

NPDES Permit No. IL0078921
Notice No. 5845c

Public Notice Beginning Date: **June 23, 2011**

Public Notice Ending Date: **July 25, 2011**

National Pollutant Discharge Elimination System (NPDES)
Permit Program

Draft Modified NPDES Permit to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency
Bureau of Water, Division of Water Pollution Control
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-0610

Name and Address of Discharger:

White Oak Resources, LLC
121 South Jackson Street
McLeansboro, IL 62859

Name and Address of Facility:

White Oak Resources, LLC
White Oak Mine No. 1
6.6 miles northwest of McLeansboro, Illinois
(Hamilton County)

The Illinois Environmental Protection Agency (IEPA) has made a tentative determination to issue an NPDES permit to discharge into waters of the state and has prepared a draft permit and associated fact sheet for the above named discharger. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice/Fact Sheet. Comments will be accepted until the Public Notice period ending date indicated above, unless a request for an extension to this comment period is granted by the Agency. Interested persons are invited to submit written comments on the draft permit to the IEPA at the above address. Commentors shall provide his or her name and address and the nature of the issues proposed to be raised and the evidence proposed to be presented with regards to those issues. Commentors may include a request for public hearing. The NPDES permit and notice number(s) must appear on each comment page.

The application, engineer's review notes, Public Notice/Fact Sheet, draft permit, comments received, and other documents are available for inspection and may be copied at the IEPA between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

As provided in Section 309.115(a) of the Act, any person may submit a request for a public hearing and if such written comments or requests indicate a significant degree of public interest in the draft permit, the permitting authority may, at its discretion, hold a public hearing. The Agency shall issue public notice of such hearing no less than thirty (30) days prior to the date of such hearing in the manner described by Section 309.109 thru 309.112 of the Act for public notice. The Agency's responses to written and/or oral comments will be provided in the Responsiveness Summary provided when the final permit is issued.

The applicant operates an underground coal mine (SIC 1222). Mine operations result in the discharge of alkaline mine drainage.

Public comments are invited on the following proposed modifications. Please limit comments to only the following modifications that are further discussed on Page 17 of this Permit:

Addition of 35.0 acres identified as IBR Nos. 1 and 2 to OMM Permit 409. Additional area to be used for relocation of surface facilities and boreholes to support construction activities.

This facility has four (4) existing discharges which are located in Hamilton County, Illinois. The following information identifies the discharge points, receiving streams and stream classifications:

<u>Outfall</u>	<u>Receiving Stream</u>	<u>Latitude (North)</u>	<u>Longitude (West)</u>	<u>Stream Classification</u>
001	Unnamed tributary to Big Creek	38° 9' 55.46"	88° 37' 32.37"	General Use
002	Unnamed tributary to Big Creek	38° 9' 56.26"	88° 37' 28.15"	General Use
003	Unnamed tributary to Big Creek	38° 9' 44.06"	88° 37' 5.56"	General Use
004	Unnamed tributary to Big Creek	38° 10' 9.21"	88° 36' 12.98"	General Use

The Stream Segment CAGB of Big Creek receiving the flow from the unnamed tributaries into which Outfalls 001, 002, 003 and 004 discharge is not on the draft 2010 303(d) list of impaired waters.

The alkaline mine discharge from this facility shall be monitored and limited at all times as follows:

Outfall: 001 (Alkaline Mine Drainage)

Discharge Condition	Parameters												
	Total Suspended Solids (3) (mg/l)		Iron (total) (3),(4) (mg/l)		pH (3) (S.U.)	Alkalinity/ Acidity (3)	Sulfate (1) (mg/l)	Chloride (mg/l)	Mn (total) (mg/l)	Hardness (5)	Mercury	Flow (MGD)	Settleable Solids (2) (ml/l)
	30 day average	daily maximum	30 day average	daily maximum									
I	35	70	3.0	6.0	6.5 – 9.0	Alk.>Acid	1527	500	1.0	Monitor only	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0 – 9.0	-	2100	1000	2.0	Monitor only	-	Measure When Sampling	0.5
III	-	-	-	-	6.0 – 9.0	-	2100	1000	2.0	Monitor only	-	Measure When Sampling	-
IV	35	70	3.0	6.0	6.0 – 9.0	Alk.>Acid	2100	1000	2.0	Monitor only	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall at times of “low flow” or “no flow” conditions in the receiving stream as defined in Special Condition No. 12.

II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.62 inches.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. At such time that receiving stream flow subsides to the degree that the mixing ratio specified in Special Condition No. 12 is not available, monitoring requirements and permit limitations shall revert to Discharge Condition I.

(1) Sulfate water quality standards and effluent limitations determined in accordance with 35 Ill. Adm. Code 302.208(h)

(2) Settleable solids are monitored only as a result of a discharge due to precipitation events which exceed a predetermined 24-hour duration or snow melt total. Settleable Solids effluent standards are contained in 35 Ill. Adm. Code 406.109 and 406.110.

(3) Effluent standards for mine discharges are contained in 35 Ill. Adm. Code 406.106.

(4) Discharges from Outfall 001, being approved after July 27, 1987, are subject to a 30-day average effluent limitation for Iron of 3.0 mg/l. Daily maximum effluent concentrations are calculated as twice the 30-day average.

(5) Hardness monitoring is required to determine the appropriateness of the sulfate permit limitation.

The alkaline mine discharge from this facility shall be monitored and limited at all times as follows:

Outfall: 002 (Alkaline Mine Drainage)

Discharge Condition	Parameters												
	Total Suspended Solids (3) (mg/l)		Iron (total) (3),(4) (mg/l)		pH (3) (S.U.)	Alkalinity/ Acidity (3)	Sulfate (1) (mg/l)	Chloride (mg/l)	Mn (total) (mg/l)	Hardness (5)	Mercury	Flow (MGD)	Settleable Solids (2) (ml/l)
	30 day average	daily maximum	30 day average	daily maximum									
I	35	70	3.0	6.0	6.5 – 9.0	Alk.>Acid	1527	500	1.0	Monitor only	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0 – 9.0	-	2100	1000	2.0	Monitor only	-	Measure When Sampling	0.5
III	-	-	-	-	6.0 – 9.0	-	2100	1000	2.0	Monitor only	-	Measure When Sampling	-
IV	35	70	3.0	6.0	6.0 – 9.0	Alk.>Acid	2100	1000	2.0	Monitor only	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall at times of “low flow” or “no flow” conditions in the receiving stream as defined in Special Condition No. 12.

II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.62 inches.

III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. At such time that receiving stream flow subsides to the degree that the mixing ratio specified in Special Condition No. 12 is not available, monitoring requirements and permit limitations shall revert to Discharge Condition I.

(1) Sulfate water quality standards and effluent limitations determined in accordance with 35 Ill. Adm. Code 302.208(h)

(2) Settleable solids are monitored only as a result of a discharge due to precipitation events which exceed a predetermined 24-hour duration or snow melt total. Settleable Solids effluent standards are contained in 35 Ill. Adm. Code 406.109 and 406.110.

(3) Effluent standards for mine discharges are contained in 35 Ill. Adm. Code 406.106.

(4) Discharges from Outfall 002, being approved after July 27, 1987, are subject to a 30-day average effluent limitation for Iron of 3.0 mg/l. Daily maximum effluent concentrations are calculated as twice the 30-day average.

(5) Hardness monitoring is required to determine the appropriateness of the sulfate permit limitation.

The alkaline mine discharge from this facility shall be monitored and limited at all times as follows:

Outfall: 003 (Alkaline Mine Drainage)

Discharge Condition	Parameters												
	Total Suspended Solids (3) (mg/l)		Iron (total) (3),(4) (mg/l)		pH (3) (S.U.)	Alkalinity/Acidity (3)	Sulfate (1) (mg/l)	Chloride (mg/l)	Mn (total) (mg/l)	Hardness (5)	Mercury	Flow (MGD)	Settleable Solids (2) (ml/l)
	30 day average	daily maximum	30 day average	daily maximum									
I	35	70	3.0	6.0	6.5 – 9.0	Alk.>Acid	1527	500	1.0	Monitor only	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0 – 9.0	-	1527	500	-	Monitor only	-	Measure When Sampling	0.5
III	-	-	-	-	6.0 – 9.0	-	1527	500	-	Monitor only	-	Measure When Sampling	-
IV	35	70	3.0	6.0	6.5 – 9.0	Alk.>Acid	1527	500	1.0	Monitor only	Monitor only	Measure When Sampling	-

- I Dry weather discharge (base flow or mine pumpage) from the outfall.
- II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.62 inches.
- III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).
- IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.
 - (1) Sulfate water quality standards and effluent limitations determined in accordance with 35 Ill. Adm. Code 302.208(h)
 - (2) Settleable solids are monitored only as a result of a discharge due to precipitation events which exceed a predetermined 24-hour duration or snow melt total. Settleable Solids effluent standards are contained in 35 Ill. Adm. Code 406.109 and 406.110.
 - (3) Effluent standards for mine discharges are contained in 35 Ill. Adm. Code 406.106.
 - (4) Discharges from Outfall 003, being approved after July 27, 1987, are subject to a 30-day average effluent limitation for Iron of 3.0 mg/l. Daily maximum effluent concentrations are calculated as twice the 30-day average.
 - (5) Hardness monitoring is required to determine the appropriateness of the sulfate permit limitation.

The alkaline mine discharge from this facility shall be monitored and limited at all times as follows:

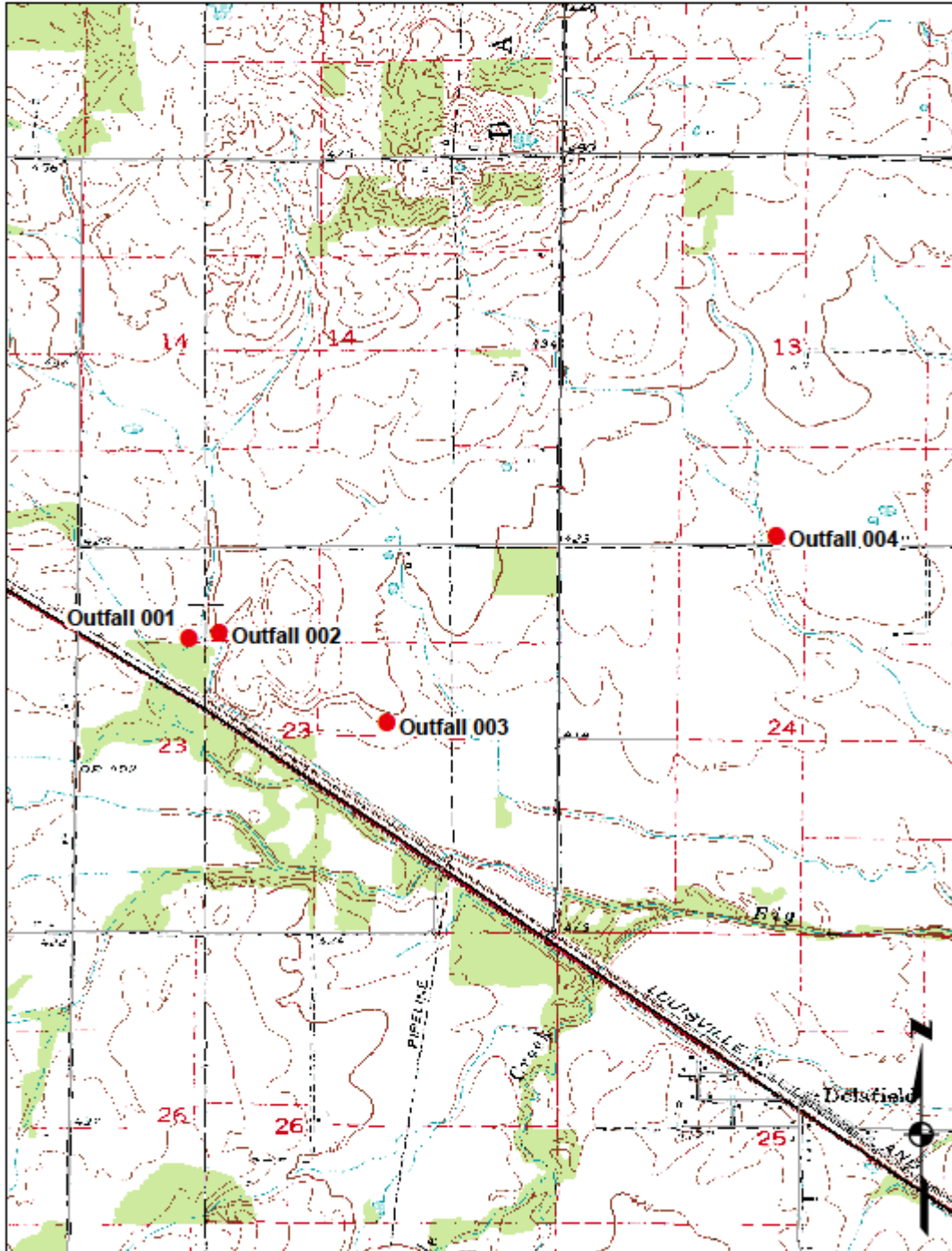
Outfall: 004 (Alkaline Mine Drainage)

Discharge Condition	Parameters										
	Total Suspended Solids (3) (mg/l)		Iron (total) (3),(4) (mg/l)		pH (3) (S.U.)	Alkalinity/ Acidity (3)	Sulfate (1) (mg/l)	Chloride (mg/l)	Hardness (5)	Flow (MGD)	Settleable Solids (2) (ml/l)
	30 day average	daily maximum	30 day average	daily maximum							
I	35	70	3.0	6.0	6.5 – 9.0	Alk.>Acid	1279	500	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0 – 9.0	-	1279	500	Monitor only	Measure When Sampling	0.5
III	-	-	-	-	6.0 – 9.0	-	1279	500	Monitor only	Measure When Sampling	-
IV	35	70	3.0	6.0	6.5 – 9.0	Alk.>Acid	1279	500	Monitor only	Measure When Sampling	-

- I Dry weather discharge (base flow or mine pumpage) from the outfall.
- II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.62 inches.
- III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).
- IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.
 - (1) Sulfate water quality standards and effluent limitations determined in accordance with 35 Ill. Adm. Code 302.208(h)
 - (2) Settleable solids are monitored only as a result of a discharge due to precipitation events which exceed a predetermined 24-hour duration or snow melt total. Settleable Solids effluent standards are contained in 35 Ill. Adm. Code 406.109 and 406.110.
 - (3) Effluent standards for mine discharges are contained in 35 Ill. Adm. Code 406.106.
 - (4) Discharges from Outfall 004, being approved after July 27, 1987, are subject to a 30-day average effluent limitation for Iron of 3.0 mg/l. Daily maximum effluent concentrations are calculated as twice the 30-day average.
 - (5) Hardness monitoring is required to determine the appropriateness of the sulfate permit limitation.

To assist you in identifying the location of the discharges, please refer to the attached map. The permit area for this facility is located in Sections 13, 14 and 23, Township 4 South, Range 5 West, 3rd P.M., Hamilton County, Illinois.

White Oak Resources, L.L.C. - White Oak Mine No. 1
NPDES No. IL0078921
Hamilton County
Township 4 South, Range 5 West



**Antidegradation Assessment
White Oak Resources, LLC – White Oak Mine No. 1
NPDES Permit No. IL0078921
Hamilton County**

The subject facility is proposing to modify their NPDES permit by adding 20 acres to the currently approved permit area of 418.4 acres. The alternative analysis provided previously is still applicable and the EcoCAT that was completed previously is still applicable since the outfalls and constituents are still the same as my June 17, 2010 memo.

The additional acreage will drain to Outfall 003. The proposed operation is the movement of the slope portal and associated facilities from the currently permitted site to facilitate less mine bottom development and avoid slope development under a gas and oil products pipeline corridor. The additional acreage will move the slope and supporting facilities directly to the east. Outfall 003 will continue to discharge to unnamed tributary of Big Creek.

Runoff from the additional acreage will be collected and passed through a sediment pond for treatment prior to leaving the permit area. However, runoff from some relatively small areas may not be passed through the sediment pond. These areas generally consist of embankment or cut and fill slopes which will be permanently seeded and stabilized and not affected during the life of the mine. The areas will be seeded and mulched to provide a vegetative cover to prevent erosion. During construction, sediment control measures such as silt fences, straw bale dikes, riprap check dams and mulching will be used to minimize erosion and prevent sediment from leaving the permit area. Runoff from all such areas will be required to be monitored in accordance with the stormwater monitoring special condition of the permit.

The information in this antidegradation assessment came from the application for “Incidental Boundary Revision No. 1, OMM Permit No. 409” (Log No. 7129-11), the original application (Log No. 9134-09), and the “White Oak Mine No. 1, IEPA Modification Letter Dated May 5, 2009, Response to Item 10.”

Identification and Characterization of the Affected Water Body.

The subject facility will discharge to an unnamed tributary of Big Creek at a point where 0 cfs of flow exists upstream of the outfall during critical 7Q10 low-flow conditions. The unnamed tributary of Big Creek is classified as a General Use Water. The unnamed tributary of Big Creek is not listed as a biologically significant stream in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*, nor is it given an integrity rating in that document. The unnamed tributary of Big Creek, tributary to Waterbody Segment, CAGB, is not listed on the draft 2010 Illinois Integrated Water Quality Report and Section 303(d) List since it has not been assessed. The unnamed tributary of Big Creek is not subject to enhanced dissolved oxygen standards. The watershed upstream of Outfall 003 is 0.28 mi². In Southern Illinois headwater stream are watersheds with five square miles or less. Streams meeting this definition will not have developed aquatic life communities because the lack of flow, and in most cases, complete drying of the stream bed, severely limits the establishment of aquatic organisms. These streams may seasonally support some organisms that are adapted for temporary water occurrence, but these communities are so limited in scope that a survey to document the biological community would not be a wise use of resources. Therefore, no further characterization was required given the limited physical nature of this stream.

Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses.

The mine outfall is classified as alkaline mine drainage. Suspended solids will be treated in the sedimentation ponds. Effluent discharged from this pond will contain suspended solids loadings that are similar to those occurring from the land in its present use. Sulfates, chlorides, and manganese will increase in loading to the receiving streams as a result of the mining activities. Based on estimated effluent concentrations for this mine, chloride, sulfate, and manganese will meet water quality standards in the discharged effluent for Outfall 003. No mixing was considered for Outfall 003.

Fate and Effect of Parameters Proposed for Increased Loading.

Suspended solids and manganese discharged will eventually be incorporated into bed sediments and will continue to move downstream. Sulfate and chloride will remain dissolved in the water and will move through the downstream continuum. Small amounts of these substances will be removed by organisms as these substances are necessary for life. No adverse impacts to the receiving streams will occur as all water quality standards will be met.

Purpose and Social & Economic Benefits of the Proposed Activity.

The underground mine will extract the coal resources of the site. According to information in the “White Oak Mine No. 1, IEPA Modification Letter Dated May 5, 2009, Response to Item 10,” opening a new mine will provide jobs for 375 local residents with an annual payroll of approximately \$45 million. In addition, other local businesses would also benefit from the wealth created by the mine. Local and state taxes will increase by \$20 million as a result of the mine. Hamilton County currently has an unemployment rate of 9.7%. In 2006, 16.3% of county residents were living below the poverty level.

**Antidegradation Assessment
White Oak Resources, LLC – White Oak Mine No. 1
NPDES Permit No. IL0078921
Hamilton County**

Assessments of Alternatives for Less Increase in Loading or Minimal Environmental Degradation.

Stormwater control at surface coal mines is a matter of applying established best management practices. The final step in these practices involves sedimentation ponds to catch all runoff from the mine, settle out solids, provide a venue for pH adjustment if necessary and allow a controlled discharge of the effluent to the receiving stream. Prior steps involve the minimization of exposed earth and coal refuse to the elements. Alternatives to this system of prevention and treatment of pollutants have been evaluated by the mine company in the "White Oak Mine No. 1, IEPA Modification Letter Dated May 5, 2009, Response to Item 10" and are summarized as follows:

No discharge. At the White Oak Mine No. 1, a large percentage of collected surface water runoff will be harvested by pumping from the various ponds to the preparation plant. Substantial water is needed for many purposes including coal preparation, dust suppression on underground equipment, coal transfer points, and surface road dust suppression. All available water from two of the four proposed sediment ponds will be collected for these needs. As this removal of water from these two ponds will result in increased storage volume availability for storm water runoff, many precipitation events will be totally contained that would otherwise have resulted in discharge. Considering that the area of the proposed White Oak Mine No. 1 receives in excess of 40 inches of precipitation as an annual average, total containment of all storm water is not considered feasible.

Reduce the number of Outfalls. While combining outfall points from within the permit area is possible, there is no reason to believe that such combinations would result in any improvements in water quality, but would definitely add to the cost of the project. Any conceivable combination of outfalls will still result in the same amount of total water discharge to the receiving stream. Since a reduction in the number of outfalls will not result in any expected improvement in water quality or quantity, this option is ruled out for further consideration.

Filtration. Filtration is a technology that is not considered feasible for the proposed facility because: filtration does not remove dissolved solids and requires a steady stream of water for treatment (which is not the case in treating storm water runoff).

Reverse Osmosis. Standard reverse osmosis (RO) treatment would not be feasible as it has high energy and maintenance requirements and produces a waste stream that must be disposed of offsite. Membrane systems would not be amenable to sudden surges in wastewater typical of stormwater runoff events because they have limited capacity and are not easily started after periods of no flow. For these reasons membrane processes would be infeasible for use at the coal mine.

Bioremediation. Bioremediation is the use of treatment wetlands to create anaerobic and aerobic environments to remove sulfates, some metals, and other contaminants. Anaerobic conditions must be maintained in wetlands for sulfate to be reduced by bacteria. Large wetlands would be required and treatment would be very hard to control. This method is not feasible for the conditions of intermittent flow present at this mine.

Coagulation (Chemical) Precipitation. Alkaline chemicals may be added to acid mine effluent to precipitate metals. The sludges produced must be disposed of and in some cases will contain hazardous materials added to the wastewater to attain precipitation. The chemistry of chemical precipitation does not lend itself to being turned on and off in relation to runoff events. The additives used require mining in their own right. The water discharged may contain these additives, such as aluminum, in elevated concentrations. These drawbacks make chemical precipitation infeasible.

Ion Exchange. Ordinary ion exchange would produce a high strength waste water that would have to be disposed of offsite. The ion exchange equipment would not operate successfully with an intermittent runoff-related effluent stream such as that found at coal mines. These drawbacks make ion exchange infeasible for use at the coal mine.

Cost Effective Sulfate Removal (CESR) Process. This is a proprietary technology that uses hydrated lime and proprietary chemicals to precipitate gypsum, metals and ettringite. Sludges would be produced that would require landfill disposal. The proprietary technology is still being developed. These drawbacks make the CESR process infeasible for use at the coal mine.

Supervac. Supervac is a technology to handle solid wastes and sludge that result from other water treatment technologies. This technology would be appropriate only in conjunction with another water treatment technology. This technology would not be feasible for use at the White Oak Mine No. 1 because it is not a stand-alone water treatment technology.

Summary Comments of the Illinois Department of Natural Resources, Regional Planning Commissions, Zoning Boards or Other Entities.

On May 4, 2010, the IDNR EcoCAT web-based tool was used and indicated that there were no endangered/threatened species present in the vicinity of the discharge. The IDNR EcoCAT web-based tool terminated the consultation.

Antidegradation Assessment
White Oak Resources, LLC – White Oak Mine No. 1
NPDES Permit No. IL0078921
Hamilton County

Agency Conclusion.

This preliminary assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (antidegradation standard) and was based on the information available to the Agency at the time the draft permit was written. We tentatively find that the proposed activity will result in the attainment of water quality standards; that all existing uses of the receiving stream will be maintained; that all technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the proposed activity; and that this activity will benefit the community at large by extracting coal resources from the site, providing jobs and tax money. Comments received during the NPDES permit public notice period will be evaluated before a final decision is made by the Agency.

NPDES Permit No. IL0078921
Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Modified NPDES Permit

Expiration Date: September 30, 2015

Issue Date: October 19, 2010
Effective Date: October 19, 2010
Modification Date:

Name and Address of Permittee:

White Oak Resources, LLC
121 South Jackson Street
McLeansboro, IL 62859

Facility Name and Address:

White Oak Resources, LLC
White Oak Mine No. 1
6.6 miles northwest of McLeansboro, Illinois
(Hamilton County)

Discharge Number and Name:

001, 002, 003, 004 Alkaline Mine Drainage

Receiving waters

Unnamed tributary to Big Creek

In compliance with the provisions of the Illinois Environmental Protection Act, Subtitle C and/or Subtitle D Rules and Regulations of the Illinois Pollution Control Board, and the Clean Water Act, the above-named permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the standard conditions and attachments herein.

Permittee is not authorized to discharge after the above expiration date. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit the proper application as required by the Illinois Environmental Protection Agency (IEPA) not later than 180 days prior to the expiration date.

Ronald E. Morse, Manager
Mine Pollution Control Program
Bureau of Water

REM:LDC:IKW:jkb/5845c/05-13-11

NPDES Coal Mine Permit
 NPDES Permit No. IL0078921
 Effluent Limitations and Monitoring

From the effective date of this Permit until the expiration date, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 001 (Alkaline Mine Drainage)

Discharge Condition	Parameters												
	Total Suspended Solids (mg/l) ***		Iron (total) (mg/l) ***		pH** (S.U.)	Alkalinity/Acidity	Sulfate (mg/l) ***	Chloride (mg/l) ***	Mn (total) (mg/l) ***	Hardness ***	Mercury see Special Condition No.16	Flow (MGD)	Settleable Solids (ml/l)
	30 day average	daily maximum	30 day average	daily maximum	***	***	***	***	***	***	***	***	***
I	35	70	3.0	6.0	6.5 – 9.0	Alk.>Acid	1527	500	1.0	Monitor only	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0 – 9.0	-	2100	1000	2.0	Monitor only	-	Measure When Sampling	0.5
III	-	-	-	-	6.0 – 9.0	-	2100	1000	2.0	Monitor only	-	Measure When Sampling	-
IV	35	70	3.0	6.0	6.0 – 9.0	Alk.>Acid	2100	1000	2.0	Monitor only	Monitor only	Measure When Sampling	-

- I Dry weather discharge (base flow or mine pumpage) from the outfall at times of "low flow" or "no flow" conditions in the receiving stream as defined in Special Condition No. 12.
- II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.62 inches.
- III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).
- IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. At such time that receiving stream flow subsides to the degree that the mixing ratio specified in Special Condition No. 12 is not available, monitoring requirements and permit limitations shall revert to Discharge Condition I.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method.

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during either Discharge Condition I or IV should such discharge condition occur. A "no flow" situation is not considered to be a sample of the discharge. In the event that Discharge Conditions II and/or III occur, a grab sample of each discharge caused by the above precipitation events (Discharge Conditions II and/or III) shall be taken and analyzed for the parameters identified in the table above during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). Should a sufficient number of discharge events occur during the quarter, the remaining three (3) quarterly samples may be taken during any of the Discharge Conditions described above.

Discharges from the above referenced outfall that are subject to the requirements of Discharge Conditions II, III and/or IV must meet the water quality standards for sulfate and chloride in the receiving stream.

* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 12 for the discharges from Outfall 001 and the unnamed tributary to Big Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

NPDES Coal Mine Permit
 NPDES Permit No. IL0078921
 Effluent Limitations and Monitoring

From the effective date of this Permit until the expiration date, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 002 (Alkaline Mine Drainage)

Discharge Condition	Parameters												
	Total Suspended Solids (mg/l) ***		Iron (total) (mg/l) ***		pH** (S.U.)	Alkalinity/Acidity	Sulfate (mg/l) ***	Chloride (mg/l) ***	Mn (total) (mg/l) ***	Hardness ***	Mercury see Special Condition No.16	Flow (MGD)	Settleable Solids (ml/l)
	30 day average	daily maximum	30 day average	daily maximum	***	***	***	***	***	***	***	***	***
I	35	70	3.0	6.0	6.5 – 9.0	Alk.>Acid	1527	500	1.0	Monitor only	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0 – 9.0	-	2100	1000	2.0	Monitor only	-	Measure When Sampling	0.5
III	-	-	-	-	6.0 – 9.0	-	2100	1000	2.0	Monitor only	-	Measure When Sampling	-
IV	35	70	3.0	6.0	6.0 – 9.0	Alk.>Acid	2100	1000	2.0	Monitor only	Monitor only	Measure When Sampling	-

- I Dry weather discharge (base flow or mine pumpage) from the outfall at times of "low flow" or "no flow" conditions in the receiving stream as defined in Special Condition No. 12.
- II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.62 inches.
- III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).
- IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. At such time that receiving stream flow subsides to the degree that the mixing ratio specified in Special Condition No. 12 is not available, monitoring requirements and permit limitations shall revert to Discharge Condition I.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method.

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during either Discharge Condition I or IV should such discharge condition occur. A "no flow" situation is not considered to be a sample of the discharge. In the event that Discharge Conditions II and/or III occur, a grab sample of each discharge caused by the above precipitation events (Discharge Conditions II and/or III) shall be taken and analyzed for the parameters identified in the table above during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). Should a sufficient number of discharge events occur during the quarter, the remaining three (3) quarterly samples may be taken during any of the Discharge Conditions described above.

Discharges from the above referenced outfall that are subject to the requirements of Discharge Conditions II, III and/or IV must meet the water quality standards for sulfate and chloride in the receiving stream.

* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 12 for the discharges from Outfall 002 and the unnamed tributary to Big Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

NPDES Coal Mine Permit
NPDES Permit No.IL0078921
Effluent Limitations and Monitoring

From the effective date of this Permit until the expiration date, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 003 (Alkaline Mine Drainage)

Discharge Condition	Parameters												
	Total Suspended Solids (mg/l) ***		Iron (total) (mg/l) ***		pH** (S.U.)	Alkalinity/Acidity	Sulfate (mg/l) ***	Chloride (mg/l) ***	Mn (total) (mg/l) ***	Hardness ***	Mercury see Special Condition No.16	Flow (MGD)	Settleable Solids (ml/l)
	30 day average	daily maximum	30 day average	daily maximum	***	***	***	***	***	***	***	***	***
I	35	70	3.0	6.0	6.5 – 9.0	Alk.>Acid	1527	500	1.0	Monitor only	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0 – 9.0	-	1527	500	-	Monitor only	-	Measure When Sampling	0.5
III	-	-	-	-	6.0 – 9.0	-	1527	500	-	Monitor only	-	Measure When Sampling	-
IV	35	70	3.0	6.0	6.5 – 9.0	Alk.>Acid	1527	500	1.0	Monitor only	Monitor only	Measure When Sampling	-

- I Dry weather discharge (base flow or mine pumpage) from the outfall.
- II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.62 inches.
- III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).
- IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method.

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during either Discharge Condition I or IV should such discharge condition occur. A "no flow" situation is not considered to be a sample of the discharge. In the event that Discharge Conditions II and/or III occur, a grab sample of each discharge caused by the above precipitation events (Discharge Conditions II and/or III) shall be taken and analyzed for the parameters identified in the table above during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). Should a sufficient number of discharge events occur during the quarter, the remaining three (3) quarterly samples may be taken during any of the Discharge Conditions described above.

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No.14 for the discharges from Outfall 003 and the unnamed tributary to Big Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

NPDES Coal Mine Permit
NPDES Permit No.IL0078921
Effluent Limitations and Monitoring

From the effective date of this Permit until the expiration date, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 004 (Alkaline Mine Drainage)

Discharge Condition	Parameters										
	Total Suspended Solids (mg/l) ***		Iron (total) (mg/l) ***		pH** (S.U.) ***	Alkalinity/Acidity ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Hardness ***	Flow (MGD)	Settleable Solids (ml/l)
	30 day average	daily maximum	30 day average	daily maximum							
I	35	70	3.0	6.0	6.5 – 9.0	Alk.>Acid	1279	500	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0 – 9.0	-	1279	500	Monitor only	Measure When Sampling	0.5
III	-	-	-	-	6.0 – 9.0	-	1279	500	Monitor only	Measure When Sampling	-
IV	35	70	3.0	6.0	6.5 – 9.0	Alk.>Acid	1279	500	Monitor only	Measure When Sampling	-

- I Dry weather discharge (base flow or mine pumpage) from the outfall.
- II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.62 inches.
- III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b).
- IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For outfalls which have no allowed mixing, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method.

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during either Discharge Condition I or IV should such discharge condition occur. A "no flow" situation is not considered to be a sample of the discharge. In the event that Discharge Conditions II and/or III occur, a grab sample of each discharge caused by the above precipitation events (Discharge Conditions II and/or III) shall be taken and analyzed for the parameters identified in the table above during at least 3 separate events each quarter. For quarters in which there are less than 3 such precipitation events resulting in discharges, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s). Should a sufficient number of discharge events occur during the quarter, the remaining three (3) quarterly samples may be taken during any of the Discharge Conditions described above.

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No.14 for the discharges from Outfall 004 and the unnamed tributary to Big Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

NPDES Coal Mine Permit
NPDES Permit No. IL0078921
Effluent Limitations and Monitoring

Upon completion of Special Condition 9 and approval from the Agency, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfalls*: 001, 002, 003 (Reclamation Area Drainage)

Discharge Condition	Parameters					
	pH**	Sulfate	Chloride	Hardness	Flow	Settleable Solids
	(S.U.)	(mg/l)	(mg/l)		(MGD)	(ml/l)
	***	***	***	***		***
I	6.5 – 9.0	1527	500	Monitor only	Measure When Sampling	0.5
II	6.0 – 9.0	1527	500	Monitor only	Measure When Sampling	0.5
III	6.0 – 9.0	1527	500	Monitor only	Measure When Sampling	-
IV	6.5 – 9.0	1527	500	Monitor only	Measure When Sampling	0.5

- I Dry weather discharge (base flow, if present) from the outfall.
- II In accordance with 35 Ill. Adm. Code 406.109(b), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.109(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.62 inches.
- III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.109(b).
- IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For reclamation and discharges, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method.

*** One sample per month (1/month) shall be collected if and/or when a discharge occurs under either Discharge Condition I, II or IV and analyzed for the parameters identified in the table above. In addition, at least three (3) grab samples shall be taken each quarter from separate precipitation events under Discharge Condition III and analyzed for the parameters indicated in the above table. For quarters in which there are less than 3 such precipitation events, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s).

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 13 for the discharges from Outfalls 001 and 002 and Special Condition No. 14 for the discharge from Outfall 003 and the unnamed tributary to Big Creek receiving such discharges.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

NPDES Coal Mine Permit
NPDES Permit No. IL0078921
Effluent Limitations and Monitoring

Upon completion of Special Condition 9 and approval from the Agency, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfall*: 004 (Reclamation Area Drainage)

Discharge Condition	Parameters					
	pH**	Sulfate	Chloride	Hardness	Flow	Settleable Solids
	(S.U.)	(mg/l)	(mg/l)		(MGD)	(ml/l)
	***	***	***	***		***
I	6.5 – 9.0	1279	500	Monitor only	Measure When Sampling	0.5
II	6.0 – 9.0	1279	500	Monitor only	Measure When Sampling	0.5
III	6.0 – 9.0	1279	500	Monitor only	Measure When Sampling	-
IV	6.5 – 9.0	1279	500	Monitor only	Measure When Sampling	0.5

- I Dry weather discharge (base flow, if present) from the outfall.
- II In accordance with 35 Ill. Adm. Code 406.109(b), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.109(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.62 inches.
- III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.109(b).
- IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. For reclamation and discharges, monitoring requirements and permit limitations of Discharge Condition IV are identical to Discharge Condition I to which the outfall discharge has reverted.

Sampling during all Discharge Conditions shall be performed utilizing the grab sampling method.

*** One sample per month (1/month) shall be collected if and/or when a discharge occurs under either Discharge Condition I, II or IV and analyzed for the parameters identified in the table above. In addition, at least three (3) grab samples shall be taken each quarter from separate precipitation events under Discharge Condition III and analyzed for the parameters indicated in the above table. For quarters in which there are less than 3 such precipitation events, a grab sample of the discharge shall be required whenever such precipitation event(s) occur(s).

The water quality standards for sulfate and chloride must be met in discharges from the above referenced outfall as well as in the receiving stream.

* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 14 for the discharge from Outfall 004 and the unnamed tributary to Big Creek receiving such discharge.

** No discharge is allowed from any above referenced permitted outfall during "low flow" or "no flow" conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

NPDES Coal Mine Permit
 NPDES Permit No. IL0078921
 Effluent Limitations and Monitoring

Upon completion of Special Condition 10 and approval from the Agency, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfalls: 001, 002, 003, 004 (Stormwater Discharge)

Parameters	
pH* (S.U.) **	Settleable Solids (ml/l) **
6.0 – 9.0	0.5

Storm water discharge monitoring is subject to the following reporting requirements:

Analysis of samples must be submitted with second quarter Discharge Monitoring Reports.

If discharges can be shown to be similar, a plan may be submitted by November 1 of each year preceding sampling to propose grouping of similar discharges and/or updated previously submitted groupings. If updating of a previously submitted plan is not necessary, a written notification to the Agency, indicating such is required. Upon approval from the Agency, one representative sample for each group may be submitted.

Annual storm water monitoring is required for all discharges until Final SMCRA Bond is released and approval to cease such monitoring is obtained from the Agency.

* No discharge is allowed from any above referenced permitted outfalls during “low flow” or “no flow” conditions in the receiving stream unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302.204 for pH.

** One (1) sample per year shall be collected and analyzed for the indicated parameter; however, such sampling and analysis is required only if and/or when a discharge occurs from the individual Outfall(s) identified above.

NPDES Permit No. IL0078921

Construction Authorization No. 9134-09

C.A. Date: June 25, 2010

Authorization is hereby granted to the above designee to construct and operate the mine and mine refuse area described as follows:

The surface facilities of an underground mine containing a total of 418.4 acres (OMM Permit No. 409), as described and depicted in IEPA Log No. 9134-09 and 9134-09-B located in Sections 13, 14 and 23, Township 4 South, Range 5 East, 3rd P.M., Hamilton County, Illinois.

The surface facilities at this underground mine contains the incline slope to reach the coal seam, vertical shafts, coal preparation plant, coal storage areas, coal feeders, reclaim tunnels, rail loading loop, rail loadout, parking lots, access roads, drainage control structures, office buildings, change rooms, assembly rooms, warehousing facilities, administration building, storage facilities, elevator facilities, ventilation facilities, refuse disposal areas, overland belt line, screens, crusher, power distribution facilities, power lines, water lines, topsoil and subsoil stockpile areas.

Surface drainage control is provided by four(4) sedimentation ponds with discharges designated as Outfalls 001, 002, 003 and 004 all classified as alkaline mine drainage.

Location and receiving stream of the Outfalls at this facility is as follows:

Outfall Number	Latitude			Longitude			Receiving Waters
	DEG	MIN	SEC	DEG	MIN	SEC	
001	38°	09'	55.46"	88°	37'	32.37"	Unnamed tributary to Big Creek
002	38°	09'	56.26"	88°	37'	28.15"	Unnamed tributary to Big Creek
003	38°	09'	44.06"	88°	37'	5.56"	Unnamed tributary to Big Creek
004	38°	10'	9.21"	88°	36'	12.98"	Unnamed tributary to Big Creek

Coarse and fine coal refuse disposal is approved in the western portion of the permit area as depicted in IEPA Log No. 9134-09-B. Foundation preparation for this disposal area shall consist of the construction of a four (4) foot compacted clay liner subject to and in accordance with the specifications and testing requirements of Condition No.13.

Compacted clay liners as described above for the coarse and fine refuse disposal areas shall also be constructed for Sedimentation Basins 001, 002, and 003, which receive pumpage and/or runoff from coal stockpiles and/or coal refuse disposal activities. Construction of the four (4) foot compacted clay liners for the sedimentation basins shall also be subject to and in accordance with the specifications and testing requirements of Condition No. 13.

In the event that sediment removal from Basins 001, 002 and/or 003 becomes necessary, such sediment removal activity shall be subject to Condition 14.

Groundwater monitoring for this facility will consist of the following:

- a. Twelve (12) existing and/or proposed monitoring wells identified as Well Nos. GMW-1 through GMW-12 as depicted in IEPA Log No. 9134-09-B
- b. Monitoring Wells Nos. GMW-1, GMW-2, GMW-11 and GMW-12 will monitor the effects of the refuse disposal area. Monitoring Wells Nos. GMW-10, GMW-9 and GMW-8 will monitor groundwater down-gradient of sedimentation ponds 001, 002 and 003 respectively, which will receive runoff from refuse disposal or coal storage areas.
- c. Monitoring Wells Nos. GMW-3, GMW-4, GMW-5, GMW-6 and GMW-7 will monitor the effects of general mining related facilities.

Groundwater monitoring requirements are outlined in Condition No.12.

The abandonment plan shall be executed and completed in accordance with 35 Ill. Adm. Code 405.109. as described and depicted in the log numbers referenced in Condition No. 3.

All water remaining upon abandonment must meet the requirements of 35 Ill. Adm. Code 406.202. For the constituents not covered by Parts 302 or 303, all water remaining upon abandonment must meet the requirements of 35 Ill. Adm. Code 406.106.

NPDES Permit No. IL0078921

Construction Authorization No. 9134-09

C.A. Date: June 25, 2010

This Authorization is issued subject to the following Condition(s). If such Condition(s) require(s) additional or revised facilities, satisfactory engineering plan documents must be submitted to this Agency for review and approval to secure issuance of a Supplemental Authorization to Construct.

1. If any statement or representation is found to be incorrect, this permit may be revoked and the permittee thereupon waives all rights thereunder.
2. The issuance of this permit (a) shall not be considered as in any manner affecting the title of the premises upon which the mine or mine refuse area is to be located; (b) does not release the permittee from any liability for damage to person or property caused by or resulting from the installation, maintenance or operation of the proposed facilities; (c) does not take into consideration the structural stability of any units or parts of the project; and (d) does not release the permittee from compliance with other applicable statutes of the State of Illinois, or with applicable local laws, regulations or ordinances.
3. Final plans, specifications, application and supporting documents as submitted by the person indicated on Page 1 as approved shall constitute part of this permit and are identified by Log Nos. 9134-09 and 9134-09-B in the records of the Illinois Environmental Protection Agency.
4. There shall be no deviations from the approved plans and specifications unless revised plans, specifications and application shall first have been submitted to the Illinois Environmental Protection Agency and a supplemental permit issued.
5. The permit holder shall notify the Environmental Protection Agency (217/782-3637) immediately of an emergency at the mine or mine refuse area which causes or threatens to cause a sudden discharge of contaminants into the waters of Illinois and shall immediately undertake necessary corrective measures as required by 35 Ill. Adm. Code 405.111. (217/782-3637 for calls between the hours of 5:00 p.m. to 8:30 a.m. and on weekends.)
6. The termination of an NPDES discharge monitoring point or cessation of monitoring of an NPDES discharge is not authorized by this Agency until the permittee submits adequate justification to show what alternate treatment is provided or that untreated drainage will meet applicable effluent and water quality standards.
7. Initial construction activities in areas to be disturbed shall be for collection and treatment facilities only. Prior to the start of other activities, surface drainage controls shall be constructed and operated to avoid violations of the Act or Subtitle D. At such time as runoff water is collected in the sedimentation pond, a sample shall be collected and analyzed, for the parameters designated as 1M through 15M under Part 5-C of Form 2C and the effluent parameters designated herein with the results sent to this Agency. Should additional treatment be necessary to meet the standards of 35 Ill. Adm. Code 406.106, a Supplemental Permit must be obtained. Discharge from ponds is not allowed unless applicable effluent and water quality standards are met in the basin discharge(s).
8. This Agency must be informed in writing and an application submitted if drainage, which was previously classified as alkaline (pH greater than 6.0), becomes acid (pH less than 6.0) or ferruginous (base flow with an iron concentration greater than 10 mg/l). The type of drainage reporting to the basin should be reclassified in a manner consistent with the applicable rule of 35 Ill. Adm. Code 406 as amended in R84-29 at 11 Ill. Reg. 12899. The application should discuss the treatment method and demonstrate how the discharge will meet the applicable standards.
9. A permittee has the obligation to add a settling aid if necessary to meet the suspended solids or settleable solids effluent standards. The selection of a settling aid and the application practice shall be in accordance with a. or b. below.
 - a. Alum ($\text{Al}_2(\text{SO}_4)_3$), hydrated lime ($\text{Ca}(\text{OH})_2$), soda ash (Na_2CO_3), alkaline pit pumpage, acetylene production by-product (tested for impurities), and ground limestone are acceptable settling aids and are hereby permitted for alkaline mine drainage sedimentation ponds.
 - b. Any other settling aids such as commercial flocculents and coagulants are permitted only on prior approval from the Agency. To obtain approval a permittee must demonstrate in writing to the Agency that such use will not cause a violation of the toxic substances standard of 35 Ill. Adm. Code 302.210 or of the appropriate effluent and water quality standards of 35 Ill. Adm. Code parts 302, 304, and 406.

NPDES Permit No. IL0078921

Construction Authorization No. 9134-09

C.A. Date: June 25, 2010

10. A general plan for the nature and disposition of all liquids used to drill boreholes shall be filed with this Agency prior to any such operation. This plan should be filed at such time that the operator becomes aware of the need to drill unless the plan of operation was contained in a previously approved application. After settling, recirculation water which meets the requirements of 35 Ill. Adm. Code 406.106 and 406.202 may be discharged. The use of additives in the recirculation water which require treatment other than settling to comply with the Act will require a revised permit.
11. Any of the following shall be a violation of the provisions required under 35 Ill. Adm. Code 406.202:
 - a. It is demonstrated that an adverse effect on the environment in and around the receiving stream has occurred or is likely to occur.
 - b. It is demonstrated that the discharge has adversely affected or is likely to adversely affect any public water supply.
 - c. The Agency determines that the permittee is not utilizing Good Mining Practices in accordance with 35 Ill. Adm. Code 406.204, which are fully described in detail in Sections 406.205, 406.206, 406.207 and 406.208, in order to minimize the discharge of total dissolved solids, chloride, sulfate, iron and manganese. To the extent practical, such Good Mining Practices shall be implemented to:
 - i. Stop or minimize water from coming into contact with disturbed areas through the use of diversions and/or runoff controls (Section 406.205).
 - ii. Retention and control within the site of waters exposed to disturbed materials utilizing erosion controls, sedimentation controls, water reuse or recirculation, minimization of exposure to disturbed materials, etc. (Section 406.206).
 - iii. Control and treatment of waters discharged from the site by regulation of flow of discharges and/or routing of discharges to more suitable discharge locations (Section 406.207).
 - iv. Utilize unconventional practices to prevent the production or discharge of waters containing elevated contaminant concentrations such as diversion of groundwater prior to entry into a surface or underground mine, dewatering practices to remove clean water prior to contacting disturbed materials and/or any additional practices demonstrated to be effective in reducing contaminant levels in discharges (Section 406.208).
 - d. The Agency determines that the permittee is not utilizing Best Management Practices associated with coal refuse disposal activities in order to minimize the discharge of total dissolved solids, chloride, sulfate, iron and manganese. As stated in IEPA Log No. 9134-09-B, the Best Management Practices to be implemented are:
 - i. Maximize extent and distribution of un-oxidized, fresh refuse
 - ii. Maximize fresh refuse disposal and concurrent compaction
 - iii. Minimize long-term end-dump storages areas to prevent acidification
 - iv. Apply alkaline amendment to acidified refuse area to restore non-acid conditions
 - v. Neutralization of uncontrolled acid/sulfate runoff from refuse disposal area.

NPDES Permit No. IL0078921

Construction Authorization No. 9134-09

C.A. Date: June 25, 2010

12. Groundwater monitoring requirements for the OMM Permit No. 409 area as approved under IEPA Log Nos. 9134-09 and 9134-09-B are as follows:

- a. Groundwater monitoring shall consist of existing and/or proposed Well Nos. GMW-1 through GMW-12.
- b. Ambient background monitoring shall be performed for all wells identified in 12(a) above. Such ambient monitoring shall consist of six (6) samples collected during the first year (approximately bi-monthly) following well installation but no later than during the first year of facility operation to determine ambient background concentrations. Background monitoring shall include the following list of constituents:

Aluminum	Fluoride	Sulfate
Antimony	Iron (dissolved)	Thallium
Arsenic	Iron (total)	Total Dissolved Solids
Barium	Lead	Vanadium
Beryllium	Manganese (dissolved)	Zinc
Boron	Manganese (total)	pH
Cadmium	Mercury	Acidity
Chloride	Molybdenum	Alkalinity
Chromium	Nickel	Hardness
Cobalt	Phenols	Water Elevation
Copper	Selenium	
Cyanide	Silver	

c. Following the ambient monitoring as required under 12(b) above, routine monitoring shall continue on a quarterly basis as follows:

- i. Monitoring Well Nos. GMW-1, GMW-2, GMW-8, GMW-9, GMW-10, GMW-11 and GMW-12, associated with refuse disposal and basins receiving runoff from such areas shall continue to be monitored quarterly for the contaminants identified in 12(b) above.
- ii. Monitoring Well Nos. GMW-3, GMW-4, GMW-5, GMW-6 and GMW-7 shall be monitored quarterly as required by IDNR/OMM for the following list of constituents:

Iron (dissolved)	Hardness
Iron (total)	Acidity
Manganese (dissolved)	Alkalinity
Manganese (total)	pH
Sulfate	Water Elevation
Total Dissolved Solids	

d. Following completion of active mining and reclamation, post-mining monitoring of the above referenced wells shall consist of six (6) samples collected during a 12-month period (approximately bi-monthly) to determine post-mining concentrations. Post-mining monitoring shall include the list of constituents identified in 12(b) above. The method outlined in Condition No. 12(f) below shall again be utilized to determine the 95% confidence limit for each contaminant for each well with the results submitted to the Agency.

e. Reporting of groundwater monitoring results shall be submitted to the Agency in accordance with Special Condition Nos. 3 and 5.

Should electronic filing of groundwater monitoring data through IDNR/OMM be elected, electronic notification shall be provided to the Agency upon submittal of groundwater data to IDNR/OMM.

f. A statistically valid representation of background and/or post-mining water quality required under Condition No. 12(b) and 12(d) above shall be submitted utilizing the following method. This method shall be used to determine the upper 95 percent confidence limit for each parameter listed in Condition No. 12(b) above.

Should the Permittee determine that an alternate statistical method would be more appropriate based on the data being evaluated, the Permittee may request utilization of such alternate methodology. Upon approval from the Agency, the alternate methodology may be utilized to determine a statistically valid representation of background and/or post-mining water quality.

This method should be used to predict the confidence limit when single groundwater samples are taken from each monitoring (test) well.

NPDES Permit No. IL0078921

Construction Authorization No. 9134-09

C.A. Date: June 25, 2010

- i. Determine the arithmetic mean (\bar{X}_b) of each indicator parameter for the sampling period. If more than one well is used, an equal number of samples must be taken from each well.

$$\bar{X}_b = \frac{X_1 + X_2 + \dots + X_n}{n}$$

Where:

\bar{X}_b = Average value for a given chemical parameter

X_n = Values for each upgradient sample

n = the number of samples taken

- ii. Calculate the background and/or post-mining variance (S_b^2) and standard deviation (S_b) for each parameter using the values (X_n) from each sample of the well(s) as follows:

$$S_b^2 = \frac{(X_1 - \bar{X}_b)^2 + (X_2 - \bar{X}_b)^2 + \dots + (X_n - \bar{X}_b)^2}{n - 1}$$

$$S_b = \sqrt{S_b^2}$$

- iii. Calculate the upper confidence limit using the following formula:

$$CL = \bar{X}_b \pm t \sqrt{1 + 1/n} S_b$$

Where:

CL = upper confidence limit prediction

(upper and lower limits should be calculated for pH)

t = one-tailed t value at the required significance

level and at $n-1$ degrees of freedom from Table 1

(a two-tailed t value should be used for pH)

- iv. If the values of any routine parameter for any monitoring well exceed the upper confidence limit for that parameter, the permittee shall conclude that a statistically significant change has occurred at that well.
- v. When some of the background and/or post-mining values are less than the Method Detection Limit (MDL), a value of one-half (1/2) the MDL shall be substituted for each value that is reported as less than the MDL. All other computations shall be calculated as given above.

If all the background and/or post-mining values are less than the MDL for a given parameter, the Practical Quantitation Limit (PQL), as given in 35 Ill. Adm. Code Part 724 Appendix I shall be used to evaluate data from monitoring wells. If the analytical results from any monitoring well exceed two (2) times the PQL for any single parameter, or if they exceed the PQLs for two or more parameters, the permittee shall conclude that a statistically significant change has occurred.

NPDES Permit No. IL0078921

Construction Authorization No. 9134-09

C.A. Date: June 25, 2010

Table 1
Standard t-Tables Level of Significance

Degrees of freedom	t-values (one-tail)		t-values (two-tail)*	
	99%	95%	99%	95%
4	3.747	2.132	4.604	2.776
5	3.365	2.015	4.032	2.571
6	3.143	1.943	3.707	2.447
7	2.998	1.895	3.499	2.365
8	2.896	1.860	3.355	2.306
9	2.821	1.833	3.250	2.262
10	2.764	1.812	3.169	2.228
11	2.718	1.796	3.106	2.201
12	2.681	1.782	3.055	2.179
13	2.650	1.771	3.012	2.160
14	2.624	1.761	2.977	2.145
15	2.602	1.753	2.947	2.131
16	2.583	1.746	2.921	2.120
17	2.567	1.740	2.898	2.110
18	2.552	1.734	2.878	2.101
19	2.539	1.729	2.861	2.093
20	2.528	1.725	2.845	2.086
21	2.518	1.721	2.831	2.080
22	2.508	1.717	2.819	2.074
23	2.500	1.714	2.807	2.069
24	2.492	1.711	2.797	2.064
25	2.485	1.708	2.787	2.060
30	2.457	1.697	2.750	2.042
40	2.423	1.684	2.704	2.021

Adopted from Table III of "Statistical Tables for Biological Agricultural and Medical Research" (1947, R.A. Fisher and F. Yates).

* For pH only when required.

- g. The results of this statistical representation of background and/or post-mining groundwater quality shall be submitted to the Agency addresses indicated in Special Condition No. 3 of this Permit.
13. The four (4) foot compacted clay liner to be constructed beneath the coarse refuse disposal area, fine coal refuse area, and Sedimentation Basins 001, 002 and 003 shall be subject to the following specifications and procedures and detailed in IEPA Log No. 9134-09-B.

Construction Specifications

- a. All soils to be used for compacted clay liner shall be free of grass, vines, vegetation, and rock or stones greater than 4 inches in diameter.
- b. Soil shall be delivered to the construction area utilizing trucks, wheel tractor scrapers or tractor and pull behind scraper combinations. The soil shall be spread to appropriate thickness using a bulldozer or soil compactor. Each processed lift will be compacted with a soil compactor or sheepsfoot roller. A minimum of three (3) passes of compaction equipment shall be applied to each lift.
- c. Each successive soil lift shall be placed to a 6 to 8 inch loose thickness; however, in no instance shall the loose lift thickness exceed the length of the pads or feet on the compactor or roller.
- d. Each soil lift shall be compacted to the minimum Standard Proctor (ASTM D698) density identified in Item No. 13(r) below, at a moisture content 0% to 5% above the optimum moisture content of the soil.
- e. Inter-lift surfaces shall be adequately scarified to ensure inter-lift bonding.

NPDES Permit No. IL0078921

Construction Authorization No. 9134-09

C.A. Date: June 25, 2010

- f. Liner construction shall be performed to ensure consistent achievement of density, moisture content, and hydraulic conductivity for each successive lift.
- g. The placement of frozen material or the placement of material on frozen ground shall be prohibited.
- h. Contemporaneous placement or protective covering shall be provided to prevent drying, desiccation and/or freezing where necessary.
- i. Construction shall proceed only during favorable climatic conditions.
- j. Liner construction shall be completed in a manner which reduces void spaces within the soil and liner.
- k. All construction stakes shall be removed during construction, and all test holes (Shelby tube samples) are to be backfilled with bentonite.
- l. The compacted clay liner shall be constructed in a manner to achieve a uniform barrier with a hydraulic conductivity of 1×10^{-7} cm/sec.
- m. In the event that acceptable compaction results are not achieved, the soil lift shall be re-processed or removed and replaced. If moisture content is less than optimum, or greater than 5% above optimum, the failing material shall be wetted or dried to a moisture content within specification and re-compacted. If the dry density is below specification, the failing material shall be re-compacted until a passing test is achieved.
- n. In the event of a failing conductivity test, the soil may be removed or re-compacted and retested until a passing result is obtained; or the soil immediately above and below the test specimen from the same Shelby tube may be tested. If both tests pass, the original test shall be nullified. If either test fails, that portion of the liner shall be rejected and shall be reconstructed and retested until passing results are obtained. The limits of necessary reconstruction shall be determined by additional sampling and testing within the failed region, thereby isolating the failing area of work.

Testing Specifications

- o. Prior to initiating soil liner construction, borrow soils shall be identified, qualified, and verified. At a minimum, a representative sample of each soil type identified within the borrow area is to be collected and analyzed for gradation, compaction, and hydraulic conductivity characteristics.
- p. Samples collected from the borrow area shall be evaluated in accordance with ASTM D422, D4318 and D2487 to ensure classification criteria are met.
- q. Samples collected from the borrow area shall be tested in accordance with ASTM D698 to determine maximum dry density and optimum moisture content of the soil.
- r. Samples collected from the borrow area shall be compacted to 90% and 95% standard Proctor density at or near optimum moisture content. The hydraulic conductivity of the re-compacted samples shall be determined in accordance with ASTM D5084 procedures. The results of this testing shall be used to establish the minimum dry density for soil liner compaction necessary to achieve a hydraulic conductivity of 1×10^{-7} cm/sec or less.
- s. Moisture and density testing by nuclear methods (ASTM D2922 and D3017) shall be conducted at a rate of at least one test per 1,000 cubic yards placed. Testing locations shall be random, and shall not be known to the earthwork contractor prior to lift placement.
- t. To insure the accuracy and reproducibility of the nuclear testing, all nuclear density gauges shall be certified to calibration. Soil compaction tests shall be double-checked with independent test methods. A drive cylinder test and laboratory moisture content determination shall be conducted and compared to gauge readings. These independent checks shall be made at the outset of construction and on a bi-weekly basis (e.g., every ten working days) thereafter.
- u. Samples for hydraulic conductivity verification shall be retrieved from the compacted soil liner and tested in accordance with ASTM D5084 procedures. Samples shall be retrieved using three-inch Shelby tubes. Samples shall be completed at a frequency of one sample/test per 20,000 cubic yards placed. The vertical location of the recovered samples shall be

NPDES Permit No. IL0078921

Construction Authorization No. 9134-09

C.A. Date: June 25, 2010

varied so that representative portions or lifts of the constructed liner are tested. Testing locations shall be random, and shall not be known to the earthwork contractor prior to soil liner construction.

- v. Survey checks shall be conducted at a maximum spacing of 100 ft. centers, and at 100 ft. intervals along each line where a break in slope occurs, to verify liner thickness. To verify liner thickness, the survey checks shall be taken before and after liner construction.
14. To protect the Basin liner from damage during sediment removal activity, the following precautions shall be taken:
- a. An accurate survey of the top of the compacted clay liner shall be performed upon completion of liner construction for reference and utilization during sediment cleanout activities.
 - b. Prior to the start of sediment removal activity, an accurate survey of the top of sediment to be removed shall be performed.
 - c. Equipment used for sediment removal shall be capable of utilizing survey data to assure a minimum of one (1) foot of sediment is left in place to protect the clay liner.

NPDES Permit No. IL0078921

Supplemental Construction Authorization No. 9134-09-1

S.C.A. Date: May 19, 2011

Supplemental Authorization is hereby granted to the above designee to construct and operate the mine and mine refuse area, which were previously approved under Authorization No. 9134-09 dated June 25, 2010. These facilities have been revised as follows:

The total permit area for this facility is increased from 418.4 acres to a current total of 453.4 acres as discussed and described below.

Information provided in IEPA Log No. 9134-09-C, identified as Responses to OMM Modification Letter regarding Permit No. 409 Application, is hereby incorporated into this permit to reflect minor revisions and updates to surface and groundwater monitoring data, and updated access road, diversion and drainage control structure design and drawings.

An additional area of 20.0 acres, identified as IBR No. 1 to OMM Permit No. 409 area, located in Section 14, Township 4 South, Range 5 East, in Hamilton County, Illinois. As proposed and depicted in IEPA Log Nos. 7129-11 and 7129-11-B, the soils storage, parking lot, maintenance shop, material storage, warehouse and slope portal will be relocated from the main permit area to this additional area. Runoff from this additional area will be tributary to sedimentation basin and Outfall 003. This additional area is included in the total permit area cited above.

An additional area of 15.0 acres, identified as IBR No. 2 to OMM Permit No. 409 area, located in Section 13, Township 4 South, Range 5 East, in Hamilton County, Illinois. As proposed and depicted in IEPA Log No. 7156-11, the construction of a temporary road to access borehole locations and the installation of said boreholes to deliver power and concrete for mine slope construction. Alternate drainage control will be provided by silt fence, straw bale dikes, graveled areas and vegetation. Runoff from this area will be monitored in accordance with stormwater monitoring requirements of this Permit. This additional area is included in the total permit area cited above.

NPDES Permit No. IL0078921

Special Conditions

Special Condition No. 1: No effluent from any mine related facility area under this permit shall, alone or in combination with other sources, cause a violation of any applicable water quality standard as set out in the Illinois Pollution Control Board Rules and Regulations, Subtitle C: Water Pollution.

Special Condition No. 2: Samples taken in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge, but prior to entry into the receiving stream.

Special Condition No. 3: All periodic monitoring and reporting forms, including Discharge Monitoring Report (DMR) forms, shall be submitted to the Agency according to the schedule outlined in Special Condition Nos. 4 or 5 below with one (1) copy forwarded to each of the following addresses:

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Ave., East
P.O. Box 19276
Springfield, IL 62794-9276

Illinois Environmental Protection Agency
Mine Pollution Control Program
2309 West Main Street, Suite 116
Marion, IL 62959

Attn: Compliance Assurance Section

Special Condition No. 4: Completed Discharge Monitoring Report (DMR) forms and stream monitoring results, shall be retained by the Permittee for a period of three (3) months and shall be mailed and received by the IEPA at the addresses indicated in Special Condition No. 3 above in accordance with the following schedule, unless otherwise specified by the permitting authority.

Period	Received by IEPA
January, February, March	April 15
April, May, June	July 15
July, August, September	October 15
October, November, December	January 15

Special Condition No. 5: Completed periodic monitoring and reporting forms, other than DMR's and stream monitoring (i.e., groundwater monitoring, coal combustion waste reports, etc.) shall be retained by the Permittee for a period of three (3) months and shall be mailed and received by the IEPA at the addresses indicated in Special Condition No. 3 above in accordance with the following schedule, unless otherwise specified by the permitting authority.

Period	Received by IEPA
January, February, March	May 1
April, May, June	August 1
July, August, September	November 1
October, November, December	February 1

Should electronic filing be available and elected for any periodic monitoring and reporting requirements, the Agency shall be notified via correspondence or e-mail at such time that the electronic filing has been completed.

Special Condition No. 6: If an applicable effluent standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the NPDES Permit, the Agency shall revise or modify the permit in accordance with the more stringent standard or prohibition and shall so notify the permittee.

Special Condition No. 7: The permittee shall notify the Agency in writing by certified mail within thirty days of abandonment, cessation, or suspension of active mining for thirty days or more unless caused by a labor dispute. During cessation or suspension of active mining, whether caused by a labor dispute or not, the permittee shall provide whatever interim impoundment, drainage diversion, and wastewater treatment is necessary to avoid violations of the Act or Subtitle D.

Special Condition No. 8: Plans must be submitted to and approved by this Agency prior to construction of a sedimentation pond. At such time as runoff water is collected in the sedimentation pond, a sample shall be collected and analyzed for the parameters designated as 1M-15M under Part 5-C of Form 2C and the effluent parameters designated herein with the results sent to this Agency. Should additional treatment be necessary to meet these standards, a Supplemental Permit must also be obtained. Discharge from a pond is not allowed unless applicable effluent and water quality standards are met.

Special Condition No. 9: The special reclamation area effluent standards of 35 Ill. Adm. Code 406.109 apply only on approval from the Agency. To obtain approval, a request form and supporting documentation shall be submitted 45 days prior to the month that the permittee wishes the discharge be classified as a reclamation area discharge. The Agency will notify the permittee upon approval of the change.

NPDES Permit No. IL0078921

Special Conditions

Special Condition No. 10: The special stormwater effluent standards apply only on approval from the Agency. To obtain approval, a request with supporting documentation shall be submitted 45 days prior to the month that the permittee proposes the discharge to be classified as a stormwater discharge. The documentation supporting the request shall include analysis results indicating the discharge will consistently comply with reclamation area discharge effluent standards. The Agency will notify the permittee upon approval of the change.

Special Condition No. 11: Annual stormwater monitoring is required for all discharges not reporting to a sediment basin until Final SMCRA Bond is released and approval to cease such monitoring is obtained from the Agency.

- a. Each discharge must be monitored for pH and settleable solids annually.
- b. Analysis of samples must be submitted with second quarter Discharge Monitoring Reports. A map with discharge locations must be included in this submittal.
- c. If discharges can be shown to be similar, a plan may be submitted by November 1 of each year preceding sampling to propose grouping of similar discharges and/or update previously submitted groupings. If updating of a previously submitted plan is not necessary, a written notification to the Agency indicating such is required. Upon approval from the Agency, one representative sample for each group may be submitted.

Special Condition No. 12: Sediment Pond Operation and Maintenance (Outfalls 001, 002):

- a. No discharge is allowed from Outfall Nos. 001 and 002 during "low flow" or "no flow" conditions in the receiving stream, unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302. For purposes of this Condition "low flow" shall be defined as any condition wherein the upstream flow available for mixing is less than the ratios times the flowrate being discharged from the respective outfalls. These ratios are as follows:

<u>Outfall No.</u>	<u>Flow Ratio of Receiving Stream to Outfall Discharge</u>
001	2:1
002	2:1

Pursuant to 35 Ill. Adm. Code 302.102, discharges from the referenced outfalls that otherwise would not meet the water quality standards of 35 Ill. Adm. Code 302 may be permitted if sufficient flow exists in the receiving stream to ensure that applicable water quality standards are met. That is, discharges not meeting the water quality standards of 35 Ill. Adm. Code 302 may only be discharged in combination with stormwater discharge from the basin, and only at such times that sufficient flows exist in the receiving stream to ensure that water quality standards in the receiving stream beyond the area of allowed mixing will not be exceeded. Following any such stormwater discharge, but prior to the flow in the receiving stream subsiding, the impounded water in the basin may be pumped or otherwise evacuated sufficiently below the discharge elevation to provide capacity for holding a sufficient volume of mine pumpage and/or surface runoff to preclude the possibility of discharge until such time that a subsequent precipitation event results in discharge from the basin. At times of stormwater discharge, in addition to the alternate effluent monitoring requirements, Outfall Nos. 001 and 002 discharges shall be monitored and reported for Discharge Rate, Sulfate, Chloride and Hardness.

- b. The following sampling and monitoring requirements are applicable to flow in the unnamed tributary to Big Creek which receives the discharges from Outfalls 001 and 002.
 - i. All sampling and monitoring required under 12(b)(ii) and (iii) below shall be performed during a discharge and monitoring event from the associated outfall.
 - ii. The unnamed tributary to Big Creek shall be monitored and reported quarterly for Discharge Rate, Chloride, Sulfate and Hardness downstream of the associated outfall. This downstream monitoring shall be performed a sufficient distance downstream of the associated outfall to ensure that complete mixing has occurred. At such time that sufficient information has been collected regarding stream flow characteristics and in-stream contaminant concentrations, the permittee may request a re-evaluation of the monitoring frequency required herein for possible reduction or elimination. For the purpose of re-evaluating the downstream monitoring frequency of the receiving streams, "sufficient information" is defined as a minimum of ten (10) quarterly sampling events.

NPDES Permit No. IL0078921

Special Conditions

In the event that downstream monitoring of the receiving waters is eliminated during the term of this permit based on an evaluation of the quarterly data, a minimum of three (3) additional samples analyzed for the parameters identified above must be submitted with the permit renewal application a minimum of 180 days prior to expiration of this permit.

- iii. The unnamed tributary to Big Creek shall be monitored and reported annually for Discharge Rate, Chloride, Sulfate and Hardness upstream of each associated outfall.
- c. All results of sampling and monitoring performed in accordance with Special Condition No. 12(a) and (b) above shall be submitted to the Agency in accordance with Special Condition Nos. 3 and 4 above.

Special Condition No. 13: Sediment Pond Operation and Maintenance (Outfalls 001 and 002 – Reclamation Area Discharge Classification):

- a. For discharges resulting from precipitation events, in addition to the alternate effluent monitoring requirements, discharges from Outfalls 001 and 002 shall be monitored and reported for Discharge Rate, Sulfate, Chloride and Hardness.
- b. The following sampling and monitoring requirements are applicable to flow in the unnamed tributary to Big Creek which receives the discharges from Outfalls 001 and 002:
 - i. All sampling and monitoring required under 13(b)(ii) and (iii) below shall be performed during a discharge and monitoring event from the associated outfalls.
 - ii. The unnamed tributary to Big Creek shall be monitored and reported quarterly for Discharge Rate, Chloride, Sulfate and Hardness downstream of the associated outfall. This downstream monitoring shall be performed a sufficient distance downstream of each Outfall to insure that complete mixing has occurred. At such time that sufficient information has been collected regarding stream flow characteristics and in-stream contaminant concentrations, the permittee may request a re-evaluation of the monitoring frequency required herein for possible reduction or elimination. For the purpose of re-evaluating the downstream monitoring frequency of the receiving stream, "sufficient information" is defined as a minimum of ten (10) quarterly sampling events.

In the event that downstream monitoring of the receiving waters is eliminated during the term of this permit based on an evaluation of the quarterly data, a minimum of three (3) additional samples analyzed for the parameters identified above must be submitted with the permit renewal application a minimum of 180 days prior to expiration of this permit.

- iii. The unnamed tributary to Big Creek shall be monitored and reported annually for Discharge Rate, Chloride, Sulfate and Hardness upstream of each associated outfall.
- c. All results of sampling and monitoring performed in accordance with Special Condition No. 13(a) and (b) above shall be submitted to the Agency in accordance with Special Condition Nos. 3 and 4 above.

Special Condition No. 14: Sediment Pond Operation and Maintenance (Outfalls 003 and 004):

- a. For discharges resulting from precipitation events, in addition to the alternate effluent monitoring requirements, discharges from Outfalls 003 and 004 shall be monitored and reported for Discharge Rate, Sulfate, Chloride and Hardness.
- b. The following sampling and monitoring requirements are applicable to flow in the unnamed tributary to Big Creek which receives the discharges from Outfalls 003 and 004:
 - i. All sampling and monitoring required under 14(b)(ii) and (iii) below shall be performed during a discharge and monitoring event from the associated outfalls.
 - ii. The unnamed tributary to Big Creek shall be monitored and reported quarterly for Discharge Rate, Chloride, Sulfate and Hardness downstream of the associated Outfall. This downstream monitoring shall be performed a sufficient distance downstream of each Outfall to ensure that complete mixing has occurred. At such time that sufficient information has been collected regarding stream flow characteristics and in-stream contaminant concentrations, the permittee may request a re-evaluation of the monitoring frequency required herein for possible reduction or elimination. For the purpose of re-evaluating the downstream monitoring frequency of the receiving streams, "sufficient information" is defined as a minimum of ten (10) quarterly sampling events.

NPDES Permit No. IL0078921

Special Conditions

In the event that downstream monitoring of the receiving waters is eliminated during the term of this permit based on an evaluation of the quarterly data, a minimum of three (3) additional samples analyzed for the parameters identified above must be submitted with the permit renewal application a minimum of 180 days prior to expiration of this permit.

- iii. The unnamed tributary to Big Creek shall be monitored and reported annually for Discharge Rate, Chloride, Sulfate and Hardness.
- c. All results of sampling and monitoring performed in accordance with Special Condition No. 14(a) and (b) above shall be submitted to the Agency in accordance with Special Condition Nos. 3 and 4 above.

Special Condition No. 15: Data collected in accordance with Special Conditions Nos. 12, 13 and 14 above will be utilized to evaluate the appropriateness of the effluent limits established in this Permit. Should the Agency's evaluation of this data indicate revised effluent limits are warranted; this permit may be reopened and modified to incorporate more appropriate effluent limitations. This data will also be used for determination of effluent limitations at the time of permit renewal.

Special Condition No. 16: Mercury shall be monitored quarterly until a minimum of ten (10) samples have been collected. Samples shall be collected and tested in accordance with USEPA 1631E using the option at Section 11.1.1.2 requiring the heating of samples at 50°C for 6 hours in a BrCl solution in closed vessels. This test method has a Method Detection Limit (MDL) of 0.001 µg/l. The results of such testing must be submitted with the quarterly Discharge Monitoring Reports (DMR's). The Permittee may submit a written request to the Agency to discontinue quarterly Mercury monitoring if the sampling results show no reasonable potential to exceed the Mercury water quality standard.