

SUBTITLE D

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

**PART 403
NPDES PERMITS**

Section

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403.102	NPDES Permits Required of Certain Dischargers
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403.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. 11591, effective September 25, 2019.

Section 403.100 Preamble

- a) Part 403 governs mining activities and permit issuance for NPDES permit holders and persons required to obtain an NPDES permit for a facility.
- b) Under 35 Ill. Adm. Code 404.102, facilities operating under an NPDES permit need not obtain a State permit so long as the Agency administers the NPDES permit program.
- c) Under 35 Ill. Adm. Code 404.102, Part 404 does not apply to NPDES permit holders.

(Source: Amended at 43 Ill. Reg. 11591, effective September 25, 2019)

Section 403.101 Incorporation of NPDES Water Rules

Except for 35 Ill. Adm. Code 309.154, 35 Ill. Adm. Code 309.Subpart A applies to NPDES permits required by Subtitle D. In the event of a conflict between Subtitle D and 35 Ill. Adm. Code 309.Subpart A, Subtitle D applies to mine related facilities.

(Source: Amended at 43 Ill. Reg. 11591, effective September 25, 2019)

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Section 403.102 NPDES Permits Required of Certain Dischargers

The discharge of contaminants or pollutants by any person into the waters of the State from a point source or into a well is unlawful, except when complying with provisions of the Act, Board regulations, the FWPCA (32 USC 1251 et seq.), and the provisions and conditions of the discharger's NPDES permit.

(Source: Amended at 43 Ill. Reg. 11591, effective September 25, 2019)

Section 403.103 Application

- a) A person required to obtain an NPDES permit must file an application complying with 35 Ill. Adm. Code 405.104 on forms provided by the Agency.
- b) A person who holds an NPDES permit or who submits an NPDES permit application for a facility need not apply for a State permit unless the Agency notifies that person that a State permit is required.
- c) Application for a renewed or modified NPDES permit is governed by the rules on NPDES applications.

(Source: Amended at 43 Ill. Reg. 11591, effective September 25, 2019)

Section 403.104 Construction Authorization

- a) If an NPDES permit is required to prepare land for mining activities or construct a mine related facility, a person must, before preparing land or constructing a facility:
 - 1) Hold an NPDES permit including a condition authorizing the permit holder to prepare land or construct a facility; or
 - 2) Hold a construction permit under 35 Ill. Adm. Code 404.101 to prepare land or construct a facility.
- b) A permittee must not construct a new mine related facility or modify a mining activity or mine related facility for which the permittee holds an NPDES permit unless the NPDES permit includes a condition authorizing the construction or modification. If the modification is already covered under the existing permit condition, a separate authorization from the Agency is not required.

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- c) Any person required to obtain a construction authorization must apply at least 180 days before the date construction or modification begins.
- d) Any person seeking a construction authorization must submit an application under 35 Ill. Adm. Code 405.104. The rules governing issuance of an NPDES permit, including 35 Ill. Adm. Code 405.101 and 405.102, also apply to issuing a construction authorization.

(Source: Amended at 43 Ill. Reg. 11591, effective September 25, 2019)

Section 403.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 III, NPDES Permits	35 Ill. Adm. Code 403
Rule 300	Section 403.100
Rule 301	Section 403.101
Rule 302	Section 403.102
Rule 303	Section 403.103
Rule 304	Section 403.104

(Source: Amended at 43 Ill. Reg. 11591, effective September 25, 2019)