

IEPA Log No.: **C-0494-12**
CoE appl. #: **2012-440**

Public Notice Beginning Date: **February 5, 2014**
Public Notice Ending Date: **March 7, 2014**

Section 401 of the Federal Water Pollution Control Act
Amendments of 1972

Section 401 Water Quality Certification to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency
Bureau of Water
Division of Water Pollution Control
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger: White Oak Resources, LLC, 121 S. Jackson Street, PO Box 339, McLeansboro, IL 62859

Discharge Location: Sections 14, 15, 22, 23 and 24, T4S, R5E of the 3rd P.M. in Hamilton County near McLeansboro

Name of Receiving Water: Unnamed tributaries of Big Creek, open water and unnamed wetlands

Project Description: Expansion of White Oak Mine #1.

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge into the waters of the state associated with a Section 404 permit application received by the U.S. Army Corps of Engineers. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice. The last day comments will be received will be on the Public Notice period ending date unless a commenter demonstrating the need for additional time requests an extension to this comment period and the request is granted by the IEPA. Interested persons are invited to submit written comments on the project to the IEPA at the above address. Commenters shall provide their names and addresses along with comments on the certification application. Commenters may include a request for public hearing. The certification and notice number(s) must appear on each comment page.

The attached Fact Sheet provides a description of the project and the antidegradation assessment.

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

If written comments or requests indicate a significant degree of public interest in the certification application, the IEPA may, at its discretion, hold a public hearing. Public notice will be given 30 days before any public hearing. If a Section 401 water quality certification is issued, response to relevant comments will be provided at the time of the certification. For further information, please call Thaddeus Faught at 217/782-3362.

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Fact Sheet for Antidegradation Assessment

White Oak Resources – Unnamed Tributaries of Big Creek, Open Water and Unnamed Wetlands – Hamilton County

IEPA Log No. C-0494-12

COE Log# LRL-2012-440

Contact: Eric Runkel (217) 558-2012

February 5, 2014

The White Oaks Resources, LLC (Applicant) is applying for a 401 water quality certification for impacts associated with the expansion of an existing underground coal mine. The White Oak Mine #1 is located northwest of the McLeansboro, Illinois. The existing mine is an underground coal mine utilizing the longwall mining method of coal extraction. The existing surface facilities area and mining plan is approved in SMCRA Permits #409 (refuse area #1, rail loop, and bleeder shaft area), #431 (refuse area #2), and subsequent Incidental Boundary Revisions (IBR). The approved area underground that will incur coal removal or “shadow area” contains 3,889 acres and approximately 200 million tons of recoverable high quality Herrin #6 Coal.

Identification and Characterization of the Affected Water Body.

The unnamed tributaries of Big Creek are classified as General Use water bodies with zero 7Q10 flow existing upstream. The watershed for the unnamed tributaries is less than 1.5 square miles combined. In southern Illinois, streams with five square miles of watershed or less are characterized as 7Q1.1 zero flow streams and are therefore expected to have at least seven continuous days of zero flow nine out of ten years. Given their small size, these water bodies have not been assessed under the Agency’s 305(b)/303(d) program and have not been given an integrity rating or been listed as biologically significant in the 2008 Illinois Department of Natural Resources publication Integrating Multiple Taxa in a Biological Stream Rating System. The water bodies are not enhanced in regards to the dissolved oxygen water quality standard.

The downstream water that may be impacted by drainage from the disturbance area is Big Creek (Segment Code IL_CAGB). Big Creek is classified as a General Use water body with zero 7Q10 flow existing upstream of the project area. This stream has been assessed under the Agency’s 305(b)/303(d) program and found to be impaired for Aquatic Life: Aquatic Algae (non-pollutant) and cause unknown are listed as the causes of the impairment. Big Creek has not been given an integrity rating or been listed as biologically significant in the 2008 Illinois Department of Natural Resources publication Integrating Multiple Taxa in a Biological Stream Rating System. The water body is not enhanced in regards to the dissolved oxygen water quality standard.

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

A total of 16,095.9 linear feet of streams, consisting of 8,269.2 linear feet of ephemeral stream and 7,826.7 linear feet of intermittent stream will be impacted by the proposed activity. Approximately 2.29 acres of wetland will be eliminated by this proposed activity (see Table 1). Approximately 0.07 acres of open water will be eliminated. Given the small size of the open water habitat, it is proposed to be restored as an emergent wetland.

Table 1. Wetland and Pond Impact Summary Table, White Oak Mine Permit Revisions and Expansion, Hamilton							
Wetland ID	Delineation Report	Wetland Type	Impacted by	Acres (All located within Permit 431)	Impact Acres	Mitigation Ratio	Mitigation Acreage
1H	HDR	Paulstrine Emergent Wetland	Future Refuse Areas	0.98	0.98	2:1	1.96
2H	HDR	Paulstrine Emergent Wetland	Future Refuse Areas	0.01	0.01	2:1	0.03
A	Alliance	Paulstrine Emergent Wetland	Future Refuse Areas	0.61	0.61	2:1	1.22
B	Alliance	Paulstrine Emergent Wetland	Future Refuse Areas	0.69	0.69	2:1	1.38
Pond	Alliance	NA	Refuse Area 2	0.07	0.07	1:1	0.07
TOTAL WETLAND				2.29	2.29	2:1	4.59
TOTAL POND				0.07	0.07	1:1	0.07
TOTAL				2.36	2.36		4.66*

*Pond mitigation acreage will be added to emergent wetland mitigation

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids will be local and temporary in downstream reaches that will not be filled during mining. Streams restored on-site will be designed to provide a variety of habitats. Aquatic communities at least as diverse as currently inhabit streams will return upon reclamation. A total of approximately 13,263 linear feet of streams will be reconstructed and/or enhanced both on-site and off-site to mitigate streams lost due to mining activities. The streams restored will be constructed to an 'as good or better' quality than previously existed. The *Illinois Stream Mitigation Guidance* was used to calculate mitigation credits. A total of 4.66 acres of wetlands will be restored to mitigate the 2.36 acres lost due to mining activities (see Table 1). A detailed Conceptual Compensatory Wetland Stream Mitigation Overview is provided in the Joint Permit Application. A 10 year performance period of monitoring will be employed by the applicant to ensure compliance with projected goals of wetland and stream mitigation. Sediment and erosion control measures; including using sedimentation basins, planting fast germinating vegetation, riparian buffers, and replacing topsoil in loose lifts will be utilized. No adverse impacts to streams would occur as all water quality standards are expected to be met in the receiving waters.

Purpose and Social & Economic Benefits of the Proposed Activity.

White Oak Mine No 1 is estimated to create 375 direct mining jobs at an annual payroll of approximately \$45 million in wages and benefits. The mine would provide several jobs within 8 miles of McLeansboro, the population center of Hamilton County. Under the current permit, the applicant has till the end of this calendar year of refuse disposal life. Without approval of the currently submitted permit, the mine would be forced to cease operations at the end of the year 2013.

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

Project Relocation:

This is not a viable alternative as essentially the same or more aquatic resources would be encountered at any mining location in the Midwest. Also, the potential mining locations are dictated by the site specific geology. Unlike other industries, coal mining cannot relocate to another area just to divert potential impacts. The mine must be located where the mine-able reserve is located.

No Action

Under a no action alternative the mine would be forced to cease operations at the end of year 2013. Approximately 200 million tons of coal would remain geologically in place and unavailable for current use, and approximately 375 direct mining jobs with an annual payroll of \$45 million in wages and benefits would be forfeited.

Other Refuse Disposal Locations:

Alternate areas, that the company owns, were evaluated for refuse disposal. None of these areas are adjacent to the current permit area. Therefore, refuse would have to be trucked to reach these areas. Also, the drainage areas in the off-site disposal areas are similar in nature to the ones proposed to be impacted in the permitted refuse disposal area. No net benefit in areas impacted would be gained from off-site disposal locations and an increase in truck traffic would have negative effects.

Other Refuse Disposal Methods:

Underground injection was considered as an alternate refuse disposal method at the mine. The proposed underground injection site is an abandoned mine in Hamilton County. However, the following factors prevent this method from being economically and logistically feasible at this time 1) the environmental impacts and economic impacts of piping the slurry to this mine, 2) the permit process for injecting into this mine, and 3) the limited capacity of the abandoned mine in terms of receiving refuse. Furthermore, underground injection would not provide 100% of the refuse disposal needs required for the proposed White Oak Mine.

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

IDNR has evaluated the EcoCAT information and has concluded that adverse effects are unlikely. Consultation was therefore terminated for IDNR Project #1308221 and #1308219 on January 10, 2013 and Project #1400749 on June 22, 2013. The applicant applied for consultation at different sections of the proposed refuse disposal area, thus the different project numbers.

Agency Conclusion.

This preliminary assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (antidegradation standard) and was based on the information available to the Agency at the time the antidegradation review summary was written. We tentatively find that the proposed activity would result in the attainment of water quality standards; that all existing uses of the receiving streams would be maintained; that all technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the proposed activity; and that this activity would benefit the community at large by preserving existing mining jobs and the ancillary economic benefits of these jobs to the local economy. Comments received during the 401 certification public notice period will be evaluated before a final decision is made by the Agency.