

1 AN ACT concerning environmental protection.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Environmental Protection Act is amended by
5 adding Sections 3.95, 3.96, 3.97, and 39.8 as follows:

6 (415 ILCS 5/3.95 new)

7 Sec. 3.95. "Active mining area" means the area on and
8 beneath land used or disturbed in an activity related to the
9 extraction, removal, or recovery of coal from its natural
10 deposits. This term excludes coal preparation plants and
11 associated areas and reclamation areas.

12 (415 ILCS 5/3.96 new)

13 Sec. 3.96 "Coal preparation plant and associated areas"
14 means a facility where coal is subjected to cleaning,
15 concentrating, or other processing or preparation in order to
16 separate coal from its impurities and thereafter is loaded
17 for transit to a consuming facility, together with any coal
18 preparation plant yards, immediate access roads, coal refuse
19 disposal areas, and coal storage piles and facilities
20 associated with the plant.

21 (415 ILCS 5/3.97 new)

22 Sec. 3.97 "Reclamation area" means the surface area of a
23 coal mine that has been returned to required contour and on
24 which revegetation work (specifically, seeding or planting)
25 has commenced.

26 (415 ILCS 5/39.8 new)

27 Sec. 39.8. Coal mine general permit.

28 (a) If the Board has not adopted rules by October 1,

1 2002 providing for a general NPDES permit for coal mine point
2 sources, the Agency shall issue a general permit to coal mine
3 point sources in accordance with subsections (b) through (k)
4 of this Section.

5 (b) Any person who conducts surface coal mining and
6 reclamation operations pursuant to a permit issued by the
7 Department of Natural Resources under the Surface Coal Mining
8 Land Conservation and Reclamation Act may obtain
9 authorization to operate under the general NPDES permit under
10 this Section by submitting to the Agency a Notice of Intent
11 letter in accordance with subsections (c) and (d) of this
12 Section, whether or not the person has previously been issued
13 an individual NPDES permit for that operation.

14 (c) A Notice of Intent letter shall be submitted to the
15 Agency:

16 (1) for new operations not covered by an existing
17 individual NPDES permit, not less than 15 days prior to
18 commencement of the discharge to be authorized by the
19 general permit; and

20 (2) for operations covered by an existing
21 individual NPDES permit, at any time after the effective
22 date of this Section.

23 (d) A Notice of Intent letter shall be signed by the
24 proposed permittee or an authorized officer or agent and
25 shall contain or be accompanied by the following information:

26 (1) the name, mailing address, and location of the
27 facility for which the general permit is sought;

28 (2) the name, address, and telephone number of the
29 proposed permittee, and whether the proposed permittee is
30 an individual, partnership, corporation, or limited
31 liability company, and the state under whose laws the
32 proposed permittee is organized or incorporated, if
33 applicable;

34 (3) a map on a scale of not less than one inch to

1 500 feet showing the area on which surface coal mining
2 and reclamation operations are being or are proposed to
3 be conducted, and the location of existing and proposed
4 outfalls for water to be discharged into the waters of
5 the State;

6 (4) an identification of the discharge from each
7 proposed outfall into one of or more the following
8 categories:

9 (i) active mining areas;

10 (ii) coal preparation plants and associated
11 areas; and

12 (iii) reclamation areas;

13 (5) the names of the receiving waters into which
14 water from the operation will be discharged;

15 (6) an affirmation that the proposed permittee will
16 comply with the surface coal mining and reclamation
17 operations permit submitted to the Department of Natural
18 Resources for the operation, including those portions
19 establishing measures to protect surface and ground water
20 quality;

21 (7) a statement whether the proposed permittee
22 elects to be bound by any optional water quality-based
23 effluent limitations adopted by the Board for coal mine
24 point sources; and

25 (8) proof of publication in a newspaper of general
26 circulation in the county in which the operation for
27 which the Notice of Intent letter is submitted of a
28 public notice stating:

29 (i) the name, mailing address, and location of
30 the facility for which the general permit is sought;

31 (ii) the names of the receiving waters into
32 which water from the operation will be discharged;

33 and

34 (iii) that any person aggrieved by the

1 proposed discharge may petition the Board for a
2 hearing under Section 40 of this Act.

3 (e) The general permit authorized by this Section shall
4 become effective for a surface coal mining and reclamation
5 operation 15 days after a Notice of Intent letter complying
6 with subsection (d) of this Section is submitted to the
7 Agency for that operation, unless the Agency notifies the
8 applicant in writing prior to the effective date of the
9 general permit for that operation that an individual NPDES
10 permit will be required. The notice must describe the basis
11 for the requirement of an individual permit and contain a
12 statement that the proposed applicant may request a hearing
13 on the Agency's decision to require an individual permit
14 under Section 40 of this Act.

15 (f) Any person aggrieved by the application of the
16 general permit to a coal mining operation or by the
17 requirement of an individual NPDES permit for an operation
18 may petition the Board for a hearing under Section 40 of this
19 Act. Nothing in this Section shall excuse any person from
20 complying with the requirements of Section 40 of this Act.

21 (g) Each person discharging under the general permit
22 authorized by this Section shall monitor discharges from the
23 permitted operation and report the results to the Agency as
24 follows:

25 For outfalls identified as active mining areas or preparation
26 plants and associated areas:

			<u>Measurement</u>	
	<u>Parameter</u>	<u>Units</u>	<u>Frequency</u>	<u>Sample Type</u>
28	<u>Flow</u>	<u>MGD</u>	<u>2 X Monthly</u>	<u>Instantaneous</u>
29	<u>TSS</u>	<u>mg/l</u>	<u>2 X Monthly</u>	<u>Grab</u>
30	<u>pH</u>	<u>s.u.</u>	<u>2 X Monthly</u>	<u>Grab</u>
31	<u>Total iron</u>	<u>mg/l</u>	<u>2 X Monthly</u>	<u>Grab</u>
32	<u>Sulfates*</u>	<u>mg/l</u>	<u>2 X Monthly</u>	<u>Grab</u>
33	<u>Chlorides*</u>	<u>mg/l</u>	<u>2 X Monthly</u>	<u>Grab</u>

1 (* Sulfates and chlorides only if permittee has elected to be
 2 bound by optional water quality-based effluent limitations
 3 adopted by the Board for coal mine point sources for those
 4 parameters.)

5 For outfalls identified as reclamation areas:

		<u>Measurement</u>		
<u>Parameter</u>	<u>Units</u>	<u>Frequency</u>	<u>Sample Type</u>	
<u>Flow</u>	<u>MGD</u>	<u>4 X Yearly</u>	<u>Instantaneous</u>	
<u>Settleable solids</u>	<u>mg/l ml/l</u>	<u>4 X Yearly</u>	<u>Grab</u>	
<u>pH</u>	<u>s.u.</u>	<u>Once every</u> <u>reporting</u> <u>period</u>	<u>Grab</u>	

14 (h) Discharges under the general permit authorized by
 15 this Section shall be subject to the effluent limitations
 16 provided by the Board's regulations for coal mine point
 17 source discharges, and to any provisions of the Board's rules
 18 governing the application of water quality standards to coal
 19 mine discharges.

20 (i) Any person discharging under the general permit
 21 authorized by this Section shall be exempt from any
 22 requirement to obtain construction and operating permits from
 23 the Agency to the same extent as if that person held an
 24 individual NPDES permit authorizing that discharge.

25 (j) Any individual NPDES permit for an operation for
 26 which a Notice of Intent letter is submitted under this
 27 Section shall be terminated when the general permit
 28 authorized by this Section becomes applicable to that
 29 operation.

30 (k) If the Board adopts rules after October 1, 2002
 31 providing for a general NPDES permit for coal mine point
 32 sources, this Section shall be of no further force or effect
 33 as of the effective date of those rules.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.