

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

Peabody Arclar Mining, LLC
Wildcat Hills Mine – Cottage Grove Pits 9 & 10
Saline and Gallatin Counties

Public Hearing

Thursday, Sept. 15, 2011, approximately 7 p.m.
following the close of the 5 p.m. NPDES Hearing

SIC Foundation Center
540 North Commercial Street
Harrisburg, Illinois

The IEPA Bureau of Water has received an application for a Section 401 water quality certification (Log. No. C-0283-10) for discharge of dredge or fill materials into waters of the United States associated with a Section 404 permit application (CoE appl. # 2010-588) received by the United States Army Corps of Engineers. The address of the applicant is Peabody Arclar Mining, LLC, 7100 Eagle Crest Boulevard, Evansville, Indiana.

The applicant has applied for a 401 water quality certification for impacts associated with **Wildcat Hills Mine – Cottage Grove Pits 9 & 10**, located in portions of Sections 2, 11 and 12, Township 9 South, Range 7 East and portions of Sections 7, 8 and 17, Township 9 South, Range 8 East, in Saline and Gallatin Counties. The purpose of this project is to extract bituminous coal by surface mining methods. Maximum recovery of the coal seam would require excavation of overlying materials including existing streams and wetlands. The permit area contains 33 jurisdictional streams and 6 jurisdictional wetlands. Grading and filling associated with the mining operation would directly impact approximately 13,732 linear feet of intermittent streams and approximately 8,797 linear feet of ephemeral streams. Additionally, 0.03 acres of forested wetland and 0.84 acres of emergent wetland would be filled.

The mitigation plan for the proposed stream impacts includes the establishment of a total of 18,131 linear feet of streams. The jurisdictional wetlands planned for disturbance will be mitigated off-site and in advance of the mining disturbance. Existing wetlands would be mitigated with the creation of 2.25 acres of temporarily flooded broad-leaved deciduous forested wetlands.

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 August 29, 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, October 6, 2011**, when the hearing record closes. Electronic comments must specify **Cottage Grove 401** 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