

NPDES Permit No. IL0078298
Notice No. drgil0078298

Public Notice Beginning Date: **March 23, 2012**

Public Notice Ending Date: **April 23, 2012**

National Pollutant Discharge Elimination System (NPDES)
Permit Program

Draft New NPDES Permit to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois EPA
Bureau of Water
Facility Evaluation Unit
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger:

Markman Peat Corporation
13161 Fenton Road
Morrison, Illinois 61270

Name and Address of Facility:

Markman Peat Corporation
13161 Fenton Road
Morrison, Illinois 61270
(Whiteside County)

The Illinois Environmental Protection Agency (IEPA) has made a tentative determination to issue a NPDES Permit to discharge into the 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. The last day comments will be received will be on the Public Notice period ending date unless a commentor demonstrating the need for additional time requests an extension to this comment period and the request is granted by the IEPA. 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. Persons submitting comments and/or requests for public hearing shall also send a copy of such comments or requests to the permit applicant. The NPDES permit and notice number(s) must appear on each comment page.

The application, engineer's review notes including load limit calculations, 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.

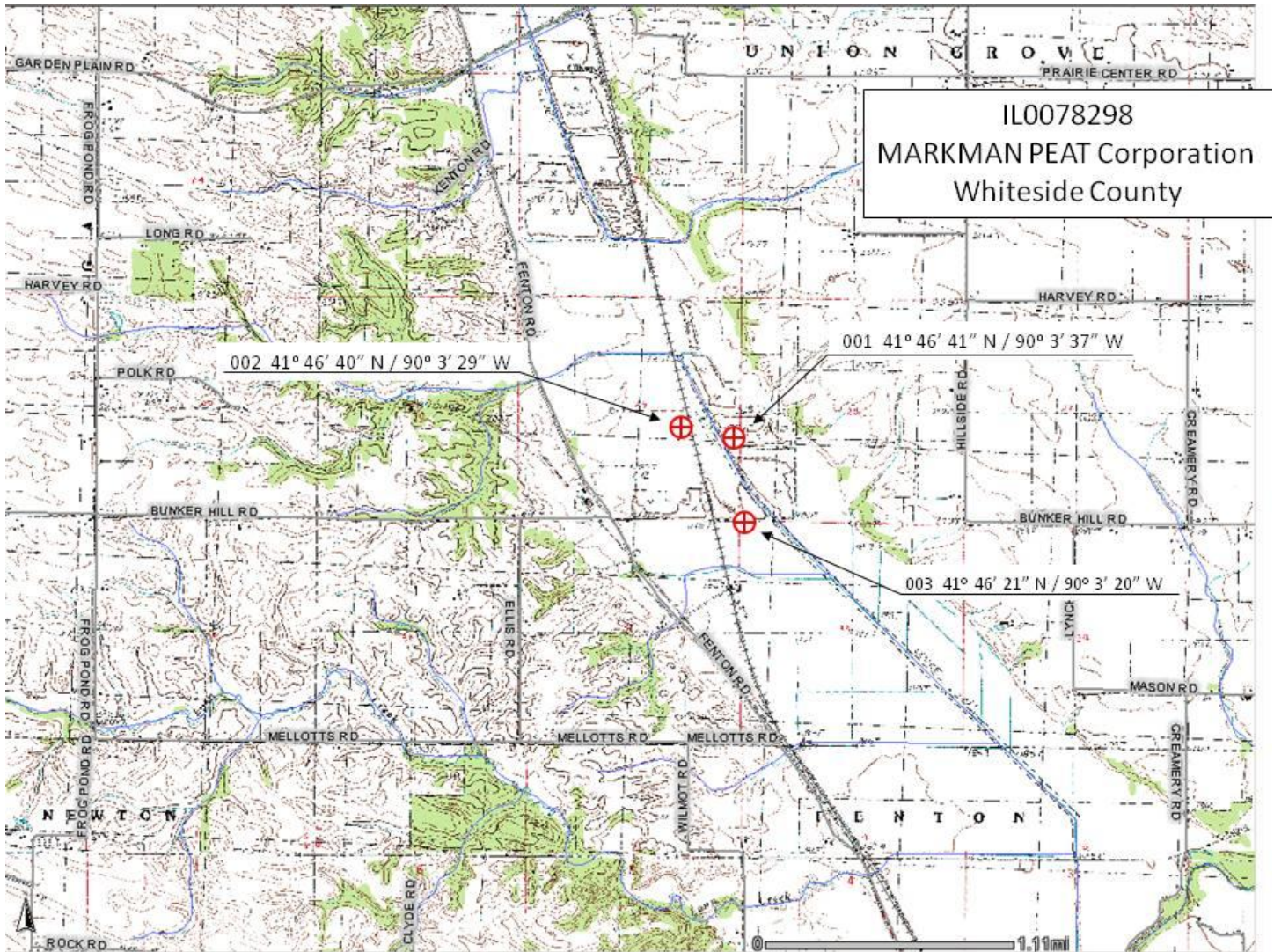
If written comments or requests indicate a significant degree of public interest in the draft permit, the permitting authority may, at its discretion, hold a public hearing. Public notice will be given 45 days before any public hearing. Response to comments will be provided when the final permit is issued. For further information, please call Darren Gove at 217/782-0610.

The applicant is engaged in open pit mining operations for the extraction of peat and topsoil using dragline cranes, excavators and payloaders (SIC 1499). Waste water is generated from pit pumpage as a result of stormwater and groundwater seepage. Plant operation results in an average discharge of 2.4 MGD of pit pumpage resulting from stormwater and groundwater seepage from outfall 001, 2.4 MGD of pit pumpage resulting from stormwater and groundwater seepage from outfall 002 and 2.4 MGD of pit pumpage resulting from stormwater and groundwater seepage from outfall 003.

Application is made for new discharge(s) which is located in Whiteside County, Illinois. The following information identifies the discharge point, receiving stream and stream classifications:

Outfall	Receiving Stream	Latitude		Longitude		Stream Classification	Biological Stream Characterization
001	unnamed tributary to Rock Creek	41°46'41"	North	90°3'37"	West	General Use	Not Rated
002	unnamed tributary to Rock Creek	41°46'40"	North	90°3'29"	West	General Use	Not Rated
003	unnamed tributary to Rock Creek	41°46'21"	North	90°3'20"	West	General Use	Not Rated

To assist you further in identifying the location of the discharge please see the attached map.



The stream segment receiving the discharge from outfall(s) 001, 002, 003 is not on the 303(d) list of impaired waters.

The discharge(s) from the facility shall be monitored and limited at all times as follows:

Outfall: 001, 002, 003

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		REGULATION	CONCENTRATION LIMITS mg/l		REGULATION
	30 DAY AVERAGE	DAILY MAXIMUM		30 DAY AVERAGE	DAILY MAXIMUM	
Total Suspended Solids				35	70	406.106
pH	Shall be in the Range of 6-9 Standard Units					406.106
Offensive Conditions	No effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids, color, or odor. Turbidity shall be below obviously visible levels.					406.107

Antidegradation Assessment for Markman Peat Corporation
NPDES Permit No. IL0078298 Whiteside County

The subject corporation has applied for an NPDES permit for an existing peat mine that had not been previously permitted. The site is approximately 450 acres and consists of formerly mined areas from up to 50 years ago that are now lakes or covered with vegetation, actively mined areas and a loading/bagging area. About 10 acres are mined per year. Peat and top soil from the site are prepared for shipment at the site as is sand that is brought in from another site. The site is located in a flat area and is surrounded by agricultural land. Drainage from the site flows into the lakes and there is no other source of wastewater. Pumps maintain the water level in the lakes through three outfalls to a ditch system that feeds an unnamed tributary of Rock Creek.

Identification and Characterization of the Affected Water Body.

The unnamed tributary has a 7Q10 flow of zero and is a General Use water. Rock Creek (segment PE-05) has a 7Q10 flow of 20.5 cfs and is a General Use water. Rock Creek is listed on the 2006 Illinois 303(d) List as impaired for primary contact use. The cause of impairment is fecal coliform bacteria and the source is unknown. The unnamed tributary is not rated under the Agency's Biological Stream Characterization (BSC) system. The stream is not listed as a biologically significant stream in the 1992 Illinois Natural History Survey Publication *Biologically Significant Illinois Streams*. The IDNR WIRT system lists no threatened or endangered species as inhabiting the receiving stream.

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

The effluent pumped from the lakes will have a suspended solids component. Effluent standards for TSS must be met. Other pollutants would not be present as the water would be of a quality typical of other local lakes or ponds. No impacts on the uses of the receiving stream are anticipated.

Fate and Effect of Parameters Proposed for Increased Loading.

Solids will eventually settle out, although the concentration in the discharges will not be excessive due to the effluent standard applied as a permit limit. The water discharged from the lakes will not be significantly different from the water already in the unnamed tributary, and in fact will often have less suspended solids than the stream water.

Purpose and Anticipated Benefits of the Proposed Activity.

The site is an active peat and topsoil mine that provides jobs for the local community. Obtaining an NPDES permit will allow the operation to continue.

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

The company is using best management practices appropriate for this type of mine. The lakes are serving as stormwater runoff treatment. Other options for this facility do not exist and it would not be a good use of resources to pursue other alternatives.

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

The Illinois Department of Natural Resources was consulted via the EcoCAT system and determined that there are no endangered species issues for this project and terminated consultation on March 9, 2007.

Agency Conclusion.

This assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (antidegradation standard). We find that the proposed activity will result in the attainment of water quality standards. All existing uses will be fully protected. 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. This activity will benefit the community at large by providing jobs. The proposed activity is therefore compliant with the Antidegradation standard.

NPDES Permit No. IL0078298

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

New (NPDES) Permit

Expiration Date:

Issue Date:

Effective Date:

Name and Address of Permittee:

Markman Peat Corporation
13161 Fenton Road
Morrison, Illinois 61270

Facility Name and Address:

Markman Peat Corporation
13161 Fenton Road
Morrison, Illinois 61270
WhitesideCounty

Discharge Number and Name:

001
002
003

Receiving Waters:

Unnamed Ditch Tributary to Rock Creek
Unnamed Ditch Tributary to Rock Creek
Unnamed Ditch Tributary to Rock Creek

In compliance with the provisions of the Illinois Environmental Protection Act, Title 35 of Ill. Adm. Code, Subtitle C and/or Subtitle D, Chapter 1, and the Clean Water Act (CWA), 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.

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

SAK:drgil0078298

NPDES Permit No. IL0078298

Effluent Limitations and Monitoring

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

Outfall: 001, 002, 003

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Flow (MGD)					**	
Total Suspended Solids			35	70	***	****
pH	Shall be in the Range of 6 to 9 Standard Units.				1 per month	Grab
Offensive Conditions	No effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids, color, or odor. Turbidity shall be below obviously visible levels.				Once per month	Visual Inspection

** Effluent sampling for flow shall be continuous if hardware allows otherwise it shall be a single reading when monitoring each parameter. Flows shall be reported as a monthly average on the Discharge Monitoring Reports (DMR).

pH shall be reported as a minimum and maximum.

*** Samples shall be taken three times a month as separate grab samples or one time a month as a composite sample.

**** Composite samples shall consist of at least 3 sample aliquots of approximately equal volume of at least 100 milliliters each, collected at periodic intervals within a 24-hour period. If the permittee elects to take and analyze grab samples, in lieu of a composite sample then: 1) if the discharge is expected to occur on only a single day, three grab samples may be taken within a single 24-hour period or, 2) if the discharge is expected to occur on more than one day three separate grab samples shall be taken over more than one day to represent the monthly discharge. The one composite sample or three grab samples shall be representative of the discharge over the calendar month. The analysis results of each composite and grab sample shall be reported on the Discharge Monitoring Reports. The monthly average shall be reported on the Discharge Monitoring Reports.

Discharge sampling and monitoring must be representative of the discharges from the facility considering factors such as frequency, duration and intensity of precipitation runoff and operational practices that effect discharge quality.

Special Conditions

SPECIAL CONDITION 1. For the purpose of this permit, this discharge is limited to pit pumpage and storm water runoff, free from process and or other waste water discharges.

SPECIAL CONDITION 2 The pH shall be in the range 6.0 to 9.0. The monthly minimum and monthly maximum values shall be reported on the DMR form.

SPECIAL CONDITION 3. 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 4. The Permittee shall record monitoring results on discharge Monitoring Report (DMR) Forms using one such form for each outfall each month.

In the event that an outfall does not discharge during a monthly reporting period, the DMR Form shall be submitted with no discharge indicated.

The Permittee may choose to submit electronic DMRs (eDMRs) instead of mailing paper DMRs to the IEPA. More information, including registration information for the eDMR program, can be obtained on the IEPA website, <http://www.epa.state.il.us/water/edmr/index.html>.

The completed discharge Monitoring Report forms shall be submitted to IEPA no later than the 15th day of the following monthly, unless otherwise specified by the permitting authority.

Permittees not using eDMRs shall mail Discharge Monitoring Reports with an original signature to the IEPA at the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
Attn: Compliance Assurance Section, Mail Code #19

SPECIAL CONDITION 5. **Storm Water Discharges:** The Illinois Environmental Protection Agency has determined that the effluent limitations for the outfall(s) in this permit constitute BAT/BCT for storm water which is treated in the existing treatment facilities for purposes of this permit issuance, and no pollution prevention plan will be required for such storm water. This does not preclude the use of pollution prevention techniques as a means or partial means of meeting the effluent limits. In addition to the chemical specific monitoring required elsewhere in this permit, the permittee shall conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with mining and determine whether any facility modifications have occurred which result in previously treated storm water discharges no longer receiving treatment. If any such discharges are identified, the permittee shall request a modification of this permit within 30 days after the inspection. Records of the annual inspection shall be retained by the permittee for the term of this permit and shall be made available to the Illinois Environmental Protection Agency upon request.

SPECIAL CONDITION 6. Oil and Hazardous Substance Liability: Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the CWA.

SPECIAL CONDITION 7. Prohibited Storm Water Discharges: This permit is not applicable to storm water discharges from the following facilities:

- a. Hazardous waste treatment, storage or disposal facilities.
- b. Storm water discharges associated with inactive mining occurring on Federal lands where an operator cannot be identified.

SPECIAL CONDITION 8. Oil and Hazardous Substance Discharge Prohibition: This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill, and does not supersede any reporting requirement for spills or releases of hazardous substances or oil.

SPECIAL CONDITION 9. Bulk Storage and Hazardous Waste Containment Area: Provisions for handling storm water from bulk storage and hazardous waste containment areas.

Special Conditions

- a. This permit does not authorize the discharge of storm water collected in containment areas at bulk storage and hazardous waste facilities where the storm water becomes contaminated by direct contact with a spill or release of stored materials into the containment area. Such storm water should be handled properly by on-site treatment or hauling off-site for treatment and disposal.
- b. Where a spill or release to a dry containment area occurs, the permittee shall institute procedures to clean up the spill in order to prevent contamination of any storm water, which subsequently collects in the containment area. Where these procedures are followed, collected storm water may be discharged; following visual inspection to assure that the storm water contains no unnatural turbidity, color, oil films, foams, settleable solids, or deposits.
- c. Storage piles of salt used for deicing or other commercial or industrial purposes must be enclosed or covered to prevent exposure to precipitation (except for exposure resulting from adding or removing materials from the pile). Piles of not need to be enclosed or covered where storm water from the pile is not discharged to waters of the state or the discharges from the piles are authorized under another permit.

SPECIAL CONDITION 10. The permittee shall comply with the requirements of Sections 3.160 and 22.51 of the Illinois Environmental Protection Act and regulations adopted thereunder for the acceptance of clean construction or demolition debris. Discharges of waters that contact clean construction and demolition debris shall be routed to the outfalls, meet the effluent limits, sampling and monitoring requirements of this permit. The abandonment plan shall conform to Sections 3.160 and 22.51 of the Illinois Environmental Protection Act and regulations thereunder and Bureau of Land (BOL) authorizations for the acceptance of clean construction and demolition debris. If the abandonment plan must be modified to meet the BOL requirements the modified abandonment plan shall be submitted to the Bureau of Water for approval prior to implementation.

SPECIAL CONDITION 11. **Storm Water Runoff:** All storm water runoff from areas affected by mining activities such as, earthen berms, aggregate processing plants, overburden stockpiles, and crushed stone stockpiles, sand and gravel stockpiles and industrial sand product stockpiles and all storm water associated with industrial activity at a mining site such as asphalt plants and ready mix plants, shall be routed to outfalls except for the following identified in (a) and (b) below:

- a. **Surface Runoff from Earthen Areas:** Surface runoff from earthen berms or other earthen areas using spoil from the mining operation is not required to be routed to the Outfall(s) when the earthen areas meet the following conditions:
 - i) The area is graded to an acceptable slope, covered with sufficient uncontaminated topsoil as needed to support vegetation, seeded at an adequate rate with an appropriate grass mixture to stabilize such areas, properly maintained with vegetation and other practices to minimize the potential for erosion and final stabilization has been completed for the area.
 - ii) For areas in which final stabilization under (a) (i) of this Special Condition are incomplete, erosion control measures described in the Illinois Urban Manual (IEPA/USDA, NRCS;2002) are implemented.
 - iii) The earthen berms or areas are not contaminated by mine refuse, chemical spillage, other wastes or wastewaters from mining activities at the site.
 - iv) The earthen material does not contain acid producing material.
 - v) The earthen area has no contact with waters of the State.
 - vi) Surface runoff from the earthen areas does not cause water quality violations.
 - vii) The area is identified in the storm water pollution prevention plan required in (b) below as meeting (a) (i-vi) of this Special Condition above.
- b. **Storm Water Discharges and Certain Non-storm Water Discharges.** Storm water runoff discharges and non-storm water discharges are allowed according to the following conditions and this permit provided that the discharges do not contain the following: mine process wastewater; pit pumpage; pit overflows; mine dewatering wastewaters; cooling waters, heated effluents or surface runoff from disturbed earthen areas that contain mine refuse, chemical spillage, other wastes, or acid producing material.
 - i. **Prohibition on Non-Storm Water Discharges.** All discharges covered by this special condition shall be composed entirely of storm water except for:

discharges from fire fighting activities; fire hydrant flushings; waters used to control dust on vehicle traffic areas outside the mine area and mined area; potable water sources including uncontaminated waterline flushings; irrigation drainages; routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where

Special Conditions

detergents are not used; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents. These non-storm water discharges must comply with (b) (ii) (D) (ii) (3) of this Special Condition.

ii Storm Water Pollution Prevention Plans

A storm water pollution prevention plan shall be developed for surface runoff from each mining site covered by this special condition. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity at a mining site. In addition, the plan shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges associated with industrial activity at a mining site and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

(A) Deadlines for Plan Preparation and Compliance.

The plan shall:

- (i) Be completed prior to the start of the mining activities to be covered under this special condition and updated as appropriate; and
- (ii) Provide for compliance with the terms and schedule of the plan beginning with the initiation of mining activities.

(B) Signature, Plan Review and Notification.

- (i) The plan shall be signed in accordance with Standard Condition 11 Attachment H (Signatory Requirements), and be retained on-site at the facility which generates the storm water discharge in accordance with Standard Condition 8 Attachment H (Duty to Provide Information) of this permit.
- (ii) The permittee shall make plans available upon request from this Agency or a local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with industrial activity at a mining site which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.
- (iii) The Agency may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this special condition. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this part. Within 30 days from receipt of notification from the Agency, the permittee shall make the required changes to the plan and shall submit to the Agency a written certification that the requested changes have been made. Failure to comply shall terminate authorization under this special condition.
- (iv) All storm water pollution prevention plans required under this permit are considered reports that shall be available to the public at any reasonable time upon request. However, the permittee may claim any portion of a storm water pollution prevention plan as confidential in accordance with 40 CFR Part 2, including any portion describing facility security measures.

(C) Keeping Plans Current. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the Waters of the State and which has not otherwise been addressed in the plan or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under (b) (ii) (D) (ii) of this Special Condition below, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with mining activities. Amendments to the plan may be reviewed by the Agency in the same manner as (b) (ii) (B) (ii) of this Special Condition above.

(D) Contents of Plan. The storm water pollution prevention plan shall include the following items:

- (i) Site Description. Each plan shall provide a description of the following:
 - 1. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading);

Special Conditions

2. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;
 3. An estimate of the runoff coefficient of the site after mining activities are completed and existing data describing the soil or the quality of any discharge from the site;
 4. A site map indicating drainage patterns and approximate slopes anticipated before and after major grading activities, locations where vehicles enter or exit the site and controls to prevent offsite sediment tracking, areas of soil disturbance, the location of major structural and nonstructural controls identified in the plan, the location of areas where stabilization practices are expected to occur, an outline of storm water drainage areas for each storm water discharge point, paved areas and buildings, and locations where storm water is discharged to a surface water;
 5. Description of the areas used for outdoor manufacturing, storage, or disposal of significant materials, including activities that generate significant quantities of dust or particulates.
 - a. Location of existing storm water structural control measures (dikes, coverings, detention facilities, etc.);
 - b. Surface water locations and/or municipal storm drain locations;
 - c. Areas of existing and potential soil erosion;
 - d. Vehicle service areas;
 - e. Material loading, unloading, and access areas.
 6. A narrative description of the following:
 - a. The nature of the industrial activities conducted at the site, including a description of significant materials that are treated, stored or disposed of in a manner to allow exposure to storm water;
 - b. Materials, equipment, and vehicle management practices employed to minimize contact of significant materials with storm water discharges;
 - c. Industrial storm water discharge treatment facilities;
 - d. Methods of onsite storage and disposal of significant materials;
 - e. A list of the types of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities;
 - f. An estimate of the size of the facility in acres or square feet, and the percent of the facility that has impervious areas such as pavement or buildings;
 - g. A summary of existing sampling data describing pollutants in storm water discharges;
 - h. The name of the receiving water(s) and the ultimate receiving water(s), and areal extent of wetland acreage at the site.
- (ii) **Controls.** Each plan shall include a description of appropriate controls that will be implemented at the mining site. The plan will clearly describe for each major activity identified in (b) (ii) (D) (i) (1) of this Special Condition above, appropriate controls and the timing during the mining process that the controls will be implemented. (For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization). The description of controls shall address as appropriate the following minimum components:
1. Erosion and Sediment Controls.

Special Conditions

- a. **Stabilization Practices.** A description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the plan. Except as provided in paragraphs i and ii below, stabilization measures shall be initiated as soon as practicable in portions of the site where mining activities have temporarily or permanently ceased, but in no case more than 14 days after the mining activities in that portion of the site has temporarily or permanently ceased.
 - i. Where the initiation of stabilization measures by the 14th day after mining activities temporarily or permanently cease is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
 - ii. Where mining activities will resume on a portion of the site within 21 days from when activities ceased, (e.g. the total time period that mining activities is temporarily ceased is less than 21 days) then stabilization measures do not have to be initiated on that portion of site by the 14th day after mining activities temporarily ceased.
 - b. **Structural Practices.** A description of structural practices to the degree attainable, to divert flows from disturbed earthen areas, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.
 - c. **Best Management Practices for Impaired Waters.** For any site which discharges directly to an impaired water identified in the Agency's 303(d) listing for suspended solids, turbidity, or siltation the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event. If required by federal regulations or the Illinois Environmental Protection Agency's Illinois Urban Manual, the storm water pollution prevention plan shall adhere to a more restrictive design criteria.
2. **Storm Water Management.** A description of measures that will be installed during mining to control pollutants in storm water discharges that will occur after mining operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the mining activities have been completed and the site has undergone final stabilization. Permittees are responsible for only the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with industrial activity at a mining site have been eliminated from the site.
 - a. Such practices may include: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices). The pollution prevention plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.
 - b. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. maintenance of hydrologic conditions, such as the hydroperiod and hydrodynamics present prior to the initiation of mining activities).
 - c. Unless otherwise specified in the Illinois Environmental Protection Agency's Illinois Urban Manual, the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event.
 - d. **Other Controls.**

Special Conditions

- i. No solid materials, including building materials, shall be discharged to Waters of the State, except as authorized by a Section 404 permit.
- ii. The plan shall ensure and demonstrate compliance with applicable State and/or local waste disposal, sanitary sewer or septic system regulations.
- e. Pollution Prevention Practices
 - i. Storm Water Pollution Prevention Personnel - Identification by job titles of the individuals who are responsible for developing, implementing, and revising the plan.
 - ii. Preventive Maintenance - Procedures for inspection and maintenance of storm water conveyance system devices such as oil/water separators, catch basins, etc., and inspection and testing of plant equipment and systems that could fail and result in discharges of pollutants to storm water.
 - iii. Good Housekeeping - Good housekeeping requires the maintenance of clean, orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned to reduce the potential for pollutants to enter the storm water conveyance system.
 - iv. Spill Prevention and Response - Identification of areas where significant materials can spill into or otherwise enter the storm water conveyance systems and their accompanying drainage points. Specific material handling procedures, storage requirements, spill clean up equipment and procedures should be identified, as appropriate. Internal notification procedures for spills of significant materials should be established.
 - v. Storm Water Management Practices - Storm water management practices are practices other than those which control the source of pollutants. They include measures such as installing oil and grit separators, diverting storm water into retention basins, etc. Based on assessment of the potential of various sources to contribute pollutants, measures to remove pollutants from storm water discharge shall be implemented. In developing the plan, the following management practices shall be considered:
 - Containment - Storage within berms or other secondary containment devices to prevent leaks and spills from entering storm water runoff;
 - Oil & Grease Separation - Oil/water separators, booms, skimmers or other methods to minimize oil contaminated storm water discharges;
 - Debris & Sediment Control - Screens, booms, sediment ponds or other methods to reduce debris and sediment in storm water discharges;
 - Waste Chemical Disposal - Waste chemicals such as antifreeze, degreasers and used oils shall be recycled or disposed of in an approved manner and in a way which prevents them from entering storm water discharges.
 - Storm Water Diversion - Storm water diversion away from mining excavation, materials processing, materials storage and other areas of potential storm water contamination;
 - Covered Storage, Processing or Mining Areas - Covered fueling operations, materials processing and storage areas to prevent contact with storm water.
 - vi. Employee Training - Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution control plan. Training should address topics such as spill response, good housekeeping and material management practices. The plan shall identify periodic dates for such training.
 - vii. Inspection Procedures - Qualified plant personnel shall be identified to inspect designated equipment and plant areas. A tracking or follow-up procedure shall be used to ensure appropriate response has been taken in response to an inspection. Inspections and maintenance activities shall be documented and recorded.

Special Conditions

3. Verification of Non-Storm Water Discharges - The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include a description of any tests for the presence of non-storm water discharges, the methods used, the dates of the testing, and any onsite drainage points that were observed during the testing. Any facility that is unable to provide this certification must describe the procedure of any test conducted for the presence of non-storm water discharges, the test results, potential sources of non-storm water discharges to the storm sewer, and why adequate tests for such storm sewers were not feasible. Except as provided in (b) (i) of this Special Condition, discharges not comprised entirely of storm water are not authorized by this Special Condition.
 4. The permittee shall conduct an annual facility inspection to verify that all elements of the plan, including the site map, potential pollutant sources, and structural and non-structural controls to reduce pollutants in industrial storm water discharges are accurate. Observations that require a response and the appropriate response to the observation shall be retained as part of the plan. Records documenting significant observations made during the site inspection shall be submitted to the Agency in accordance with the reporting requirements of this permit.
 5. This plan should briefly describe the appropriate elements of other program requirements, including Spill Prevention Control and Countermeasures (SPCC) plans required under Section 311 of the CWA and the regulations promulgated thereunder, and Best Management Programs under 40 CFR 125.100.
 6. The plan shall include the signature and title of the person responsible for preparation of the plan and include the date of initial preparation and each amendment thereto.
 7. Facilities which discharge storm water associated with industrial activity at a mining site to municipal separate storm sewers may also be subject to additional requirements imposed by the operator of the municipal system.
 8. Approved State or Local Plans. - The management practices, controls and other provisions contained in the storm water pollution prevention plan must be at least as protective as the requirements contained in Illinois Environmental Protection Agency's Illinois Urban Manual, 2002. Facilities which discharge storm water associated with industrial activities at a mining site must include in their storm water pollution prevention plan procedures and requirements specified in applicable sediment and erosion site plans or storm water management plans approved by local officials. Requirements specified in sediment and erosion site plans or site permits or storm water management site plans or site permits approved by local officials that are applicable to protecting surface water resources are, upon the effective date of this NPDES permit to be authorized to discharge, incorporated by reference and are enforceable under this permit even if they are not specifically included in a storm water pollution prevention plan required under this permit. This provision does not apply to provisions of master plans, comprehensive plans, non-enforceable guidelines or technical guidance documents that are not identified in a specific plan or permit that is issued for the mining site.
- (iii) **Maintenance.** A description of procedures to maintain in good and effective operating conditions vegetation, erosion and sediment control measures and other protective measures identified in the site plan.
- (iv) **Inspections.** Qualified personnel (provided by the permittee) shall inspect disturbed areas of the mining site that have not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site annually. Qualified personnel means a person knowledgeable in the principles and practice of erosion and sediment controls, such as a licensed professional engineer or other knowledgeable person who possesses the skills to assess conditions at the mining site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the mining activities.
1. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.

Special Conditions

2. Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with (b) (ii) (D) (i) of this Special Condition (Site Description) and pollution prevention measures identified in the plan in accordance with (b) (ii) (D) (ii) of this Special Condition (Controls) shall be revised as appropriate as soon as practicable after such inspection. Such modifications shall provide for timely implementation of any changes to the plan within 30 calendar days following the inspection.
3. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with (b) (ii) (D) (iv) 2 of this Special Condition above shall be made and retained as part of the storm water pollution prevention plan for at least three years from the date that the permit coverage expires or is terminated. The report shall be signed in accordance with standard conditions Attachment H (Signatory Requirements) of this permit.
4. The permittee shall complete and submit within 5 days an "Incidence of Noncompliance" (ION) report for any violation of the storm water pollution prevention plan observed during an inspection conducted, including those not required by the Plan. Submission shall be on forms provided by the Agency and include specific information on the cause of noncompliance, actions which were taken to prevent any further causes of noncompliance, and a statement detailing any environmental impact which may have resulted from the noncompliance.
5. All reports of noncompliance shall be signed by a responsible authority as defined in standard conditions Attachment H (Signatory Requirements).
6. All reports of noncompliance shall be mailed to the Agency at the following address:

Illinois Environmental Protection Agency
 Compliance Assurance Section
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, Illinois 62794-9276

(v) Reporting. The facility shall submit an annual inspection report to the Illinois Environmental Protection Agency. The report shall include results of the annual facility inspection which is required by sections (b) (ii) (D) (ii) (4) and (b) (ii) (D) (iv) of this Special Condition and of the Storm Water Pollution Prevention Plan of this permit. The report shall also include documentation of any event (spill, treatment unit malfunction, etc.) which would require an inspection, results of the inspection, and any subsequent corrective maintenance activity. The report shall be completed and signed by the authorized facility employee(s) who conducted the inspection(s).

1. The first report shall contain information gathered during the one year time period beginning with the effective date of coverage under this permit and shall be submitted no later than 60 days after this one year period has expired. Each subsequent report shall contain the previous year's information and shall be submitted no later than one year after the previous year's report was due.
2. If the facility performs inspections more frequently than required by this permit, the results shall be included as additional information in the annual report.
3. The permittee shall retain the annual inspection report on file at least 5 years. This period may be extended by request of the Illinois Environmental Protection Agency at any time.
4. Annual inspection reports shall be mailed to the following address:

Illinois Environmental Protection Agency
 Compliance Assurance Section
 Annual Inspection Report
 P.O. Box 19276
 Springfield, Illinois 62794-9276

(vi) Non-Storm Water Discharges - Except for flows from fire fighting activities, sources of non-storm water listed in (b) (i) of this Special Condition that are combined with storm water discharges associated with industrial activity at a mining site must be identified in the plan. The plan shall identify and insure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

Special Conditions

(vii) **Discharging Pollutants for Which a Water Body is Impaired With an Approved TMDL.**

1. Existing dischargers, new dischargers and new sources: you must carefully document the justifications for all BMP selections in your SWPPP, and install, implement and maintain BMPs that are consistent with all relevant TMDL allocations and with all relevant conditions in an implementation plan.
2. For discharges to waters for which there is a TMDL allocation for sediment or a parameter that addressed sediment (such as total suspended solids, turbidity, or siltation), the applicant shall develop and certify a SWPPP that is consistent with the assumptions and requirements in the approved TMDL. Operators must incorporate into their SWPPP any conditions applicable to their discharges necessary for consistency with the assumptions and requirements of the TMDL within any timeframes established in the TMDL. If a specific numeric wasteload allocation has been established that would apply to the facility's discharges, the operator must incorporate that allocation into its SWPPP and implement necessary steps to meet that allocation.

SPECIAL CONDITION 12. **Heated Effluents and Cooling Water Discharges:** Discharges of heated effluents and cooling waters must meet the water quality provisions of 35 Ill. Adm. Code Subtitle C for temperature.

- a. The permittee with heated effluents or cooling water discharges shall develop a heated effluent and cooling water plan. The plan is incorporated as a condition of this permit and shall contain the following:
 - i) Identification of each internal heated effluent and cooling water wastestream at the mining site,
 - ii) All temperature monitoring data of the cooling waters or heated effluents within the last five years or that represents proposed temperature conditions,
 - iii) The daily average flow (MGD) of each internal heated effluent and cooling water wastestream,
 - iv) The mean detention time of each heated effluent and cooling water wastestream in any impoundments on the mining site,
 - v) Description and identification of any facilities such as impoundments that attenuate or treat heated effluent and cooling water wastestreams,
 - vi) The daily average flow (MGD) for each outfall that contains heated effluent or cooling water and,

The predicted temperature increase of the receiving stream caused by the discharge.

SPECIAL CONDITION 13. Mining excavation operations shall maintain a minimum setback of 200 feet from the two private potable wells located in Section 32 identified as well #1 and well #9 in the permit application, pursuant to Section 14.2 of the Illinois Environmental Protection Act.

SPECIAL CONDITION 14. **"Best Management Practices" ("BMPs")** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Commencement of Mining" - The initial disturbance of soils associated with clearing, grading, or excavating activities or other mining activities.

"Cooling water" means mine process wastewater that is used for cooling of mining operations and is contaminated with heat. Heated effluent and cooling water that contains cleaning chemicals, pesticides or treatment chemicals used to clean or treat the piping, equipment or discharge of the cooling system are not covered by this permit.

"Cooling water outfalls" means point sources that discharge cooling waters or heated effluents. **"CWA"** means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. (96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.)

"Director" means the Director of the Illinois Environmental Protection Agency or an authorized representative.

"EPCRA" means the Emergency Planning and Community Right-to-Know Act (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986)

Special Conditions

"Final Stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 70% cover for unpaved areas and areas not covered by permanent structures has been established or equivalent stabilization measures (such as the use of riprap, gabions or geotextiles) have been employed.

"Heated effluent" means mine process wastewater contaminated with heat from mining operations.

"Large and Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:

- a) Located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR Part 122); or
- b) Located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm
- c) sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR Part 122); or
- d) Owned or operated by a municipality other than those described in paragraph (a) or (b) and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

"Mine Area or Mined Area" means the surface and subsurface land where mining has occurred or is occurring. The term does not include the unmined surface land directly above underground mine workings which is not otherwise disturbed by mining activities.

"Mine Process Wastewater or Process Wastewater" means waters used for or generated from: cooling of mining and mine processing equipment; mineral processing plants; cleaning mining and mining processing equipment; air emission controls (e.g. dust control); pit pumpage; pit overflows; mine dewatering; sedimentation ponds; or surface runoff from disturbed areas that contain mine refuse; chemical spillage; other wastes or acid producing materials.

"Mining" means the surface or underground extraction or processing of natural deposits of, gravel, sand or stone by the use of any mechanical operation or process. The term also includes the recovery or processing of the minerals from a mine refuse area. It does not include drilling for oil or natural gas.

"Mining Activities" means all activities on a facility which are directly in furtherance of mining, including activities before, during and after mining. The term does not include land acquisition, exploratory drilling, surveying and similar activities. The term includes, but is not limited to, the following:

- a) Preparation of land for mining activities;
- b) Construction of mine related facilities which could generate refuse, result in a discharge or have
- c) the potential to cause water pollution;
- d) Ownership or control of a mine related facility;
- e) Ownership or control of a coal storage yard or transfer facility;
- f) Generation or disposal of mine refuse;
- g) Mining;
- h) Opening a mine;
- i) Production of a mine discharge or non-point source mine discharge;
- j) Surface drainage control; and
- k) Use of acid-producing mine refuse.

"NOI" means notice of intent to be covered by this permit (see special condition 14 of this permit.)

"Non-coal Outfalls" means point sources that discharge mine dewatering waters, process wastewaters, pit pumpage or pit overflows.

"Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, mine discharge, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

"Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4).

Special Conditions

"Storm Water" means storm water runoff, snow melt runoff, surface runoff and drainage.

"Storm Water Discharges" means discharges that contain only storm water.

"Storm Water Associated with Industrial Activity at a Mining Site" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at a mining site. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of mining sites identified in subparagraphs (i) and (ii) of this subsection definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this paragraph, material handling activities include the: storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally or municipally owned or operated) that meet the description of the facilities listed in this paragraph (i) and (ii) include those facilities designated under 40 CFR 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity at a mining site" for purposes of this definition: i) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(l)) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; ii) Construction activity including clearing, grading and excavation activities that disturbs land area at a mining site.

"Waters" mean all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon the State of Illinois, except that sewers and treatment works are not included except as specially mentioned; provided, that nothing herein contained shall authorize the use of natural or otherwise protected waters as sewers or treatment works except that in-stream aeration under Agency permit is allowable. Note that additional definitions are included in the permit Standard Conditions, Attachment H.

NPDES PERMIT NO. IL0078298
Construction Authorization

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

Facility is an existing peat mine of approximately 450 acres designated as Markman Peat Corporation, located in section 28 and 29, T21N, R4E of the 3rd P.M. in Whiteside County, Illinois near Morrison. Mine operations consist of the surface removal of approximately 15 feet of peat and topsoil using dragline cranes, excavators, payloaders and hydraulic excavating equipment and the sorting, stockpiling and bagging of mined materials. Stormwater and groundwater seepage are directed to and retained in the ponds created by peat mining. Pit pumpage from the ponds result in the discharge of groundwater seepage and stormwater runoff from outfall #001 at an average discharge rate of 2.4 MGD to an unnamed tributary of Rock Creek, the discharge of groundwater seepage and stormwater runoff from outfall #002 at an average discharge rate of 2.4 MGD to an unnamed tributary of the Rock Creek and the discharge of groundwater seepage and stormwater runoff at an average discharge rate of 2.4 MGD to an unnamed tributary of the Rock Creek.

The abandonment plan received with the application documents dated September 22, 2006 shall be executed and completed in accordance with Rule 405.109 of Subtitle D: Mine Related Water Pollution.

This Authorization is issued subject to the following Special condition(s). If such Special conditions require additional or revised facilities, satisfactory engineering plan documents must be submitted to this Agency for review and approval.

If any statement or representation in the application is found to be incorrect, this permit may be revoked and the permittee thereupon waives all rights thereunder.

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.

This permit may not be assigned or transferred. Any subsequent operator shall obtain a new permit from the Illinois Environmental Protection Agency.

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.

The permit holder shall notify the Illinois Environmental protection Agency (217/782-3637) immediately of any 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 Rule 405.111 under Chapter 1, Subtitle D: Mine Related Water Pollution of Illinois Pollution Control Board Rules and Regulations.

Final plans, specifications, application and supporting documents as submitted and approved shall constitute part of this permit and are identified in the records of the Illinois Environmental Protection Agency, by the permit number designated in the heading of this section.

