

Illinois Environmental Protection Agency (IEPA)
Notice of Public Hearing for 401 Water Quality Certification

**Capital Resources Development
Company, L.L.C.
North Canton Mine
Fulton County**

Public Hearing

Tuesday, December 6, 2011, 7:30 p.m. following
the close of the 5 p.m. NPDES Hearing

**Donaldson Center
250 South Avenue D
Canton, Illinois**

The IEPA Bureau of Water has received an application for a Section 401 water quality certification (Log. No. C-0611-06) for discharge into waters of the United States associated with a Section 404 permit application (CoE appl. # 2006-111) received by the United States Army Corps of Engineers. The address of the applicant is Capital Resources Development Company, L.L.C., 7100, PO Box 9478, Springfield, IL. 62791.

Capital Resources Development, LLC ("Applicant") has applied for Section 401 water quality certification for impacts associated with their proposed North Canton Mine, located about 3 miles Northeast of Canton. The property is currently mostly agriculturally developed with the remainder being forested stream corridors. The proposed mine is located in portions of Sections 12, Township 7 North, Range 4 East of the 4th P.M. and Sections 7 and 18, Township 7 North, Range 5 East of the 4th P.M. The purpose of this project is to extract bituminous coal by surface mining methods. All economically recoverable coal would be removed during excavation of the area, processed, and sold. Extensive surface and underground mining activities have already occurred immediately west of the North Canton Mine proposed mining area.

During the proposed surface mining operations two unnamed tributaries located within the mine permit area that empty into the West Branch of Copperas Creek will be impacted. Approximately 4,010 linear feet of one tributary will be filled in and/or removed during the surface mining operations. Approximately 5,035 linear feet of the other unnamed tributary will be impounded to create permanent sedimentation ponds.

The Applicant has stated that three methods of compensation are proposed as part of the stream mitigation plan, including drainage channel creation (stream restoration), riparian buffer creation, and riparian preservation. The mitigation plan for the proposed stream impacts includes the establishment of a total of 8,200 linear feet of streams. The Applicant has recently submitted a revised storm water routing plan for the proposed mine site. The Applicant has stated that the alternate plan includes the routing of all storm water from disturbed coal seam areas to Ponds #1 and #2, which discharges to the Middle Branch of Copperas Creek.

The IEPA has made a tentative determination to issue the Section 401 water quality certification in accordance with 35 Illinois Administrative Code (IAC) Subtitle C (*Water Pollution*), the Illinois Environmental Protection Act and the federal Clean Water Act. The 401 certification process is governed by the provisions of 35 IAC Part 395, *Procedures and Criteria for Certification of Applications for Federal Permits or Licenses for Discharges into Waters of the State*, which can be obtained online at

<http://www.ipcb.state.il.us/documents/dsweb/Get/Document-12064/>

Inquiries about the certification should be directed to Permit Engineer Thaddeus Faught, IEPA Division of Water Pollution Control, Permit Section, 1021 North Grand Avenue East, Springfield, Illinois 62794-9276, phone 217-782-3362, or e-mail Thaddeus.Faught@illinois.gov. The permit application is available for examination at the IEPA offices in Springfield. The public notice/fact sheet can be viewed on the IEPA website:

<http://www.epa.state.il.us/public-notices/sec-401-notices.html>

Requests for special needs interpreters must be made to the IEPA hearing officer by November 18, 2011. The hearing will be held under the provisions of 35 IAC Part 164, *Procedures for Informational Public Hearings*, which can be obtained online at

<http://www.ipcb.state.il.us/documents/dsweb/Get/Document-11864/>

and 35 IAC Part 395.

The hearing record is a file containing the hearing transcript and written and electronic comments. The Illinois EPA welcomes significant comments which must be postmarked or e-mailed **by midnight, January 5, 2012**, when the hearing record closes. Electronic comments must specify **North Canton Mine** in the subject line and must be sent to epa.publichearingcom@illinois.gov. Written comments must be sent to:

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

Phone 217-558-8280

TDD (hearing impaired) 217-782-9143