, slope or drift.

"Non-point Source Mine Discharge": surface runoff from the affected land. The term does not include surface runoff which is discharged from a sedimentation pond or seepage from a mine or mine refuse area.

"Opening a Mine": any construction activity related to preparation for mining on a facility.

"Operating Permit": a state permit required of a person carrying out mining activities.

"Operator": a person who carries out mining activities.

"Permittee": a person who holds a state or NPDES permit issued under this Subtitle D, Chapter I. In some contexts the term permittee also includes a permit applicant.

"Person": any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

"Processing or Mineral Preparation Plant": a facility used for the sizing or separation from the ore or raw mineral of coal, clay, fluorspar, gravel, lead bearing ores, peat, sand, stone, zinc bearing ores or other materials.

"Reclamation Area": the surface area of a coal mine which has been returned to the contour required by permit and on which revegetation work has commenced.

"Slurry": mine refuse separated from the mineral in the cleaning process consisting of readily pumpable fines and clays and other materials in the preparation plant effluent. This term includes mill tailings.

"Spoil": the accumulation of excavated overburden or other earth, dirt or rock overlying the mineral seam or other deposit excavated from its original location by surface or underground mining.

"State Permit": a construction permit or operating permit issued by the Agency. NPDES permits are not state permits.

"Steep Slope": any slope of more than 20 degrees. "Surface Drainage Control": control of surface water on the affected land by a person who is engaging in mining activities. Control of surface water includes diversion of surface waters around or away from the active mining area or mine refuse area and diversion, redirection or impoundment of a stream or impoundment of water for flow augmentation or controlled release of effluents.

"Surface Mining": mining conducted in an open pit including area and contour strip mining.

"Underground Mining": mining conducted below the surface by means of constructing an access facility to the mineral deposit. The term includes slope, drift, shaft mines and auger or punch mining.

"Use of Acid-producing Mine Refuse": use of acid-producing mine refuse includes any use, offer for sale, sale or offer for use in roadway projects, mine roads, mine yards or elsewhere.

(Source: Amended in R84-29 at 11 Ill. Reg. 12890, effective July 27, 1987)

## **Section 402.APPENDIX A**

## **REFERENCES TO PREVIOUS RULES**

The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification.

Chapter 4, Mine Related Pollution Part II,  
Definitions

35 Ill. Admin. Code Part 402

Rule 200

Section 402.100

Rule 201

Section 402.101