

NPDES Permit No. IL0044661
Notice No. 5894c

Public Notice Beginning Date: **June 14, 2012**

Public Notice Ending Date: **July 16, 2012**

National Pollutant Discharge Elimination System (NPDES)
Permit Program

Draft Reissued and 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:

Heritage Coal Company, L.L.C.
12312 Olive Boulevard, Suite 436
St. Louis, MO 63141

Name and Address of Facility:

Heritage Coal Company, L.L.C.
Eagle No. 2 Mine
2 miles northwest of Shawneetown, Illinois
(Gallatin 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 of the original 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 Sections 309.109 through 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 manages the surface facilities of a previous underground coal mine (SIC 1222). Mine operations result in the discharge of alkaline mine drainage, surface runoff from reclamation areas and stormwater discharges.

Public comments are invited on the following proposed modifications:

Removal of Outfall 005 as this area has been released from permitting requirements.

Removal of Outfall 006 as this area is tributary to Outfall 009.

Addition of Outfall 009.

Transfer of Permit from Peabody Coal Company to Peabody Coal Company, L.L.C., to Heritage Coal Company, L.L.C.

This facility has two (2) existing discharges which are located in Gallatin 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	Cyprus Ditch	37° 44' 08"	88° 12' 39"	General Use
008	Unnamed tributary to Cyprus Ditch	37° 43' 54"	88° 13' 27"	General Use

Application is made for one (1) new discharge which is located in Gallatin 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>
009	Cyprus Ditch	37° 44' 31"	88° 12' 09"	General Use

The Stream Segment ATZM-02 of Cyprus Ditch receiving the flow from Outfalls 001 and 009, and the flow from the unnamed tributary into which Outfall 008 discharges is on the draft 2010 303(d) list of impaired waters. The following parameters have been identified as the pollutants causing impairment.

<u>Outfall</u>	<u>Potential Causes</u>
001, 008, 009	Alterations in stream side or littoral vegetative cover, dissolved oxygen, cause unknown

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

Outfall: 001, 008

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	3.5	7.0	6.5-9.0	Alk.>Acid	2000	500	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	2000	500	Monitor only	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	2000	500	Monitor only	Measure When Sampling	-
IV	35	70	3.5	7.0	6.5-9.0	Alk.>Acid	2000	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 5.21 inches.
 - III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in 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 snowmelt total. Settleable solids effluent limitations for alkaline mine discharges are contained in 35 Ill. Adm. Code 406.110.
 - (3) Effluent standards for mine discharges are contained in 35 Ill. Adm. Code 406.106.
 - (4) Discharges from Outfalls 001 and 008, being approved prior to July 27, 1987, are subject to a 30-day average effluent limitation for Iron of 3.5 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 limit.

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

Outfall: 009

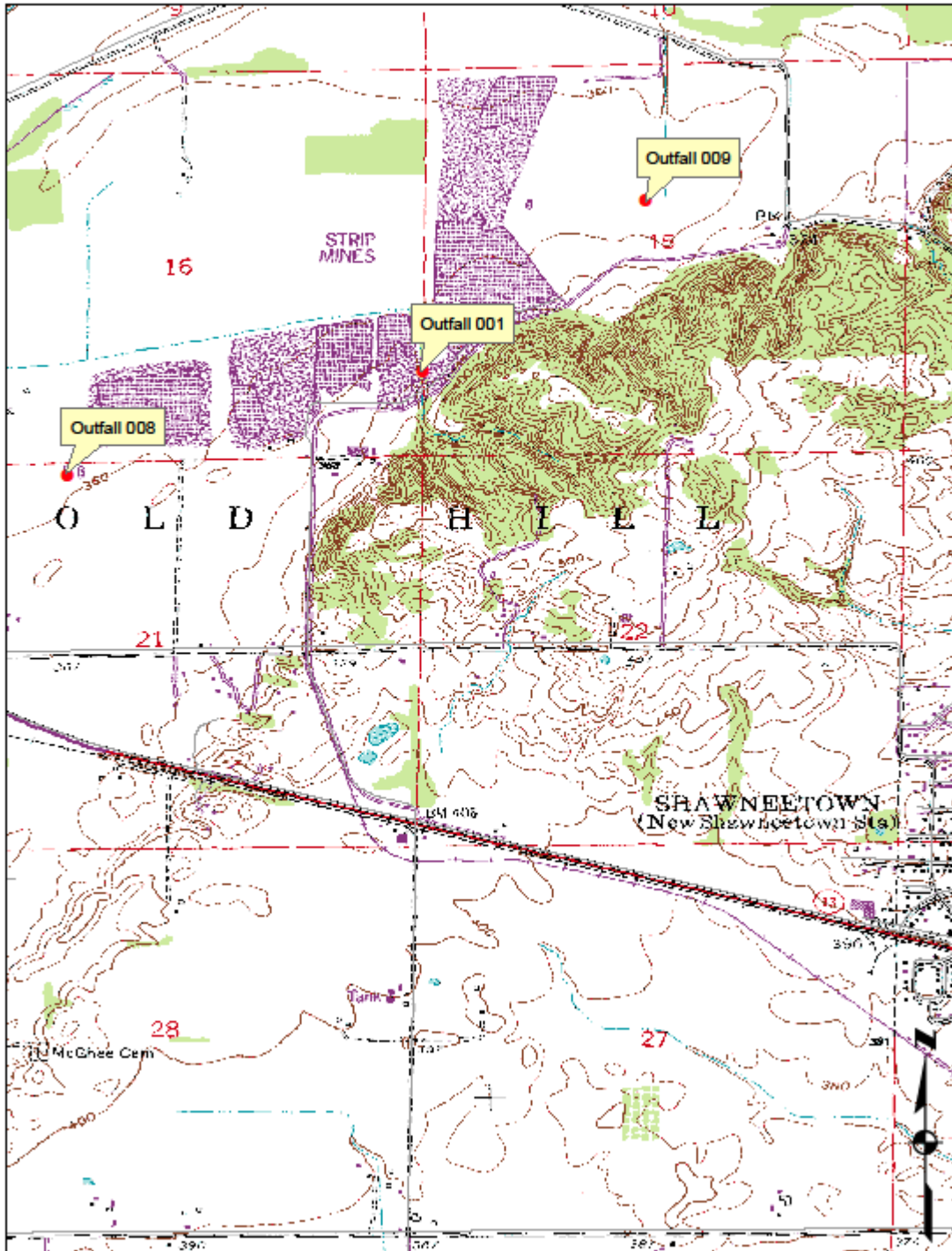
Discharge Condition	Parameters										
	Total Suspended Solids (3) (mg/l)		Iron (total) (3), (4) (mg/l)		pH (3) (S.U.)	Alkalinity/Acidity (3)	Sulfate (1) (mg/l)	Chloride (mg/l)	Hardness (5)	Flow (MGD)	Settleable Solids (2) (ml/l)
	30 day average	daily maximum	30 day average	daily maximum							
I	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	1004	500	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	1004	500	Monitor only	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	1004	500	Monitor only	Measure When Sampling	-
IV	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	1004	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 5.21 inches.
- III In accordance with 35 Ill. Adm. Code 406.110(d), any discharge or increase in 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 snowmelt total. Settleable solids effluent limitations for alkaline mine discharges are contained in 35 Ill. Adm. Code 406.110.
- (3) Effluent standards for mine discharges are contained in 35 Ill. Adm. Code 406.106.
- (4) Discharges from Outfall 009, 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 limit.

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 2, 3, 4, 9, 10, 11, 15, 16, 21, 25, 26, 27 and 28, Township 9 South, Range 9 East, Gallatin County, Illinois.

Heritage Coal Company, L.L.C. - Eagle No. 2 Mine
NPDES No. IL0044661
Gallatin County
Township 9 South, Range 9 East



NPDES Permit No. IL0044661
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

Reissued and Modified NPDES Permit

Expiration Date:

Issue Date:
Effective Date:

Name and Address of Permittee:

Heritage Coal Company, L.L.C.
12312 Olive Boulevard, Suite 436
St. Louis, MO 63141

Facility Name and Address:

Heritage Coal Company, L.L.C.
Eagle No. 2 Mine
2 miles northwest of Shawneetown, Illinois
Gallatin County

Discharge Number and Classification:

001, 009 Alkaline Mine Drainage
008 Alkaline Mine Drainage

Receiving waters

Cyprus Ditch
Unnamed tributary to Cyprus Ditch

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:jkb/5894c/08-01-11

NPDES Coal Mine Permit
NPDES Permit No. IL0044661
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, 008 (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. 14	Flow (MGD)	Settleable Solids (ml/l)
	30 day average	daily maximum	30 day average	daily maximum									
I	35	70	3.5	7.0	6.5-9.0	Alk.>Acid	2000	500	1.0	Monitor only	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	2000	500	-	Monitor only	-	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	2000	500	-	Monitor only	-	Measure When Sampling	-
IV	35	70	3.5	7.0	6.5-9.0	Alk.>Acid	2000	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 5.21 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, 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. 12 for the discharges from Outfalls 001 and 008 and Cyprus Ditch and the unnamed tributary to Cyprus Ditch 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. IL0044661
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*: 009 (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	1004	500	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	1004	500	Monitor only	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	1004	500	Monitor only	Measure When Sampling	-
IV	35	70	3.0	6.0	6.5-9.0	Alk.>Acid	1004	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 5.21 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, 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. 12 for the discharges from Outfall 009 and Cyprus Ditch 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. IL0044661
 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*: 001, 008 (Reclamation Area Drainage)

Discharge Condition	Parameters					
	pH** (S.U.) ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Hardness ***	Flow (MGD)	Settleable Solids (ml/l) ***
I	6.5-9.0	2000	500	Monitor only	Measure When Sampling	0.5
II	6.0-9.0	2000	500	Monitor only	Measure When Sampling	0.5
III	6.0-9.0	2000	500	Monitor only	Measure When Sampling	-
IV	6.5-9.0	2000	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. The 10-year, 24-hour precipitation event for this area is considered to be 5.21 inches.
- III In accordance with 35 Ill. Adm. Code 406.109(c), 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 area 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. A "no flow" situation is not considered to be a sample of the discharge.

*** 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 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. 12 for the discharges from Outfalls 001 and 008 and Cyprus Ditch and the unnamed tributary to Cyprus Ditch 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. IL0044661
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*: 009 (Reclamation Area Drainage)

Discharge Condition	Parameters					
	pH** (S.U.) ***	Sulfate (mg/l) ***	Chloride (mg/l) ***	Hardness ***	Flow (MGD)	Settleable Solids (ml/l) ***
I	6.5-9.0	1004	500	Monitor only	Measure When Sampling	0.5
II	6.0-9.0	1004	500	Monitor only	Measure When Sampling	0.5
III	6.0-9.0	1004	500	Monitor only	Measure When Sampling	-
IV	6.5-9.0	1004	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. The 10-year, 24-hour precipitation event for this area is considered to be 5.21 inches.
- III In accordance with 35 Ill. Adm. Code 406.109(c), 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 area 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. A "no flow" situation is not considered to be a sample of the discharge.

*** 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 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. 12 for the discharges from Outfall 009 and Cyprus Ditch 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. IL0044661
 Effluent Limitations and Monitoring

Upon completion of Special Condition No. 10 and approval from the Agency, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfalls: 001, 008, 009 (Stormwater Discharge)

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

Stormwater 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 stormwater 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. IL0044661

Construction Authorization No. 9557-99

C.A. Date: August 1, 2011

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 a previous underground mine facility consisting of 569.8 acres located in Sections 2, 3, 4, 9, 10, 11, 15, 16, 21, 25, 26, 27 and 28, Township 9 South, Range 9 East, Gallatin County, Illinois. This facility is being reclaimed and no underground coal shall be mined. The Agency must be notified if carbon recovery is resumed. The total area cited herein includes modifications discussed below.

Facilities located at this site include refuse piles and groundwater remediation wells.

As proposed and described in IEPA Log No. 0258-98, the railroad bed located in Section 26, Township 9 South, Range 9 East of the 3rd P.M. is hereby approved to be retained as a permanent access road.

As proposed and described in IEPA Log Nos. 3302-95 and 2031-96, sediment pond and discharge 009 is hereby approved and is classified as alkaline mine drainage which will report to Cyprus Ditch. This area will be developed into the East Borrow Area Pond and will retain Discharge 009. This area includes pond and Outfall 006 which after construction will report to the East Borrow Area Pond with final discharge from Outfall 009.

As proposed and described in IEPA Log No. 1110-97, Pond and Outfall 006 are hereby removed from this permit.

As proposed and described in IEPA Log Nos. 3232-95 and 3357-95, the South Borrow Area Pond and Borrow Area No. 5 Pond may be constructed as proposed.

As proposed and described in IEPA Log No. 9376-99, 17.9 acres identified as the West Portal located in Section 9, Township 9 South, Range 9 East of the 3rd P.M. in Gallatin County are hereby released from the permit. This includes Pond and Outfall 005 which are located within this abandoned area.

No modifications to the surface drainage plan as shown on the Eagle No. 2 Mine Drainage Exhibit submitted with Log No. 2031-96 are to be constructed without Agency approval.

Surface drainage control consists of three (3) sedimentation basins, with discharges designated and located as indicated below:

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

Outfall Number	Latitude			Longitude			Receiving Water
	DEG	MIN	SEC	DEG	MIN	SEC	
001	37°	44'	08"	88°	12'	39"	Cyprus Ditch
008	37°	43'	54"	88°	13'	27"	Unnamed tributary to Cyprus Ditch
009	37°	44'	31"	88°	12'	09"	Cyprus Ditch

As described and proposed in IEPA Log No. 4091-04, alkaline material, such as agricultural lime, is hereby authorized to be spread on Slurry Area No. 2 at the Calcium Equivalent Rate of 78 tons per acre, whereupon a two foot cover of earthen material will be placed.

Groundwater monitoring requirements are specified in Condition No. 12.

The abandonment plan shall be executed and completed in accordance with 35 Ill. Adm. Code 405.109.

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.

This Authorization is issued subject to the following Conditions. If such Conditions require 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.

NPDES Permit No. IL0044661

Construction Authorization No. 9557-99

C.A. Date: August 1, 2011

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 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 permitted 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.
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.

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- 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. Utilized 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).
12. Groundwater monitoring requirements for this facility shall be performed in accordance with the following:
- a. Wells to be monitored at this facility are identified as: SMW1, SMW2, SMW3, SMW5, WA0005, SW2D, SW2S, SW3S, SW3SA, SW3SB, SW3SC, WA0009A, WA0029A, SMW4A, SMW4B, WA0002, WA0003, WA0007, WA0009, WA0010, WA0011, and WA0017.
 - b. Monitoring wells (part a) at this facility shall be monitored quarterly for the following list of constituents:

Manganese (total)	Temperature
Iron (total)	pH
Sulfate	Water Elevation
Total Dissolved Solids	Water Depth
Chloride	
 - c. Source control wells SCW1/WA9R, SCW2/WA19R, SCW3/WA28, and SCW4/WA21R shall be properly maintained and operated as needed.
 - d. Groundwater monitoring reports shall be submitted to the Agency in accordance with Special Condition Nos. 3 and 5 of the NPDES permit.
 - e. The groundwater monitoring requirements of Condition Nos. 12(a) and 12(c) above do not prohibit the Permittee from performing additional monitoring on a voluntary basis or as directed by other Programs or Agencies.

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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 No. 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, Illinois 62959

Attn: Compliance Assurance Section

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. 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

The Permittee shall record discharge monitoring results on Discharge Monitoring Report forms (DMR's) using one such form for each applicable Discharge Condition each month.

Special Condition No. 5: Completed periodic monitoring and reporting, other than DMR's and stream monitoring (i.e., groundwater monitoring, coal combustion waste analysis 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

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 Conditions

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.

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, 008, 009):

- a. For discharges resulting from precipitation events, in addition to the alternate effluent (Discharge Condition Nos. II and III) monitoring requirements, as indicated on the applicable effluent pages of this Permit, discharges from Outfalls 001, 008 and 009 shall be monitored and reported for Discharge Rate, Sulfate, Chloride and Hardness.
- b. The following sampling and monitoring requirements are applicable to flow in Cyprus Ditch and the unnamed tributary to Cyprus Ditch which receive discharges from Outfalls 001, 008 and 009.
 - 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. Cyprus Ditch and the unnamed tributary to Cyprus Ditch 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 receiving 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. Cyprus Ditch and the unnamed tributary shall be monitored and reported annually for Discharge Rate, Chloride, Sulfate and Hardness upstream of the associated outfall.

Special Condition No. 13: Data collected in accordance with Special Condition No. 12 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. 14: 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 ug/l. The results of such testing must be submitted with the quarterly Discharge Monitoring Reports (DMRs). 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.