ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397
BRUCE RAUNER, GOVERNOR LISA BONNETT, DIRECTOR

August 18, 2015

618/993-7200

Macoupin Energy, L.L.C.
14300 Brushy Mound Road
Carlinville, IL 62626

Re: Macoupin Energy, L.L.C.
Shay No. 1 Mine
NPDES Permit No. IL0056022
Final Renewed Permit

Gentlemen:

Attached is the final renewed NPDES Permit for your discharge. The Permit as issued covers discharge limitations, monitoring, and reporting requirements. The failure of you to meet any portion of the Permit could result in civil and/or criminal penalties. The Illinois Environmental Protection Agency is ready and willing to assist you in interpreting any of the conditions of the Permit as they relate specifically to your discharge.

The Permit as issued was modified after Public Notice and Public Hearing based on comments received to incorporate the following:

Special Condition No. 17, which contained a chloride compliance schedule for Outfall 007 and plans to relocate the outfall, was removed from the permit. As a result, effluent limits for Outfall 007 were modified to require that water quality standards are to be met under all discharge conditions. Previously, mixing for Outfall 007 was to be allowed under precipitation-driven discharge events as described by Special Condition Nos. 13 and 16. These Special Conditions have now been modified to only allow mixing for Outfalls 002 and 005.

Supplemental Construction Authorization No. 8107-10-1, Page 19 of the draft Permit, was revised to specify the water handling procedures relative to the ground trenches and wick drains.

The draft permit was revised to reflect a maximum detection limit of 2 ug/l for Selenium in Special Condition No. 20.

PLEASE PRINT ON RECYCLED PAPER

Macoupin Energy, L.L.C.
Shay No. 1 Mine
NPDES Permit No. IL0056022
Final Renewed Permit

The Permit as issued is effective as of the date indicated on the first page of the Permit. You have the right to appeal any conditions of the Permit to the Illinois Pollution Control Board within a 35 day period following the issuance date.

Should you have questions concerning the Permit, please contact the undersigned at 618/993-7200.

Respectfully,

ENVIRONMENTAL PROTECTION AGENCY

Joseph D. Stitely, P.E.
Acting Manager, Permit Section
Mine Pollution Control Program
Bureau of Water

JDS:IKW:cs/7116c/7-21-15

Enclosure: Final Permit

cc: IDNR/Office of Mines and Minerals/Land Reclamation/with Enclosure
IDNR/Division of Water Resources/with Enclosure
Joseph Stitely, Marion Region/Mine Pollution Control Program/with Enclosure
BOW/DWPC/CAS
BOW/DWPC/Records

NPDES Permit No. IL0056022

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

Renewed and Modified NPDES Permit

Expiration Date: July 31, 2020

Issue Date: August 18, 2015
Effective Date: August 18, 2015

Name and Address of Permittee:

Macoupin Energy, LLC
14300 Brushy Mound Road
Carlinville, Illinois 62626

Facility Name and Address:

Macoupin Energy, LLC
Shay No. 1 Mine
7 miles south of
Carlinville, Illinois
(Macoupin County)

Discharge Number and Classification:		Receiving waters
002	Acid Mine Drainage	Spanish Needle Creek
005	Acid Mine Drainage	Spanish Needle Creek
007	Alkaline Mine Drainage	Unnamed tributary to Spanish Needle Creek
003	Stormwater Mine Drainage	Spanish Needle Creek
004	Stormwater Mine Drainage	Unnamed tributary to Spanish Needle Creek
001	Sanitary Wastewater	Unnamed tributary to Macoupin Creek
A02	Sanitary Wastewater	Recirculation Pond (Outfall 002)

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.

Joseph D. Stitely, P.E., Acting Permit Manager
Mine Pollution Control Program
Bureau of Water

JDS:IW:cs/7100c/06-17-15

NPDES Coal Mine Permit

NPDES Permit No. IL0056022

Effluent Limitations and Monitoring

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

Outfall*: 002[t] (Acid 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. 19	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	1730	500	1.0	Monitor only	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	1730	1000	-	Monitor only	-	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	1730	1000	-	Monitor only	-	Measure When Sampling	-
IV	35	70	3.0	6.0	6.0-9.0	Alk.>Acid	1730	1000	1.0	Monitor only	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall at times of "low flow" or "no flow" conditions in the receiving stream as defined in Special Condition No. 13.

II In accordance with 35 Ill. Adm. Code 406.110(b), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 1-year, 24-hour precipitation event, but 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 1-year, 24-hour precipitation event for this area is considered to be 2.59 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). The 10-year, 24-hour precipitation event for this area is considered to be 4.65 inches.

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. At such time that receiving stream flow subsides to the degree that the mixing ratio specified in Special Condition No. 13 is not available, monitoring requirements and permit limitations shall revert to Discharge Condition I.

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

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during either Discharge Condition I or IV should such discharge condition occur. A "no flow" situation is not considered to be a sample of the discharge. In the event that Discharge Conditions II and/or III occur, 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.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 13 for the discharges from Outfall 002 and Spanish Needle Creek receiving such discharges. Also, discharges from Outfall 002 shall be subject to the limitations, and monitoring and reporting requirements of Special Condition No. 20.

** No discharge is allowed from the 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.

[t] Discharge from Outfall 002 is subject to the requirements and limitations of Special Condition No. 17.

NPDES Coal Mine Permit

NPDES Permit No. IL0056022

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*: 005[1] (Acid 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 19	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	1732	500	1.0	Monitor only	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.0-9.0	-	1732	1000	-	Monitor only	-	Measure When Sampling	0.5
III	-	-	-	-	6.0-9.0	-	1732	1000	-	Monitor only	-	Measure When Sampling	-
IV	35	70	3.0	6.0	6.0-9.0	Alk >Acid	1732	1000	1.0	Monitor only	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall at times of "low flow" or "no flow" conditions in the receiving stream as defined in Special Condition No. 13.

II In accordance with 35 Ill. Adm. Code 406.110(b), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 1-year, 24-hour precipitation event, but 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 1-year, 24-hour precipitation event for this area is considered to be 2.59 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). The 10-year, 24-hour precipitation event for this area is considered to be 4.65 inches.

IV Discharges continuing 24 hours after cessation of precipitation event that resulted in discharge. At such time that receiving stream flow subsides to the degree that the mixing ratio specified in Special Condition No. 13 is not available, monitoring requirements and permit limitations shall revert to Discharge Condition I.

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

*** There shall be a minimum of nine (9) samples collected during the quarter when the pond is discharging. Of these 9 samples, a minimum of one sample each month shall be taken during either Discharge Condition I or IV should such discharge condition occur. A "no flow" situation is not considered to be a sample of the discharge. In the event that Discharge Conditions II and/or III occur, 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.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 13 for the discharges from Outfall 005 and Spanish Needle Creek receiving such discharges. Also, discharges from Outfall 005 shall be subject to the limitations, and monitoring and reporting requirements of Special Condition No. 20.

** No discharge is allowed from the 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.

[1] Discharge from Outfall 005 is subject to the requirements and limitations of Special Condition No. 17.

NPDES Coal Mine Permit

NPDES Permit No. IL0056022

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*: 007 (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. 19	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	1629	500	1.0	Monitor only	Monitor only	Measure When Sampling	-
II	-	-	-	-	6.5-9.0	-	1629	500	-	Monitor only	-	Measure When Sampling	0.5
III	-	-	-	-	6.5-9.0	-	1629	500	-	Monitor only	-	Measure When Sampling	-
IV	35	70	3.0	6.0	6.5-9.0	Alk >Acid	1629	500	1.0	Monitor only	Monitor only	Measure When Sampling	-

I Dry weather discharge (base flow or mine pumpage) from the outfall.

II In accordance with 35 Ill. Adm. Code 406.110(a), any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt or equivalent volume) shall comply with the indicated limitations instead of those in 35 Ill. Adm. Code 406.106(b). The 10-year, 24-hour precipitation event for this area is considered to be 4.65 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 1 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.

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

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 15 for the discharges from Outfall 007 and Spanish Needle Creek receiving such discharges. Also, discharges from Outfall 007 shall be subject to the limitations, and monitoring and reporting requirements of Special Condition No. 20.

** No discharge is allowed from the 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. IL0056022

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 (Sanitary Wastewater)

Parameters									
Total Suspended Solids **				$CBOD_5$ **				pH (S.U.) **	Flow (MGD)
Load Limits (lbs/day)		Concentration Limits (mg/l)		Load Limits (lbs/day)		Concentration Limits (mg/l)			
30 day average	daily maximum	30 day average	daily maximum	30 day average	daily maximum	30 day average	daily maximum		
1.46	2.93	12	24	1.22	2.44	10	20	6.0-9.0	Measure When Sampling

* Discharge from Outfall 001 is subject to the requirements of Special Condition No. 18.

** A minimum of three (3) samples per month 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 Outfall 001. No more than one (1) sample shall be collected during any individual monitoring event.

NPDES Coal Mine Permit

NPDES Permit No. IL0056022

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*: A02 (Sanitary Wastewater)

Parameters									
Total Suspended Solids **				$CBOD_5$ **				pH (S.U.) **	Flow (MGD)
Load Limits (lbs/day)		Concentration Limits (mg/l)		Load Limits (lbs/day)		Concentration Limits (mg/l)			
30 day average	daily maximum	30 day average	daily maximum	30 day average	daily maximum	30 day average	daily maximum		
3.66	7.32	30	60	3.05	6.10	25	50	6.0-9.0	Measure When Sampling

* Sample only when Outfall 002 is discharging.

** A minimum of three (3) samples per month 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 Outfall A02. No more than one (1) sample shall be collected during any individual monitoring event.

NPDES Coal Mine Permit

NPDES Permit No. IL0056022

Effluent Limitations and Monitoring

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

Outfall*: 002 (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	1730	500	Monitor only	Measure When Sampling	0.5
II	6.0-9.0	1730	500	Monitor only	Measure When Sampling	0.5
III	6.0-9.0	1730	500	Monitor only	Measure When Sampling	-
IV	6.5-9.0	1730	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 4.65 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.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 14 for the discharges from Outfall 002 and Spanish Needle Creek receiving such discharges.

** No discharge is allowed from the 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. IL0056022

Effluent Limitations and Monitoring

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

Outfall*: 005 (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	1732	500	Monitor only	Measure When Sampling	0.5
II	6.0-9.0	1732	500	Monitor only	Measure When Sampling	0.5
III	6.0-9.0	1732	500	Monitor only	Measure When Sampling	-
IV	6.5-9.0	1732	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 4.65 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.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 14 for the discharges from Outfall 005 and Spanish Needle Creek receiving such discharges.

** No discharge is allowed from the 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. IL0056022

Effluent Limitations and Monitoring

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

Outfall*: 007 (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	1629	500	Monitor only	Measure When Sampling	0.5
II	6.5-9.0	1629	500	Monitor only	Measure When Sampling	0.5
III	6.5-9.0	1629	500	Monitor only	Measure When Sampling	-
IV	6.5-9.0	1629	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 4.65 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.

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* The Permittee is subject to the limitations, and monitoring and reporting requirements of Special Condition No. 15 for the discharges from Outfall 007 and the unnamed tributary to Spanish Needle Creek receiving such discharges.

** No discharge is allowed from the 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. IL0056022

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:

Outfalls: 003, 004 (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.

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* 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 Coal Mine Permit

NPDES Permit No. IL0056022

Effluent Limitations and Monitoring

Upon completion of Special Condition No. 11 and approval from the Agency, the effluent of the following discharge shall be monitored and limited at all times as follows:

Outfalls: 002, 005, 007 (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.

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* 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. IL0056022

Construction Authorization No. 8107-10

C.A. Date: August 23, 2010

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

The surface facilities of an underground mine containing a total of1261.4 acres located in Sections 2, 3, 15, 16, 21, 22, 24, 27and 28, Township 9 North, Range 7 West, Macoupin County, and Sections 20 and 29, Township 9 North, Range 6 West, Macoupin County, Illinois. This total permit acreage includes all additional areas discussed below. These support facilities include refuse disposal areas (RDA) 1 through 6, preparation plant, office and maintenance buildings, fresh water lake (Smith Reservoir), recirculation pond, railroad loop, two sewage treatment plants and two noncontiguous minor underground facilities.

The addition of 6.2 acres (OMM Permit No. 56, IBR No. 4) located in Section 21, Township 9 North, Range 7 West, Macoupin County. The area added herein shall be utilized to facilitate the construction of a drop inlet discharge structure and discharge channel to convey flows from Refuse Disposal Area 5 (RDA 5) to Smith Reservoir as described below.

An additional area of 17.1 acres (OMM Permit No. 56, IBR No. 5) located in Section 17 and 20, Township 9 North, Range 6 West, Macoupin County, shall be utilized for construction of a ventilation borehole and installation of fans as proposed in IEPA Log No. 9245-99. No pumpage from the underground mine workings shall be performed within this additional 17.1 acre area. This additional area shall be incorporated into the stormwater monitoring plan for this facility with runoff from the area monitored in accordance with stormwater monitoring requirements.

Additional 2.0 acres, as described in Log No. 7248-01 (OMM Permit No. 56, IBR No. 6), located in Section 18, Township 9 North, Range 6 West, Macoupin County. This additional area is to accommodate a cased borehole to deliver concrete to the underground workings of Mine No. 1. Drainage control will be accomplished with silt fencing and/or straw bales, silt traps.

Additional 1.2 acres, as described in IEPA Log No. 6340-02 (OMM Permit No. 56, IBR No. 7), located in Section 12, Township 9 North, Range 7 West in Macoupin County. This additional area is to construct rock dust tank and borehole, concrete/rock borehole and access road/parking area for trucks. Drainage will be controlled with silt fencing and/or straw bales.

As described in IEPA Log No. 6341-02 (OMM Permit No. 56, IBR No. 8), additional area of 3.7 acres, located in Section 16, Township 9 North, Range 6 West in Macoupin County, will be used for an exhaust airshaft. Drainage from the affected area will be controlled by silt fencing, ditch checks and/or straw bales.

Additional 7.5 acres, as described in IEPA Log No. 4269-04 (OMM Permit No. 56, IBR No. 9), located in Section 7, Township 9 North, Range 6 West in Macoupin County. This additional area will be used for air shaft, fan and ventilation buildings, power access hole, other small structures and associated road. Drainage will be controlled with silt fencing, ditches and/or straw bales.

Additional 4.8 acres, as described in Log No. 2396-06 (OMM Permit No. 56, IBR No. 10), located in Section 8, Township 9 North, Range 6 West, Macoupin County. This additional area is to for an air shaft, fan and ventilation building, power access hole and other small structures. Drainage from the affected area will be controlled by silt fencing and/or straw bales.

As described in IEPA Log No. 8363-10, a 1620 foot rail siding will be constructed inside and adjacent to a portion of the existing railroad loop.

Surface drainage for the described facilities is controlled by five (5) sedimentation basins with discharges designated as Outfalls 002, 003, 004, 005 and 007. These discharges are discussed in more detail as follows:

The discharge designated as Outfall 002 is from the recirculation pond which is the treatment pond for the preparation plant and associated areas including coal stockpiles. Outfall 002 is classified acid mine drainage and reports to Spanish Needle Creek.

Discharges from Outfalls 003 and 004 report to Spanish Needle Creek. These basins receive runoff from the reclaimed slopes of RDA No. 5 and are reclassified as stormwater discharges in accordance with IEPA Log Nos. 2381-06 and 3359-05.

As described and depicted in IEPA Log No. 2283-06, an emergency spillway will be constructed to discharge stormwater runoff from the interior of Refuse Disposal Area No. 5. As this is an internal structure there will be no impacts to any approved NPDES Outfall.

Discharge from Outfall 005 is classified acid mine drainage from a refuse disposal area RDA No. 6 and reports to Spanish Needle Creek.

Outfall 006 has been deleted from this Permit as the basin and discharge structure has been reclaimed in accordance with IEPA Log No. 5360-03.

Outfall 007 is the discharge from Smith Reservoir (fresh water lake) which collects runoff from reclaimed areas. Discharge 007 is classified alkaline mine drainage and reports to Spanish Needle Creek.

Discharge 001 is from a sanitary wastewater treatment system located at a North Portal. This system is inactive and shall not be utilized until the requirements of Condition No. 13 have been fulfilled. The system includes an extended aeration plant, rapid sand filter, and tablet chlorinator followed by two effluent pumps rated at 90 GMP at 5' TDH and 5000 feet of 4" PVC forcemain with discharge to unnamed tributary to Macoupin Creek.

The sanitary treatment plant for the Office and Processing Area consists of a comminutor (grinder), submerged bar screen activated sludge package plant and settling tank with discharge designated as Outfall A02 which is tributary to the recirculation lake with Discharge 002. The design P.E. for this plant is 170 (based on $CBOD_5$) with a design average flow of 14.625 GPD. As indicated in IEPA Log No. 2278-96, a disinfection exemption was granted for Outfall A02 by correspondence from the Agency dated October 28, 1996.

Commercial coagulants identified as Coagulite 200 and Coagulite 222 are approved for assisting in the reduction of Total Suspended Solids levels and minor pH adjustments. The utilization of these products shall be limited to the Recirculation Pond (Outfall 002) and South Holding Pond (Outfall 005) as described in IEPA Log No. 2196-96. While utilizing these commercial products, the water in the treatment basin shall be monitored and maintained such that the pH of the basin does not fall below 7.0.

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

Outfall	Latitude			Longitude			
Number	DEG	MIN	SEC	DEG	MIN	SEC	Receiving Waters
001	39°	15'	26"	89°	50'	47"	Unnamed tributary to Macoupin Creek
002	39°	12'	11"	89°	52'	08"	Unnamed tributary to Spanish Needle Creek
002A	39°	12'	22"	89°	51'	52"	Recirculation Pond (Outfall 002)
003	39°	12'	30"	89°	52'	54"	Spanish Needle Creek
004	39°	12'	45"	89°	52'	54"	Unnamed tributary to Spanish Needle Creek
005	39°	11'	50"	89°	51'	44"	Spanish Needle Creek
007	39°	13'	00"	89°	52'	50"	Unnamed tributary to Spanish Needle Creek

Water management and transfer between the refuse disposal areas and impoundments located at this facility have been approved as follows:

Installation of a pumping station on Spanish Needle Creek as proposed in Log No. 5143-93 (IPR No. 45 to IDNR/OMM Permit No. 56).

Installation of pumping station in South Pond for water supply to Refuse Disposal Area No. 6 (RDA No. 6) as proposed in Log No. 4221-94 (IPR 9 to IDNR/OMM Permit No. 209).

As described in IEPA Log No. 2186-96, water transference from Refuse Disposal Area No. 6 (RDA 6) to the South Holding Pond (Outfall 005) is approved. Water may also be transferred from the Recirculation Pond and/or Refuse Disposal Area No. 5 (RDA 5) to RDA 6 and then to the South Holding Pond to provide adequate settling time to meet applicable effluent standards.

The transfer of water from Refuse Disposal Area 5 to Smith Lake by pumpage is hereby approved as proposed in Log No. 2402-96. This transfer (pumpage) of water is for maintaining a stable water level in Smith Lake. The volume of water transferred shall be limited to prevent a discharge from Smith Lake.

Log No. 1080-97 to add a 12-inch siphon line at Outfall 005 to drawdown the pond to maintain additional storage for precipitation events is approved. The inlet of the siphon will be positioned so as not to disturb sediment.

Log No. 1107-97(+A) to transfer water from RDA 5 to Smith Lake is approved as proposed subject to Condition 12.

Log No. 1116-97 to construct a water line from the Recirculation Pond to Refuse Disposal Area No. 6 is approved as proposed.

Log No. 1295-97 for the installation of a pump to remove sediment from the Recirculation Pond and transport to RDA No. 6 is approved.

Three (3) pairs of piezometers may be installed in the embankment of RDA 6 as proposed in IEPA Log No. 6634.02.

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A temporary elevated flocculation station for RDA 6 and a system to transfer excess water from RDA 6 to RDA 5 may be constructed as proposed and described in IEPA Log Nos. 2048-06 and 2253-06.

As proposed IEPA Log No. 9489-09, the embankment of RDA 6 may be raised from 701 ft. msi to 705 ft. msi. Stormwater accumulating within RDA 6 may be transferred to the recirculation lake with discharge designated as Outfall 002.

Groundwater monitoring at this facility shall be performed in accordance with Condition No. 14.

This Permit is being transferred from Monterey Coal Company, Mine No. 1 to Macoupin Energy, LLC, Shay No. 1 Mine, in accordance with information provided in IEPA Log Nos. 2362-06 and 2362-06-A.

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 Construction Authorization supersedes and replaces Construction Authorization No. 7071-91 and Supplemental Construction Authorization Nos. 7071-91-1, 7071-91-2, 7071-91-3, 7071-91-4, 7071-91-5, 7071-91-6, 7071-91-7 and 7071-91-8 previously issued for the herein permitted facilities.

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

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

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

2. The issuance of this permit (a) shall not be considered as in any manner affecting the title of the premises upon which the mine or mine refuse area is to be located; (b) does not release the permittee from any liability for damage to person or property caused by or resulting from the installation, maintenance or operation of the proposed facilities; (c) does not take into consideration the structural stability of any units or parts of the project; and (d) does not release the permittee from compliance with other applicable statutes of the State of Illinois, or with applicable local laws, regulations or ordinances.

3. Final plans, specifications, application and supporting documents as submitted by the person indicated on Page 1 as approved shall constitute part of this permit and are identified 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 ($Al_2(SO_4)_3$), hydrated lime ($Ca(OH)_2$), 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.

11. Any of the following shall be a violation of the provisions required under 35 Ill. Adm. Code 406.202:

   a. It is demonstrated that an adverse effect on the environment in and around the receiving stream has occurred or is likely to occur.

   b. It is demonstrated that the discharge has adversely affected or is likely to adversely affect any public water supply.

   c. The Agency determines that the permittee is not utilizing Good Mining Practices in accordance with 35 Ill. Adm. Code 406.204 which are fully described in detail in Sections 406.205, 406.206, 406.207 and 406.208 in order to minimize the discharge of total dissolved solids, chloride, sulfate, iron and manganese. To the extent practical, such Good Mining Practices shall be implemented to:

      i. Stop or minimize water from coming into contact with disturbed areas through the use of diversions and/or runoff controls (Section 406.205).

      ii. Retention and control within the site of waters exposed to disturbed materials utilizing erosion controls, sedimentation controls, water reuse or recirculation, minimization of exposure to disturbed materials, etc. (Section 406.206).

      iii. Control and treatment of waters discharged from the site by regulation of flow of discharges and/or routing of discharges to more suitable discharge locations (Section 406.207).

      iv. 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. The transferring of water from RDA No. 5 to Smith Lake by pumpage is subject to the following:

   a. Before each transfer (pumpage operation) is undertaken, an analysis for Total Suspended Solids, Iron, pH, Alkalinity, Acidity, Sulfates and Chlorides shall be completed for the water in RDA No. 5 and Smith Lake. Transfer shall not be conducted if water quality in RDA No. 5 exceeds the effluent standards applicable to the Smith Lake discharge (Outfall 007).

   b. Notification of transfer and analysis results shall be provided to the Agency within 15 days of transfer.

c. No water shall be transferred from RDA No. 5 if the pH of this impoundment is less than 6.5.

13. De-chlorination or a disinfection exemption is required for Discharge 001 before the system is placed in service. Requirements for de-chlorination are contained in Special Condition No. 18 of this NPDES Permit. Information for requesting a disinfection exemption is also contained in the referenced Special Condition. Monitoring reports for this discharge are not required until the system is placed in service.

14. Groundwater monitoring at this facility shall be performed in accordance with the following:

a. Permanent groundwater monitoring wells identified as Well Nos. MW-5-96, MW-6C-96, MW-16-96, MW-17-97, MW-18-97, MW-20-97, MW-24-97, MW-26-00, MW-27-00, MW-31-00, MW-25R-06 and PW-16 at the Shay No. 1 Mine shall be monitored quarterly for a minimum of six (6) monitoring events for the following list of constituents to establish existing concentrations.

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

A statistical representation of existing concentrations in the above referenced permanent groundwater monitoring wells shall be determined in accordance with Condition No. 14(g) below with the results of such analysis submitted to the Agency in accordance with Special Condition No. 3 of this NPDES permit. This existing concentration determination shall be submitted to the Agency within 90 days following completion of six (6) existing concentration monitoring events.

Following the minimum of six (6) quarterly existing concentration monitoring events, the Permittee may request a reduction in the list of required contaminants identified above for the routine monitoring which shall continue on a quarterly basis. Contaminants may be eliminated from the monitoring requirements if such contaminant is not detected during the six (6) monitoring events required to establish existing concentrations.

In the event that the list of contaminants required to be monitored for the permanent wells is reduced following the six (6) existing concentration monitoring events, a minimum of one (1) sampling event at the time of the NPDES permit renewal is required and shall include all contaminants identified above for all above referenced permanent wells.

b. All remaining permanent groundwater monitoring wells not referenced in Condition No. 14(a) above shall be monitored quarterly for the following list of constituents:

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

c. Permanent groundwater monitoring well reports shall be submitted to the Agency in accordance with Special Condition Nos. 3 and 5 of this NPDES permit.

d. Permanent groundwater monitoring well results shall also be reported as required by any assessment approved by the Illinois EPA.

e. Temporary groundwater well monitoring shall include the list of contaminants and be reported at the frequency required by the assessment for which the wells were installed.

f. Following completion of active mining and reclamation, post-mining monitoring of permanent wells referenced in Condition No. 14(a) above shall consist of six (6) samples collected during a 12-month period (approximately bi-monthly) to determine post-mining concentrations. Post-mining concentrations shall be determined in accordance with Condition No. 14(g) below and shall include the complete list of contaminants identified in Condition No. 14(a) above.

The post-mining concentration determination shall be submitted to the Agency in accordance with Special Condition No. 3 of this NPDES permit within 90 days following completion of the post-mining monitoring.

g. A statistically valid representation of existing and post-mining water quality required under Condition Nos. 14(a) and 14(f) above shall be submitted utilizing the following method. This method shall be used to determine the upper 95 percent confidence limit for each parameter listed above.

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

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

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

$$\overline{X}_b = \frac{X_1 + X_2 + \ldots X_n}{n}$$

Where:

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

X_n = Values for each upgradient sample

n = the number of samples taken

ii. Calculate the variance (S_b^2) and standard deviation (S_b) for each parameter using the values (X_n) from each sample of the upgradient well(s) as follows:

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

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

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

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

Where:

CL = upper confidence limit prediction
(upper and lower limits should be calculated for pH)
t = one-tailed t value at the required significance
level and at n-1 degrees of freedom from Table 1
(a two-tailed t value should be used for pH)

iv. If the values of any routine parameter for any monitoring well exceed the upper confidence limit for that parameter, the permittee shall conclude that a statistically significant change has occurred at that well.

v. When some of the values are less than the Method Detection Limit (MDL), a value of one-half (1/2) the MDL shall be substituted for each value that is reported as less than the MDL. All other computations shall be calculated as given above.

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

Table 1
Standard t-Tables Level of Significance

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

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

* For pH only when required.

NPDES Permit No. IL0056022

Supplemental Construction Authorization No. 8107-10-1

S.C.A. Date: November 19, 2013

Supplemental Authorization is hereby granted to the above designee to construct and operate the mine and mine refuse area, previously approved under Authorization No. 8107-10 dated August 23, 2010. These facilities have been revised as follows:

As described and depicted in IEPA Log No. 7233-11 and 7233-11-B, the addition of 25.3 acres (OMM Permit No. 419 area) located in Sections 27, 28, 33 and 34, Township 9 North, Range 7 West, Macoupin County, Illinois, bringing the total area under this Permit to 1,286.7 acres. This additional area will be utilized for the development of an underground fine coal refuse (slurry) disposal system.

Development and installation of the surface facilities associated with the underground slurry disposal system was previously approved under Subtitle D Permit No. 2013-MA-7233. This permit allowed for the installation of the surface facilities of the underground disposal facilities described as follows.

This underground refuse disposal system will include slurry disposal wells, decant water recovery wells, monitoring/ventilation wells and associated piping. Surface runoff from the well locations sites and the pipeline corridors will be controlled by alternate drainage control methods which may include mulching, seeding and re-vegetation of disturbed areas, silt fence, rock check dams and straw bale dikes.

Slurry pipeline installation will be at or on the ground surface with the exception of roadway crossings, productive cropland areas and natural drainageways where the piping would generally be buried below grade. The exception to this would be an aerial crossing of Spanish Needle Creek which will utilize a small suspended bridge type structure and will incorporate double walled piping for added protection of the stream.

Fine coal refuse (slurry) will be pumped from the preparation plant to the disposal wells located in upgradient sections of the abandoned underground mine workings. The recovery wells located in downgradient sections of the mine workings will pump decant water from the disposed slurry to existing Refuse Disposal Area (RDA) No. 6 where additional clarification will be provided prior to re-introduction of this water back into the coal processing circuit. Additional details of the underground slurry disposal operation are contained in IEPA Log Nos. 7233-11 and 7233-11-B.

Refuse Disposal Area (RDA) Nos. 5 and 6 closure (abandonment) plan, drainage control and groundwater protection plans have been revised as described and depicted in IEPA Log Nos. 5206-13 and 5206-13-B. The revised abandonment plan for RDA Nos. 5 and 6 incorporates an initial coarse refuse/coal combustion by-product working surface to be constructed over the existing disposed slurry material. A system of wick drains will be installed through the working surface into the disposed slurry to the approximate bottom elevation of the disposal areas. Following installation of the wick drains, a drainage layer will be constructed over the working surface which will in turn be covered with a coarse refuse/coal combustion by-product mixture. At such time that the disposal area achieves the design elevation, final reclamation will consist of placement of a low permeability cover consisting of either 2 feet of compacted clay or a synthetic liner which will then be covered by topsoil for revegetation. The final maximum design elevation of the disposal areas is approximately 812 ft. msl. Additional details regarding the RDA Nos. 5 and 6 closure plans are contained in IEPA Log Nos. 5206-13 and 5206-13-B.

Water collecting in the groundwater trenches located on the northwest side of RDA No. 5 will be pumped into the collection ditches which will be constructed to surround the covered fine refuse (slurry) located within the RDA No. 5 area. These collection ditches surrounding the covered fine refuse will also collect water from the wick drain drainage layer. Groundwater trench pumpage and wick drain drainage layer water will be conveyed by the collection ditches to the "drop box" structure and conveyed to the base of the RDA No. 5 embankment for discharge to Smith Reservoir.

Water collecting in the groundwater trenches located on the east side of RDA No. 6 will be directed (either by pumpage or gravity flow) to the South Holding Pond, also identified and Sedimentation Basin 005. It is noted that the South Holding Pond also collected runoff from the RDA No. 6 embankment outslopes. Water collecting in the South Holding Pond will be pumped into RDA No. 6 and used in the coal preparation plant wash circuit.

Due to the revised abandonment plans proposed for RDA Nos. 5 and 6 as described above, the groundwater monitoring plan has been revised to include the following list of monitoring wells as depicted in the document entitled "Corrective Action Plan" included in IEPA Log No. 5206-13:

Sector No. 1:

MW-08-96	TW-408
MW-09-96	TW-407
MW-12-96	TW-408
MW-13-96	TW-409
MW-21-97	

* Three (3) additional new wells that remain unidentified at this time are proposed as depicted in IEPA Log No. 5206-13 to monitor groundwater trench function within the Sector No. 1 area. Installation of these additional wells is subject to the requirements of Condition No. 1.

Sector No. 2:

MW-24-97	MW-27-00
MW-05-96	PW-16
MW-20-97	TW-436
MW-26-00	

* Six (6) additional new wells that remain unidentified at this time are proposed as depicted in IEPA Log No. 5206-13 to monitor groundwater trench function within the Sector No. 2 area. Installation of these additional wells is subject to the requirements of Condition No. 1.

Sector No. 3:

MW-07-96	TW-417
MW-16-96	TW-419
MW-28-00	TW-422
MW-305	TW-425
TW-411	TW-427
TW-414	TW-429
TW-416	

Sector No. 4:

MW-02-96	MW-04-96
MW-03-96	TW-440

Sector No. 5:

MW-10-96	TW-404
TW-403	TW-406

Background Monitoring Wells:

MW-17-97	TW-405
MW-18-97	TW-444
MW-19-97	

This Supplemental Construction Authorization supersedes and replaces Subtitle D Permit No. 2013-MA-7233 previously issued for development and installation of the surface facilities associated with the underground slurry disposal system as described and discussed above.

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.

All Conditions in the original Authorization to Construct are incorporated in this Supplemental Authorization unless specifically deleted or revised herein.

NPDES Permit No. IL0056022

Supplemental Construction Authorization No. 8107-10-1

S.C.A. Date: November 19, 2013

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

1. Within 60 days following installation of the additional wells proposed for Sectors 1 and/or 2, the following information shall be submitted in duplicate to the Agency.

   a. Appropriate well designation,

   b. A map depicting the precise well location,

   c. Well boring logs, and

   d. Well construction diagram.

2. The groundwater monitoring plan for this facility is modified to include all wells identified and/or otherwise referenced above. These referenced wells are subject to the following monitoring requirements:

   a. All referenced wells, including the wells to be identified in accordance with Condition No. 1 of this Supplemental Construction Authorization, shall be monitored a minimum of six (6) times during the first year (approximately bi-monthly) following installation for the following list of constituents to establish existing concentrations.

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

   b. Following the existing concentration monitoring required under Condition No. 2(a) above, routine monitoring for all referenced wells shall continue on a quarterly basis for the following list of constituents.

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

   In addition to the above list of constituents, any contaminant found to exceed the applicable groundwater standard during existing concentration monitoring required under Condition No. 2(a) above shall also be included in the routine quarterly monitoring.

   c. At the end of each 5-year permit cycle, a minimum of one (1) sampling event shall be performed for all referenced wells and shall include all constituents identified in Condition No. 2(a) above. The results of such sampling shall be submitted with the NDPES permit renewal application.

   d. Following completion of active mining and reclamation, post-mining monitoring of the above referenced wells shall consist of six (6) samples collected during a 12-month period (approximately bi-monthly) to determine post-mining concentrations. Post-mining monitoring shall include the list of constituents identified in Condition No. 2(a) above.

   e. Groundwater monitoring reports shall be submitted to the Agency in accordance with Special Condition Nos. 3 and 5 of this NPDES permit.

f. A statistically valid representation of background and/or post mining water quality required under Condition No. 2(a) above shall be submitted utilizing the following method. This method shall be used to determine the upper 95 percent confidence limit for each parameter listed above.

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

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

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

$$\overline{X}_b = \frac{X_1 + X_2 + \ldots X_n}{n}$$

Where:

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

X_n = Values for each sample

n = the number of samples taken

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

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

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

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

$$CL = \overline{X}_b \pm t\sqrt{1 + 1/n}\ \left(S_b\right)$$

Where:

CL = upper confidence limit prediction
(upper and lower limits should be calculated for pH)
t = one-tailed t value at the required significance
level and at n-1 degrees of freedom from Table 1
(a two-tailed t value should be used for pH)

iv. If the values of any routine parameter for any monitoring well exceed the upper confidence limit for that parameter, the permittee shall conclude that a statistically significant change has occurred at that well.

v. When some of the background and/or post mining values are less than the Method Detection Limit (MDL), a value of one-half (1/2) the MDL shall be substituted for each value that is reported as less than the MDL. All other computations shall be calculated as given above.

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

Table 1
Standard t-Tables Level of Significance

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

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

* For pH only when required.

NPDES Permit No. IL0056022

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

Attn: Compliance Assurance Section

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

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: The Agency may revise and modify the permit consistent with applicable laws, regulations or judicial orders.

Special Condition No. 7: 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. 8: 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.

NPDES Permit No. IL0056022

Special Conditions

Special Condition No. 9: Plans must be submitted to and approved by this Agency prior to construction of a sedimentation pond. At such time as runoff water is collected in the sedimentation pond, a sample shall be collected and analyzed for the parameters designated as 1M-15M under Part 5-C of Form 2C and the effluent parameters designated herein with the results sent to this Agency. Should additional treatment be necessary to meet these standards, a Supplemental Permit must also be obtained. Discharge from a pond is not allowed unless applicable effluent and water quality standards are met.

Special Condition No. 10: 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. 11: 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. 12: 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. 13: Sediment Pond Operation and Maintenance (Outfalls 002 and 005):

a. No discharge is allowed from Outfall Nos. 002 and 005 during "low flow" or "no flow" conditions in the receiving stream, unless such discharge meets the water quality standards of 35 Ill. Adm. Code 302. For purposes of this Special Condition "low flow" shall be defined as any condition wherein the upstream flow available for mixing is less than the ratio times the flow rate being discharged from the respective outfall. These ratios are as follows:

Outfall No.	Flow Ratio of Receiving Stream to Outfall Discharge
002	53:1
005	16.5:1

Pursuant to 35 Ill. Adm. Code 302.120, discharges from the referenced outfalls that otherwise would not meet the water quality standards of 35 Ill. Adm. Code 302 may be permitted if sufficient flow exists in the receiving stream to ensure that applicable water quality standards are met. That is, discharges not meeting the water quality standards of 35 Ill. Adm. Code 302 may only be discharged in combination with stormwater discharges from the basin, and only at such times that sufficient flow exists in the receiving stream to ensure that water quality standards in the receiving stream beyond the area of allowed mixing will not be exceeded. Following any such stormwater discharge, but prior to the flow in the receiving stream subsiding, the impounded water in the basin may be pumped or otherwise evacuated sufficiently below the discharge elevation to provide capacity for holding a sufficient volume of mine pumpage and/or surface runoff to preclude the possibility of discharge until such time that a subsequent precipitation event results in discharge from the basin. Should the Permittee elect to pump impounded water from the basin in accordance with this Special Condition, the pump intake shall be "floated" near the impounded water surface or otherwise managed to prevent re-suspension and subsequent discharge of previously accumulated sediments. At times of stormwater discharge, 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 Outfall Nos. 002 and 005 shall be monitored and reported for Discharge Rate, Sulfate, Chloride and Hardness.

b. The following sampling and monitoring requirements are applicable to flow in Spanish Needle Creek which receives the discharges from Outfalls 002 and 005.

   i. All sampling and monitoring required under 13(b)(ii) and (iii) below shall be performed during a discharge and monitoring event from the associated outfall.

   ii. Spanish Needle Creek shall be monitored and reported quarterly for Discharge Rate, Sulfate, Chloride and Hardness downstream of the associated outfall. This downstream monitoring shall be performed a sufficient distance downstream of the associated outfall to ensure that complete mixing has occurred. At such time that sufficient information has been collected regarding stream flow characteristics and in-stream contaminant concentrations, the permittee may request a re-evaluation of the monitoring frequency required herein for possible reduction or elimination. For the purpose of re-evaluating the downstream monitoring frequency of the receiving 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. Spanish Needle Creek shall be monitored and reported annually for Discharge Rate, Sulfate, Chloride and Hardness upstream of the associated outfall.

Special Condition No. 14: Sediment Pond Operation and Maintenance (Outfalls 002 and 005 – Reclamation Area Discharge Classification):

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 002 and 005 shall be monitored and reported for Discharge Rate, Sulfate, Chloride and Hardness.

b. The following sampling and monitoring requirements are applicable to flow in the Spanish Needle Creek which receive discharges from Outfalls 002 and 005.

   i. All sampling and monitoring required under 14(b)(ii) and (iii) below shall be performed during a discharge and monitoring event from the associated outfall.

   ii. Spanish Needle Creek shall be monitored and reported quarterly for Discharge Rate, Chloride, Sulfate and Hardness downstream of the associated outfall. This downstream monitoring shall be performed a sufficient distance downstream of the associated outfall to ensure that complete mixing has occurred. At such time that sufficient information has been collected regarding 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. Spanish Needle Creek shall be monitored and reported annually for Discharge Rate, Chloride, Sulfate and Hardness upstream of the associated outfall.

Special Condition No. 15: Sediment Pond Operation and Maintenance (Outfall 007):

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 Outfall 007 shall be monitored and reported for Discharge Rate, Sulfate, Chloride and Hardness.

b. The following sampling and monitoring requirements are applicable to flow in the unnamed tributary to Spanish Needle Creek which receive discharges from Outfall 007.

   i. All sampling and monitoring required under (15)(b)(ii) and (iii) below shall be performed during a discharge and monitoring event from the associated outfall.

Special Conditions

ii. Unnamed tributary to Spanish Needle Creek shall be monitored and reported quarterly for Discharge Rate, Chloride, Sulfate and Hardness downstream of the associated outfall. This downstream monitoring shall be performed a sufficient distance downstream of the associated outfall to ensure that complete mixing has occurred. At such time that sufficient information has been collected regarding 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. Unnamed tributary to Spanish Needle Creek shall be monitored and reported annually for Discharge Rate, Chloride, Sulfate and Hardness upstream of the associated outfall.

Special Condition No. 16: Data collected in accordance with Special Condition No. 13, 14, and 15 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. 17: Concentrations of chloride in the discharges from Outfalls 002 and 005 during precipitation events shall not exceed 1,000 mg/l on a daily maximum basis. Mixing calculations have demonstrated that Spanish Needle Creek will have flows adequate to dilute both effluents to below the chloride water quality standard using 25% of the stream flow predicted to be present during precipitation driven discharge events. Mixing for chloride is granted under these conditions for each outfall.

Special Condition No. 18: A total residual chlorine limit of .05 mg/l (Daily Maximum) shall become effective two years from the effective date of this permit.

The permittee shall construct either de-chlorination equipment or develop an alternate means of disinfection in accordance with the following schedule:

a.	Provide the Agency with a proposal for compliance. If treatment is required, a State Permit application shall be submitted.	within 6 months from the effective date of this permit
b.	Commence construction or submit a progress report if method other than treatment has been chosen.	within 12 months from the effective date of this permit
c.	Complete construction and/or attain operational level	within 18 months from the effective date of this permit

Compliance dates set out in this Permit may be superseded or supplemented by compliance dates in judicial orders, Pollution Control Board orders. This permit may be modified with Public Notice, to include such revised compliance dates.

The permittee shall operate the de-chlorination facilities in a manner to ensure continuous compliance with the total residual chlorine limit, and not to the extent that will result in violations of other permitted effluent characteristics, or water quality standards.

Any use of chlorine to control slime growths or odors as an operational and maintenance control is also subject to a .05 mg/l (daily maximum) total residual chlorine limit in the effluent. Sampling is required on a daily grab basis during the chlorination process. Reporting shall be submitted with the (DMR's) on a monthly basis. This total residual chlorine limit shall also be effective two years from the effective or modification date of this permit.

REPORTING

The permittee shall submit a report no later than fourteen (14) days following the completion dates indicated for each numbered item in the compliance schedule, indicating, a) the date the items were completed, or b) that the item was not completed, the reasons for non-completion and the anticipated completion date.

The permittee has the option to apply for an exemption from the effluent disinfection requirements of 35 Ill. Adm. Code 304.121. Application forms may be obtained from the IEPA, Division of Water Pollution Control, Planning Section.

NPDES Permit No. IL0056022

Special Conditions

Special Condition No. 19: 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.

Special Condition No. 20: Discharges from Outfall Nos. 002, 005 and 007 shall be monitored twice annually with such monitoring spaced at approximately 6-month intervals during the entire 5-year term of this NPDES Permit. Sampling of the discharges shall be performed utilizing the grab sampling method. The results of the sampling required under this Special Condition shall be reported on Discharge Monitoring Report (DMR) forms and submitted to the Agency in January and July of each calendar year. The parameters to be sampled and the detection limits (minimum reported limits) to be achieved are as follows:

Parameter	Detection Limit
Arsenic	0.05 mg/l
Barium	0.50 mg/l
Cadmium	0.001 mg/l
Chromium (hexavalent)	0.01 mg/l
Chromium (total)	0.05 mg/l
Copper	0.005 mg/l
Lead	0.05 mg/l
Manganese	0.50 mg/l
Mercury*	1.00 ng/l**
Nickel	0.005 mg/l
Phenols	0.005 mg/l
Selenium	2.00 µg/l
Silver (total)	0.003 mg/l
Zinc	0.025 mg/l

* Utilize USEPA Method 1631E and the digestion procedure described in Section 11.1.1.2 of 1631E.
* 1.00 ng/l = 1 part per trillion

Attachment H

Standard Conditions

Definitions

Act means the Illinois Environmental Protection Act, 415 ILCS 5 as Amended.

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) means Pub. L 92-500, as amended. 33 U.S.C. 1251 et seq.

NPDES (National Pollutant Discharge Elimination System) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of the Clean Water Act.

USEPA means the United States Environmental Protection Agency.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

Maximum Daily Discharge Limitation (daily maximum) means the highest allowable daily discharge.

Average Monthly Discharge Limitation (30 day average) means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Discharge Limitation (7 day average) means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

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 State. 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.

Aliquot means a sample of specified volume used to make up a total composite sample.

Grab Sample means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes.

24-Hour Composite Sample means a combination of at least 8 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24-hour period.

8-Hour Composite Sample means a combination of at least 3 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over an 8-hour period.

Flow Proportional Composite Sample means a combination of sample aliquots of at least 100 milliliters collected at periodic intervals such that either the time interval between each aliquot or the volume of each aliquot is proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot.

(1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.

(2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.

(3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.

(6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62 and 40 CFR 122.63. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.

(8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency upon request, copies of records required to be kept by this permit.

(9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), upon the presentation of credentials and other documents as may be required by law, to:
  (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
  (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.

(10) **Monitoring and records.**
  (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
  (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA at any time.
  (c) Records of monitoring information shall include:
    (1) The date, exact place, and time of sampling or measurements;
    (2) The individual(s) who performed the sampling or measurements;
    (3) The date(s) analyses were performed;
    (4) The individual(s) who performed the analyses;
    (5) The analytical techniques or methods used; and
    (6) The results of such analyses.
  (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.

(11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.
  (a) **Application.** All permit applications shall be signed as follows:
    (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation:
    (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
    (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
  (b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    (1) The authorization is made in writing by a person described in paragraph (a); and
    (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
    (3) The written authorization is submitted to the Agency.
  (c) **Changes of Authorization.** If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
  (d) **Certification.** Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

  I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(12) **Reporting requirements.**
  (a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.
  Notice is required when:
    (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source pursuant to 40 CFR 122.29 (b); or
    (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements pursuant to 40 CFR 122.42 (a)(1).
    (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
  (b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
  (c) **Transfers.** This permit is not transferable to any person except after notice to the Agency.
  (d) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(e) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
(1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
(2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
(3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.

(f) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24-hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24-hours:
(1) Any unanticipated bypass which exceeds any effluent limitation in the permit.
(2) Any upset which exceeds any effluent limitation in the permit.
(3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit or any pollutant which may endanger health or the environment.
The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24-hours.

(g) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12) (d), (e), or (f), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12) (f).

(h) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.

(13) **Bypass.**
(a) Definitions.
(1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
(b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (13)(c) and (13)(d).
(c) Notice.
(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (12)(f) (24-hour notice).
(d) Prohibition of bypass.
(1) Bypass is prohibited, and the Agency may take enforcement action against a permittee for bypass, unless:
(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
(iii) The permittee submitted notices as required under paragraph (13)(c).
(2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph (13)(d)(1).

(14) **Upset.**
(a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
(b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (14)(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
(c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
(1) An upset occurred and that the permittee can identify the cause(s) of the upset;
(2) The permitted facility was at the time being properly operated; and
(3) The permittee submitted notice of the upset as required in paragraph (12)(f)(2) (24-hour notice).
(4) The permittee complied with any remedial measures required under paragraph (4).
(d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

(15) **Transfer of permits.** Permits may be transferred by modification or automatic transfer as described below:
  (a) Transfers by modification. Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued pursuant to 40 CFR 122.62 (b) (2), or a minor modification made pursuant to 40 CFR 122.63 (d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.
  (b) Automatic transfers. As an alternative to transfers under paragraph (a), any NPDES permit may be automatically transferred to a new permittee if:
    (1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
    (2) The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage and liability between the existing and new permittees; and
    (3) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.

(16) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:
  (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
    (1) One hundred micrograms per liter (100 ug/l);
    (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6 dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
    (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
    (4) The level established by the Agency in this permit.
  (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.

(17) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:
  (a) Any new introduction of pollutants into that POTW from an indirect discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
  (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
  (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

(18) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:
  (a) User charges pursuant to Section 204 (b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
  (b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
  (c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.

(19) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.

(20) Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.

(21) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.

(22) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed $25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or both.
Additional penalties for violating these sections of the Clean Water Act are identified in 40 CFR 122.41 (a)(2) and (3).

(23) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

(24) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

(25) Collected screening, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.

(26) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.

(27) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board or any court with jurisdiction.

(28) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.