



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

217/782-3362

OCT 26 2012

US Army Corps of Engineers, St. Louis District
ATTN: Regulatory Branch
1222 Spruce St.
St. Louis, MO 63103-2833

Re: Prairie Coal Company, LLC (Perry County)
Lost Prairie Mine – Unnamed tributary of Wolf Creek and wetlands
Log # C-0386-09 & C-0387-09 [CoE #2010-247]

Gentlemen:

This Agency received a request on June 17, 2009 from Prairie Coal Company, LLC requesting necessary comments concerning the construction of mine facilities for Lost Prairie Mine impacting an unnamed tributary to Wolf Creek and wetlands. We offer the following comments.

Based on the information included in this submittal, it is our engineering judgment that the proposed project may be completed without causing water pollution as defined in the Illinois Environmental Protection Act, provided the project is carefully planned and supervised.

These comments are directed at the effect on water quality of the construction procedures involved in the above described project and are not an approval of any discharge resulting from the completed facility, nor an approval of the design of the facility. These comments do not supplant any permit responsibilities of the applicant toward the Agency.

This Agency hereby issues certification under Section 401 of the Clean Water Act (PL 95-217), subject to the applicant's compliance with the following conditions:

1. The applicant shall not cause:
 - a. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulations;
 - b. water pollution defined and prohibited by the Illinois Environmental Protection Act; or
 - c. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.

3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of staked straw bales, sedimentation basins and temporary mulching. All construction within the waterway shall be constructed during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
5. The proposed work shall be constructed with adequate erosion control measures (i.e., silt fences, straw bales, etc.) to prevent transport of sediment and materials to the adjoining wetlands and downstream.
6. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).
7. The mitigation plan received by the Agency on October 18, 2011 shall be implemented. Modifications to the mitigation plan must be submitted to the Agency for approval. The permittee shall submit annual reports by July 1 of each calendar year on the status of the mitigation. The first annual report shall include a hydric soils determination that represents the soils at the completion of initial construction for the wetland mitigation site(s). The permittee shall monitor the mitigation for 5 years after the completion of initial construction. A final report shall be submitted within 90 days after completion of a 5-year monitoring period. Each annual report and the final report shall include the following: IEPA Log No., date of completion of initial construction, representative photographs, floristic quality index, updated topographic maps, description of work in the past year, the performance standards for the mitigation as stated in the mitigation plan, and the activities remaining to complete the mitigation plan. For wetland mitigation sites containing non-hydric soils at the time of initial construction, the final report shall include a hydric soils determination that represents the soils at the end of the 5-year monitoring period. For mitigation provided by purchase of mitigation banking credits, in lieu of the above monitoring and reporting, the permittee shall submit written proof from the mitigation bank that the credits have been purchased within thirty (30) days of said purchase. The subject reports and proof of purchase of mitigation credits shall be submitted to:

Illinois Environmental Protection Agency
Bureau of Water
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

8. The applicant shall obtain all appropriate permits under 35 Ill. Adm. Code, Subtitle D: Mine Related Water Pollution for mining activities.

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This certification becomes effective when the Department of the Army, Corps of Engineers, includes the above conditions # 1 through # 8 as conditions of the requested permit issued pursuant to Section 404 of PL 95-217.

This certification does not grant immunity from any enforcement action found necessary by this Agency to meet its responsibilities in prevention, abatement, and control of water pollution.

Sincerely,

A handwritten signature in black ink that reads "Alan Keller". The signature is fluid and cursive, with the first name "Alan" and last name "Keller" clearly distinguishable.

Alan Keller, P.E.

Manager, Permit Section

Division of Water Pollution Control

SAK:KAR: 086-09 & 0387-09

cc: IEPA, Records Unit
IEPA, DWPC, FOS, Springfield
IDNR, OWR, Springfield
USEPA, Region 5
Prairie Coal Company, LLC



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OCT 26 2012

**Re: Prairie Coal Company, LLC, Lost Prairie Mine
401 Water Quality Certification Issued
Responsiveness Summary Available**

On the above date, the Illinois Environmental Protection Agency (Illinois EPA) issued the Prairie Coal Company, LLC, 401 Water Quality Certification for the Lost Prairie Mine.

The Illinois EPA Bureau of Water received an application for a Section 401 water quality certification for the discharge of dredge or fill material into waters of the United States associated with a Section 404 permit application received by the United States Army Corps of Engineers. The proposed project is for an underground coal mine to be located in Perry County northwest of Pickneyville, Illinois.

The responsiveness summary and other documents associated with the public hearing in this matter can be accessed on the Illinois EPA website:

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

Printed copies of the responsiveness summary are available from Barb Lieberoff, Illinois EPA Office of Community Relations, 217-524-3038.

Sincerely,

A handwritten signature in cursive script that reads "Alan Keller".

Alan Keller, P.E.
Manager, Permit Section
Division of Water Pollution Control