

Permanent Program Finding

Results of Review
Permanent Program Permit Application No. 460
Sugar Camp Energy, LLC
No. 1 Mine

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The Illinois Department of Natural Resources, Office of Mines and Minerals, Land Reclamation Division (Department), the Regulatory Authority in Illinois under the Surface Mining Control and Reclamation Act of 1977 (Federal Act), 30 U.S.C. Section 1201 *et seq.*, has reviewed Permit Application No. 460 in accordance with the Surface Coal Mining Land Conservation and Reclamation Act (State Act), 225 ILCS 720, and the Department's regulations at 62 Ill. Adm. Code 1700-1850.

The applicant has submitted in writing the modifications required by the Department's letter dated October 29, 2021. These modifications have been reviewed and approved by the Department. Pursuant to 62 Ill. Adm. Code 1773.19, the Department is approving the application as modified. The Department's decision is based upon a review of the record as a whole, and is supported and documented by the record. The findings and reasons for the Department's decision are set forth below. The period for administrative review under 62 Ill. Adm. Code 1847.3 commences as of the date of this decision.

I. SUMMARY OF APPLICATION

The application proposes a permit on 74.32 acres for the construction of a mixing zone pipeline. This proposed permit area consists of 74.32 acres, all of which are proposed to be used for processing areas and support facilities.

The following is a summary of the pre-mining land uses and the proposed post-mining land uses. NOTE: Land uses are categorized under the definitions found in 62 Ill. Adm. Code 1701.5. Land use classifications under other regulatory programs and agencies may be different.

<u>Land Use</u>	<u>Pre-Mining Acres</u>	<u>Post- Mining Acres</u>
Cropland	48.85	48.85
Residential	1.45	1.45
Industrial/Commercial	1.54	1.54
Fish & Wildlife Habitat	22.48	22.48
Total	74.32	74.32

II. SUMMARY OF THE PUBLIC PARTICIPATION PROCESS

The Department finds that the public participation requirements of 62 Ill. Adm. Code 1773.13 and 1773.14 have been met.

The application was filed with the Department on December 24, 2018, and was deemed complete on June 21, 2021. The applicant placed a newspaper advertisement of the proposed operation in the Benton News, a newspaper of general circulation in the area affected, once a week for four

consecutive weeks, beginning on July 7, 2021. The applicant filed two copies of the application with the County Clerk of Franklin County in accordance with 62 Ill. Adm. Code 1773.13(a)(2), on July 2, 2021. Copies of the application were sent to the following Agencies: Illinois Department of Agriculture (IDOA), and Illinois Environmental Protection Agency (IEPA), and the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), and the United States Fish and Wildlife Service (USFWS) on June 21, 2021, for review and comment. In addition, copies were circulated with the appropriate Offices within the Illinois Department of Natural Resources Office of Mines and Minerals. Written notification of the application was given to those governmental agencies and entities required to receive notice under 62 Ill. Adm. Code 1773.13(a)(3).

State Agency comments on this application have been received by the Department, with the source and date of comments as follows: IDOA June 29, 2021, and IEPA August 3, and September 28, 2021.

Comments on this application were also received from the NRCS dated September 29, 2021, and USFWS dated August 4, 2021.

No requests for an informal conference or public hearing were received by the Department.

All comments received have been considered by the Department in reviewing this application. The Department's responses to these comments are set forth in Appendix B.

All comments received on this application have been furnished to the applicant and have been filed for public inspection at the office of the County Clerk of the county in which the application is located.

III. SUMMARY OF THE DEPARTMENT'S FINDINGS

The Department, upon completing its review of the information set forth in the application, the required modifications submitted, if any, and information otherwise available, and made available to the applicant, and after considering the comments of State Agencies, and all other comments received, makes the following findings:

A. Findings Required by 62 Ill. Adm. Code 1773.15

REVIEW OF VIOLATIONS (Sections 1773.15(b) and (e))

Section 1773.15(b)(1): Based on a review of all reasonably available information concerning violation notices and ownership or control links involving the applicant, including information obtained pursuant to Sections 1773.22, 1773.23, 1778.13 and 1778.14, the Department has determined that the applicant or a person who owns or controls the applicant is currently in

violation of the State Act, Federal Act or other law or regulation referred to in Section 1773.15(b)(1). Pursuant to this Section, the Department has determined that:

Section 1773.15(b)(1)(A): For the identified current violations, the applicant submitted proof that the current violations have been or are in the process of being corrected to the satisfaction of the agency that has jurisdiction over the violations.

Section 1773.15(b)(1)(B): For the identified current violations, the applicant or a person who owns or controls the applicant has filed and is presently pursuing, in good faith, a direct administrative or judicial appeal to contest the validity of the current violation.

Documentation provided by the applicant to comply with Section 1773.15(b)(1)(B) is attached as Appendix E.

Section 1773.15(b)(2): This permit is being conditionally issued on the basis of proof submitted under Section 1773.15(b)(1)(A) that the violation is in the process of being corrected. The conditional issuance is set forth in Part IV.

Section 1773.15(e): The Department requested updated compliance information in its fee and bond request letter dated November 1, 2022. Based on the compliance review required by Section 1773.15(b)(1), a review of the OSM Applicant Violator System for outstanding violations, and in light of new information submitted pursuant to Sections 1778.13(i) and 1778.14(e), the Department reconsidered its decision to approve the application and found that no change in its decision to issue the permit is necessary.

SECTION 1773.15(c)(1) FINDINGS

Section 1773.15(c)(1): The application, as modified, is accurate and complete and all requirements of the Federal and State Acts and the regulatory program have been met.

SEDIMENT POND EXEMPTION

Section 1817.46(e): A sediment pond exemption is requested for an area delineated in the application. The regulations at Section 1817.46(e) allow the Department to grant exemptions from the requirement to pass all disturbed drainage through a siltation structure when:

- a. The disturbed drainage area within the total disturbed area is small; and
- b. Alternate sediment control measures as described in Section 1817.45(b) are used in lieu of a siltation structure, and the applicant demonstrates that siltation structures are not necessary for drainage from the disturbed area to meet the effluent limitations and water quality standards for the receiving waters set forth in Section 1817.42.

The Department has determined that the area for which a sediment pond exemption is requested meets the criteria established in Section 1817.46(e) and hereby grants an exemption from the use of a sedimentation pond for these areas.

STREAM BUFFER ZONE VARIANCE

Section 1817.57(a)(1): The applicant has requested a stream buffer zone variance for an area as delineated in the application. In accordance with Section 1817.57(a)(1), the Department finds that:

- a. The original stream channel and its associated riparian vegetation will be restored;
and
- b. Pipeline installation activities will not cause or contribute to a violation of Section 1817.42 and will not adversely affect the water quantity and quality or other environmental resources of the stream.

Therefore, the Department authorizes pipeline installation activities closer than one hundred (100) feet of the top of the bank of the normal channel of the perennial or intermittent stream or through the stream.

SECTION 1773.15(c)(2) – (c)(13) FINDINGS

Section 1773.15(c)(2): The applicant has demonstrated that reclamation as required by the Federal and State Acts and the regulatory program can be accomplished under the reclamation plan contained in the application, as modified.

Section 1773.15(c)(3)(A): The proposed area is not within an area under study or administrative proceedings under a petition, filed pursuant to Section 1764, to have an area designated as unsuitable for surface coal mining operations.

Section 1773.15(c)(3)(B): The proposed area is not within an area designated as unsuitable for mining pursuant to Sections 1762 and 1764, or subject to the prohibitions or limitations of Section 1761.11.

Section 1761.11(a): The proposed area does not include any lands within the boundaries of the National Park System, the National Wildlife Refuge System, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, or National Recreation Areas designated by Act of Congress.

Section 1761.11(b): The proposed area is not on any Federal lands within the boundaries of any national forest.

Section 1761.11(c): The proposed surface coal mining and reclamation operations will not adversely affect any publicly owned park or any privately owned or publicly owned places included on the National Register of Historic Places.

Section 1761.11(d): The proposed area is within one hundred (100) feet measured horizontally of the outside right-of-way line of public roads in Franklin County, described as follows: Wilson Road, Bauer Road, Baves Road, Bessie Road/County Route 2, State Route 14, Mt. Zion Road, Jordan Creek Road, Cyril James Road, Van Horn Road, Old Lake Road, State Route 37, Interstate 57, Du Quoin Street/County Route 39, Sugar Creek Road, and Mine 24 Road/County Route 39.

The proposed affected area is adjacent to the right-of-way of Bauer Road, Baves Road, Bessie Road/County Route 2, State Route 14, Mt. Zion Road, Jordan Creek Road, Cyril James Road, Van Horn Road, Old Lake Road, State Route 37, Interstate 57, Sugar Creek Road, and Mine 24 Road/County Route 39. The proposed affected area includes the right-of-way of Wilson Road, and DuQuoin Street/County Route 39. The proposed activities in the affected area include the installation of pipeline and boring underneath the roads.

No approvals from the authority with jurisdiction over the roads were required for areas outside the right of way. The permittee shall be responsible for all permits required from the road authorities necessary for any access and operations performed within the right of way of said roads. See Condition K.

The applicant provided proper public notice and opportunity for a public hearing. No hearing was requested, and no written comments were submitted to the Department concerning these roads.

The Department finds the interests of the public and affected landowners will be protected from the proposed mining operations as a result of the measures to be taken by the applicant as described in the mining operations plan concerning these roads.

Section 1761.11(e): The proposed area is within three hundred (300) feet measured horizontally of several occupied dwellings.

The owners of the dwellings have provided written waivers pursuant to Section 1761.15 consenting to surface coal mining operations closer than 300 feet.

Section 1761.11(f): The proposed area is not within three hundred (300) feet measured horizontally of any public building, school, church, community or institutional building, or public park from which the applicant will be required to maintain a three hundred (300) foot buffer zone.

Section 1761.11(g): The proposed area is not within one hundred (100) feet measured horizontally of a cemetery.

Section 1773.15(c)(4): This section is applicable to surface mining operations only.

Section 1773.15(c)(5): The Department has assessed the probable cumulative impacts of all anticipated coal mining on the hydrologic balance in the cumulative impact area, in accordance with Part 1784 and finds that the operations proposed under the application have been designed to prevent material damage to the hydrologic balance outside the proposed area (see Appendix C).

Section 1773.15(c)(6): The applicant has not proposed the use of any existing structures in the application requiring compliance with Section 1700.11(d).

Section 1773.15(c)(7): The applicant will submit fees required by these regulations before the permit is issued. The fee required is \$1,858.00 for the term of the permit, which may be paid in annual increments. The Department finds that the applicant has paid all reclamation fees from previous and existing operations as required by 30 CFR 870.

Section 1773.15(c)(8): See Part III – Subpart B.

Section 1773.15(c)(9): The applicant has satisfied the requirements for a long-term, intensive agricultural post-mining land use, in accordance with the requirements of Section 1817.111(d).

Section 1773.15(c)(10): The operation as approved will not affect the continued existence of endangered or threatened species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 USC 1531 et seq., see Appendix F).

Section 1773.15(c)(11): The requirements of this section are not applicable as there are no proposed remaining operations.

Section 1773.15(c)(12): The effect of the proposed permitting action on properties listed on or eligible for listing on the National Register of Historic Places has been taken into account by the Department.

Section 1773.15(c)(13): The requirements of this section are not applicable as there is no proposed remaining operation.

B. Findings Required by 62 Ill. Adm. Code 1785 (Applicable Sections)

PRIME FARMLANDS
(Section 1785.17)

A soil survey was submitted by the applicant that shows prime farmland soils identified in this application which have been historically used as cropland. The soil survey prepared by the USDA provides the required soil information.

The applicant has, with respect to prime farmland, satisfied the requirements of Section 1785.17. (See Part B, below, and Appendices D and G.)

Section 1785.17(e)(1): The Department finds that the approved post-mining land use of the prime farmlands is cropland.

Section 1785.17(e)(2): The Department finds that the permit incorporates as specific conditions the contents of the plan submitted under Section 1785.17(c), after consideration of any revisions to that plan suggested by the State Conservationist under Section 1785.17(d).

Section 1785.17(e)(3): The Department finds that the applicant has the technological capability to restore the prime farmland, within a reasonable time, to equivalent or higher levels of yield as non-mined prime farmland in the surrounding area under equivalent levels of management.

Section 1785.17(e)(4): The Department finds that the proposed operations will be conducted in compliance with the requirements of Section 1823 and other environmental protection performance and reclamation standards for mining and reclamation of prime farmland of the regulatory program.

Section 1785.17(e)(5): The Department finds that the aggregate total prime farmland acreage has not been decreased from that which existed prior to mining. Water bodies, if any, are located within the post-reclamation non-prime farmland portions of the permit area and the consent of all affected property owners has been obtained.

Section 1785.20: The requirements of this section are not applicable to this application.

C. Compliance with 62 Ill. Adm. Code 1773.19

Section 1773.19(a)(1): The Department has based its decision to approve, as modified, the application, based on public participation as provided by Sections 1773.13 and 1773.14, compliance with all applicable provisions of Section 1785, and the processing and complete review of the application.

Section 1773.19(a)(3): The Department is providing written notification of its final permit decision to the following persons and entities:

- A. The applicant and each person who filed comments or objections to the application.
- B. The County Board of the county in which the application is located; and,
- C. The Office of Surface Mining.

All materials supporting these findings are a part of the public record and are hereby incorporated by reference.

IV. PERMIT CONDITIONS

- A. The permittee shall conduct surface coal mining and reclamation operations only on those lands specifically designated as the permit area on the maps submitted with the application and authorized for the term of the permit and that are subject to the performance bond or other equivalent guarantee in effect pursuant to 62 Ill. Adm. Code 1800.
- B. The permittee shall conduct all surface coal mining and reclamation operations as described in the approved application, except to the extent that the Department otherwise directs in the permit.
- C. The permittee shall comply with the terms and conditions of the permit, all applicable performance standards of the Federal and State Acts, and the requirements of the regulatory program.
- D. Without advance notice, delay, or a search warrant, upon presentation of appropriate credentials, the permittee shall allow the authorized representatives of the Department and Secretary of the United States Department of the Interior to:
 - 1. Have the right of entry provided for in 62 Ill. Adm. Code 1840.12; and,
 - 2. Be accompanied by private persons for the purpose of conducting an inspection in accordance with 62 Ill. Adm. Code 1840, when the inspection is in response to an alleged violation reported to the Department by the private person.
- E. The permittee shall take all possible steps to minimize any adverse impacts to the environment or public health and safety resulting from noncompliance with any term or condition of this permit, including, but not limited to:
 - 1. Accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the non-compliance.
 - 2. Immediate implementation of measures necessary to comply; and,
 - 3. Warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.
- F. As applicable, the permittee shall comply with 62 Ill. Adm. Code 1700.11(d) for compliance, modification, or abandonment of existing structures.
- G. The permittee shall pay all reclamation fees required by 30 CFR 870 for coal produced under this permit for sale, transfer, or use.

H. Within thirty (30) days after a cessation order is issued under 62 Ill. Adm. Code 1843.11, for operations conducted under the permit, except where a stay of the cessation order is granted and remains in effect, the permittee shall either submit to the Department the following information, current to the date the cessation order was issued, or notify the Department in writing that there has been no change since the immediately preceding submittal of such information:

✓
9/20

1. Any new information needed to correct or update the information previously submitted to the Department by the permittee under 62 Ill. Adm. Code 1778.13(c); or
2. If not previously submitted, the information required from a permit application by 62 Ill. Adm. Code 1778.13(c).

I. Species Protection:

1. Issuance of this permit under the Surface Coal Mining Land Conservation and Reclamation Act does not in any way authorize any take of any listed species in violation of the Illinois Endangered Species Protection Act, 520 ILCS 10/1 *et seq.* or the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). If "take" as defined by these Acts is anticipated to result from permitted activities, it is recommended that the permittee apply for an Incidental Take permit from the Illinois Department of Natural Resources, Office of Resource Conservation for state listed species and to contact Department wildlife staff for federally listed species.
2. Issuance of this permit under the Surface Coal Mining Land Conservation and Reclamation Act does not in any way authorize any take of a bald or golden eagle, including nests or eggs, in violation of the Bald Eagle Protection Act, as amended (16 U.S.C. 668 *et seq.*). If "take" as defined by the Bald Eagle Protection Act is anticipated to result from permitted activities, it is recommended that the permittee should apply for an Incidental Take (non-purposeful take) permit from the U.S. Fish and Wildlife Service. The Department and the U.S. Fish and Wildlife Service shall be notified if a bald or golden eagle nest is observed in the permit area or in the vicinity of the permit area.
3. If any onsite stream and/or wetland mitigation is required based on upon U.S. Army Corps of Engineers requirements, then the Department shall be notified to establish appropriate permitting actions under SMCRA.

J. If the permit is conditionally issued under 62 Ill. Adm. Code Section 1773.15(b)(2) on the basis of **(1)** a presumption supported by certification under 62 Ill. Adm. Code Section 1778.14 that the violation is in the process of being corrected; **(2)** proof submitted under 62 Ill. Adm. Code Section 1773.15(b)(1)(A) that the violation is in the process of being corrected; or **(3)** pending

the outcome of an appeal described in 62 Ill. Adm. Code Section 1773.15(b)(1)(B), issuance is conditioned as follows:

1. If subsequent to permit issuance the applicant is issued a failure-to-abate cessation order, the permit shall be suspended and/or rescinded in accordance with the procedures for 62 Ill. Adm. Code Section 1773.20(c) Improvidently Issued Permits within 30 days of the issuance of the failure-to-abate cessation order.
 2. If subsequent to permit issuance the Department is notified by the agency that has jurisdiction over the violation that the violation is no longer in the process of being corrected to the satisfaction of said agency, the permit shall be suspended and/or rescinded in accordance with the procedures for 62 Ill. Adm. Code Section 1773.20(c) Improvidently Issued Permits within 30 days of such notification.
 3. If subsequent to permit issuance the circuit or district court reviewing the violation either denies a stay applied for in the appeal or affirms the violation, then the applicant shall submit the proof required under 62 Ill. Adm. Code Sections 1773.15(b)(1)(A) within thirty (30) days after the court's decision or the permit shall be suspended and/or rescinded in accordance with the procedures for 62 Ill. Adm. Code Section 1773.20(c) Improvidently Issued Permits within 30 days of such failure to submit required proof.
- K. The permittee has indicated valid permits shall be obtained from the Illinois Department of Transportation and private rail lines. Pursuant to 1778.15(a), and as committed in Attachment 1.2.A, the permittee shall provide the Department with valid right of entry agreements with the (1) Illinois Department of Transportation and (2) Private railway company prior to the commencement of operations within areas controlled by the Illinois Department of Transportation and the private railway line.
- L. Pursuant to Section 1778.15, the permittee shall possess all necessary legal rights to enter and conduct surface coal mining and reclamation operations within the permit area until final bond release is obtained.
- M. The permittee shall commence all groundwater and surface water monitoring approved by this permit upon initial disturbance of lands within the permit area. Monitoring shall be in accordance with the approved permit and/or as outlined in Appendix C of this finding document.
- N. The approved operations plan includes the installation of a pipeline within a defined permit corridor and a diffuser site in the Big Muddy River. As required by 62 Ill. Adm. Code 1784.23 and 1784.30, the permittee shall submit an as-built certification of the pipeline and discharge structure within 30 days of completion of installation of the pipeline. The as built drawings shall be sealed by a qualified registered professional engineer and at a minimum include the following information:

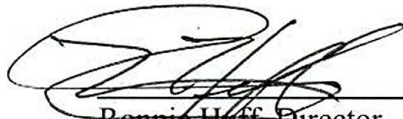
1. Verification that the pipeline was installed within the permitted corridor at the minimum depths indicated in the Illinois Department of Agriculture's Pipeline Construction Standards and Policies for Agricultural Impact Mitigation (Attachment 3.1.2) and in the Typical Stream Crossing Drawing (B17-378-B2) all included in the permit application.
 2. Location of all monitoring stations on a Surface Operations Map.
 3. List of the monitoring equipment installed at each station.
 4. Actual diameter of the installed pipeline and/or diameter of sections of the pipeline if different diameters were used.
 5. Cross section of the discharge structure/diffuser site if any changes to the approved plan was made to these structures during installation.
 6. Pump Sizing and specifications.
 7. Finalized monitoring and detection procedures.
- O. The approved operations plan includes plans for monthly visual and physical monitoring of the pipeline, as well as annual testing of the monitoring equipment. To ensure compliance with 62 Ill. Adm. Code 1784.11 (b)(6) and 1817.45(a), the applicant shall:
1. Submit to the Department, the results of the pressure testing performed prior to putting the pipeline in service. The initial testing results shall be included in the as-built document required by condition N.
 2. Submit to the Department, the results of the annual pipeline testing of the monitoring system with a clear description of any identified deficiencies and the steps that would be taken to maintain safe pipeline performance. The results of the annual testing of the pipeline monitoring system shall be submitted to the Department within 30 days of completion.
- P. Pursuant to 62 Ill Adm Code 1817.180, the Permittee shall obtain all necessary permits from the public and/or private water, sewer, gas, electric, telephone and railroad companies, before the construction of the proposed pipeline adjacent or traversing the existing public and/or private utility and transportation corridors. The approved permits or any other record of approval of construction by the owner of the utility facilities shall be made available to the Department upon request.
- Q. Prior to submitting a request for Phase III bond release, the applicant shall drain and flush the transmission pipeline and certify that the decommission steps have been completed.

V. CONCLUSIONS

Based upon the information contained in the application, information otherwise available and made available to the applicant, the comments of State Agencies, the foregoing analysis of the probable impact of the proposed operations, all findings and information contained herein, and conditions set forth in Part IV, the Department finds that there is a reasonable basis on which to issue a permit for the application, as modified.

Enter on behalf of the Illinois Department of Natural Resources, Office of Mines and Minerals, Land Reclamation Division as Regulatory Authority.

Illinois Department of Natural Resources



Ronnie Huff, Director
Office of Mine and Minerals

Dated: February 15, 2023

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APPROVED FOR EXECUTION
Date: 2/15/23
Legal Counsel: AW20

APPENDIX A

REQUIRED MODIFICATIONS



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
www.dnr.illinois.gov

JB Pritzker, Governor
Colleen Callahan, Director

October 29, 2021

Drew Hudson
Sugar Camp Energy, LLC
16824 Liberty School Road
Marion, IL 62959

Via Certified Mail 7019 2280 0000 6208 6306

Re: Modification to Permit No. 460
No. 1 Mine.

The Department, after reviewing the information contained in the Permit No. 460 application and information otherwise available to the applicant, and after considering all comments received, has determined that modification of the above-referenced application is necessary. The modifications to the application shall comply with the requirements of 62 Ill. Adm. Code 1777.11. The modifications required by the Department are enclosed here. If the applicant does not desire to modify the permit application as described below, it may, by filing a written statement with the Department, deem the permit application denied, and such denial shall constitute final action.

Pursuant to 62 Ill. Adm. Code 1773.15(a)(1)(B)(i), modifications required by the Department shall be received within one (1) year from the date of this letter. Absent the modifications required by the Department, the application will not comply with the requirements of the Illinois Surface Coal Mining Land Conservation and Reclamation Act, regulations and the Illinois regulatory program. Failure to submit the required modifications will result in the Department issuing a written finding denying the application.

The period for administrative review (62 Ill. Adm. Code 1847.3) shall commence upon:

- receipt by the applicant of a written decision from the Department, approving the application as modified, or
- if the applicant's modifications are insufficient, or if the applicant fails to submit the required modifications in accordance with 62 Ill Adm. Code 1773.15(a)(1)(B)(i), receipt by the applicant of a written decision from the Department denying the permit application, or

- receipt by the Department of the applicant's denial statement.

The modifications required by the Department are as follows:

1. Pursuant to 62 Ill. Adm. Code 1779.25(b), 1780.14(c), and 1780.25(a), and as required by Part 1.6 of the application, the Department is requiring the applicant to modify the application by submitting engineering certifications where the modifications result in changes to maps, plans, or cross sections submitted under the original application.
2. Pursuant to 62 Ill. Adm. Code 1777.11(c), and as required by Part 1.1 of the application, the Department is requiring the submittal of a verification by a responsible official of the applicant for the information being submitted as a result of this modification letter.
3. In response to Part 1.3.1 the applicant provided ownership and control information that, upon review, does not agree with information listed in the AVS. Specifically:
 - a. The applicant shall update the ownership and control table for Foresight Energy Resources, LLC to give the percent of ownership for each of the following companies: DSP Foresight Holdings, LLC, DK FS Holdings, LLC, and Golden Tree Foresight Offshore Ltd. The response of, "> 10%" is not an acceptable response for percent of ownership.
 - b. The information provided for American Consolidated Natural Resources, Inc., in Table 1.3.1 has omissions compared to what is listed in the AVS for the following individuals: James Turner Jr, COO; F. Andrew Balcar, General Counsel; Jason Adkins, VP. The applicant lists Paul Piccoline, Vice President of Human Resources but AVS indicates Mr. Piccoline has terminated this position effected January 29, 2021. The applicant shall confirm and provide the termination date for Mr. Piccoline.
 - c. The applicant provided information in Table 1.3.1 for Murray American Consolidated Natural Resources, Inc. This entity does not appear in the AVS. The applicant shall review the information and verify if this should not have been listed as Murray American Consolidated Natural Resources **Holdings**, Inc., and correct as necessary.
 - If these are two separate companies within the organization the applicant shall include information for both companies in Table 1.3.1 and submit corporate documents for the state of domicile for Murray American Consolidated Natural Resources, Inc.
 - If the information provided should be for Murray American Consolidated Natural Resources **Holdings**, Inc., the applicant shall correct the name and provide accurate and up to date ownership and control information for Murray American Consolidated Natural Resources Holdings, Inc. for the last five years. Information provided in this section of Table 1.3.1 does not agree with any entity found in the AVS.

- d. Information provided for ACNR Holdings, Inc., appears to be incomplete when compared to information found in the AVS. The applicant shall review the information provided for ACNR Holdings, Inc., in Table 1.3.1 and update/correct, as necessary, providing the begin and end dates of the owners/controllers for the last five years.

The applicant shall review the remaining information provided and update Table 1.3.1 for each company within the organization for the last 5 years with accurate and up to date owners/controllers, as required under 62 Ill. Adm. Code 1778.13.

4. The applicant in its response to Part 1.5.2 provided a list of contiguous property owners for the proposed operations. Information provided here does not correlate with Table 2.3, Areas Prohibited or Limiting Mining, specifically occupied dwellings.
 - a. Review finds information in Table 2.3 lists Carolyn and David Odom, Map ID 0336476014. This map reference cannot be located on any of the Pre Mining Land Use Maps submitted, specifically Map 2, nor is this information found in Table 1.5.2.
 - b. Pre Mining Land Use Map, Map 2 shows a Parcel, ID 0336476017 adjacent to the proposed operations but this parcel is not listed in either Table 1.5.2 or Table 2.3.

The applicant shall review this information and update the appropriate tables and maps accordingly, and provide the necessary waivers, pursuant to 62 Ill Adm. Code 1778.13(f), 1761.11(e), and 1731.15.

5. In response to Part 1.4 the applicant shall provide a history of violations for the last three years for the applicant and its owners and controllers. Review of the information provided in Table 1.4.3 shows outstanding violations that do not have supporting documentation indicating whether the company is working to resolve the violation issues. Specifically: Kentucky violation NNC 13.-2220, Illinois violation 60-04-21, West Virginia violation NOV #72, Pennsylvania violations CO201007 and PA CO 191043A. The applicant shall provide additional documentation in accordance with 62 Ill. Adm. Code 1778.14.
6. Pursuant to 62 Ill. Adm. Code 1784.15 and as required by Tables 2.2.9, 2.1, and 9.1 related to pre-mining soils information, and pre and post-mining land use and soil capability information, the applicant shall update the following parcels with accurate information and provide consistency between the tables:
 - a. Parcel 08-04-100-002; Table 2.2.9, soil map unit 5C3 has 0.03 acres of prime farmland that shall be corrected to limited capability; soil map unit 3A has 0.01 acres of limited capability that appears to be intended as negative determination; and soil map unit 13B2 has 0.04 acres of limited capability that appears to be intended as negative determination. These updates shall also be reflected in Tables 2.1.1 and 9.1.

- b. Parcel 08-01-200-001; soil capability and land use figures are inconsistent between Table 2.2.9, 2.1.1, and 9.1. These inconsistencies shall be corrected.
- c. Parcel 08-02-100-003; Tables 2.1.1 and 9.1 list 0.14 acres of cropland as high capability. According to the information supplied in Table 2.2.9, this acreage is limited capability and shall be corrected to be consistent with that information.
- d. Parcel 09-06-200-001; Table 2.2.9, the capability class of water shall be corrected to 8w.
- e. Parcel 07-12-200-004; Table 2.1.1, 0.03 acres of limited capability shall be updated to high capability to be consistent with information provided in Table 2.2.9. This update shall be reflected in Table 9.1. Further, the various acreage figures in Table 9.1 for this parcel do not match those in Table 2.1.1, these inconsistencies shall be addressed.
- f. Parcel 07-11-200-001; Tables 2.2.9, 2.1.1, and 9.1 have inconsistencies with 0.04 acres listed as high capability roads. Roads shall be corrected to limited capability. In addition, Table 9.1 for this parcel incorrectly identifies the capabilities of several land uses as compared to Table 2.1.1. These inconsistencies shall be addressed.
- g. Parcel 07-11-100-002; Tables 2.2.9, 2.1.1, and 9.1 have inconsistencies with acres listed as high capability and negative determination. The issue appears to be related to previously disturbed acreage (Roads and Industrial/Commercial acreage) improperly classified as negative determination or high capability. These previously disturbed acreages shall be classified as limited capability. The applicant shall make those necessary changes and ensure consistency between all relevant tables.
- h. Parcel 08-04-100-001; Table 9.1, 0.83 acres of high capability shall be corrected to be consistent with Tables 2.2.9 and 2.1.1 0.83 acres of limited capability.
- i. Parcel 03-32-400-004; Table 9.1, 0.55 acres of high capability shall be corrected to be consistent with Tables 2.2.9 and 2.1.1 0.55 acres of limited capability.
- j. Parcel 08-05-201-001; Table 9.1, 0.19 acres of high capability shall be corrected to limited capability. Further, Table 2.2.9 incorrectly reflects that the water is requested for negative determination. The water acreage must be recorded in the limited capability category.
- k. Attachment 2.2.9 has incorrect productivity indexes. These values shall be updated to reflect values listed in the University of Illinois Bulletin 811 "Optimum Crop Productivity Ratings for Illinois Soils" (Olson and Lang 2012). <http://soilproductivity.nres.illinois.edu/tableS2revB811kro2012.pdf>
- l. Parcel 08-05-126-001; Table 9.1, 1.03 acres of prime farmland shall be corrected to be consistent with Tables 2.2.9 and 2.1.1.
- m. Parcel 08-05-152-001; Table 9.1, 0.31 acres of prime farmland shall be corrected to be consistent with Tables 2.2.9 and 2.1.1.
- n. Parcel 08-07-101-003; Table 9.1 has inconsistencies with Tables 2.1.1 and 2.2.9. These inconsistencies shall be corrected.
- o. Parcel 07-11-501-001; Table 2.2.9 lists the owner for this parcel as BNSF Railway. Tables 2.1.1 and 9.1 list the owner as Liberty Land, LLC. This discrepancy shall be corrected.

- p. Parcel 07-11-300-001; Tables 2.1.1 and 9.1 are inconsistent with Table 2.2.9. Negative determination listed in 2.1.1 shall be corrected to high capability in Table 9.1. Table 2.1.1 has 0.01 acres of limited capability that shall be corrected to high capability to be consistent with what is listed in Table 2.2.9.
 - q. Parcel 07-12-200-011; Table 9.1, 0.57 acres of prime farmland shall be corrected to be consistent with Tables 2.2.9 and 2.1.1.
 - r. Parcel 07-12-200-003; Table 9.1, 0.09 acres of prime farmland shall be corrected to be consistent with Tables 2.2.9 and 2.1.1.
 - s. Parcel 08-07-101-002; Table 9.1, 0.01 acres of high capability cropland and 0.11 acres of limited capability cropland shall be corrected to be consistent with Tables 2.2.9 and 2.1.1.
 - t. Parcel 07-12-100-003; Table 9.1, 0.15 acres of high capability shall be corrected to be consistent with Tables 2.2.9 and 2.1.1.
 - u. Parcel 07-12-100-004; Table 9.1, 0.03 acres of wildlife herbaceous and 0.23 acres of wildlife woody are listed as high capability; this shall be corrected to be consistent with Tables 2.2.9 and 2.1.1.
 - v. The applicant shall ensure that all edits made to parcels in reference to required changes listed above be properly reflected in Table 2.1.1 "Grand Total" and Table 9.1 "Grand Total".
7. Parts 8.1.9, 8.4, and 9.1.2 indicate no reduction of soil capability acreage will occur and that there are no proposed changes in land uses from pre-mine conditions. These responses conflict with the information provided in Tables 9.1, as referenced above. In order to comply with 62 Ill. Adm. Code 1784.15, the applicant shall either address proposed soil capability and land use changes, including waiver information as necessary, or ensure that the pre- and post-mining tables accurately reflect that no land use and no soil capability changes have occurred
8. Based on the updates made to Tables 2.1.1 and 2.2.9, Part 2.2.4 negative determination request amounts may need to be updated. The response to Part 2.2.4 must clearly justify the negative determination request for the acres of prime farmland. The applicant shall also clearly identify requested areas of negative determination on the post-mining land use reclamation map. This information is required to comply with 62 Ill. Adm Code 1785.17.
9. Part 3.2.5 refers to Attachment 3.1.1. That attachment indicates that topsoil depth (defined as the A and E horizon soil layers per 62 Ill. Adm. Code 1701.APPENDIX A) will be determined and flagged every 200 feet specifying depth of material to remove in agricultural areas of the permit corridor. To satisfy the requirements of 62 Ill. Adm. Code 1817.133, the qualifications of such person shall be provided for Department approval.
10. Part 8.1.2 only identifies planned soil replacement for cropland areas. The response shall be updated to discuss the reclamation of other post-mining land uses with high capability soils. This information is necessary to comply with 62 Ill. Adm. Code 1825.14(c).

11. The response to Part 8.1.3 indicates the corridor is expected to be compacted and high capability lands will subsequently be deep tilled. The applicant shall explain how deep tillage will be carried out on the non-cropland high capability lands within the corridor in order to demonstrate compliance with 62 Ill. Adm. Code 1825.14(e).
12. Part 8.3.1 indicates trucks will be used to transport soil to the designated stockpile areas. The applicant shall explain how trucks will be employed for such efforts while working within the boundaries of a fifty (50) foot wide corridor. This information is necessary to comply with 62 Ill. Adm. Code 1785.17(c)(2).
13. Parts 8.3.3, 8.3.4, and 8.3.12 indicate that a trenching machine will remove B and C horizon material which will be stockpiled, then for reclamation the C horizon will be placed in the trench followed by the B horizon. Pursuant to 62 Ill. Adm. Code 1823.12 and 1823.14, the applicant shall clarify how the proposed trenching and stockpiling operations will allow for the replacement of C horizon material followed by B horizon material. If the proposed operation will include a mixture of the B/C horizons, then the response to Part 8.2.1.5 shall be updated.
14. Parts 8.3.5 and 8.3.6 indicate prime farmland topsoil and subsoil will not be mixed with non-prime farmland soils. While prime farmland will be identified in the field via a soils map, the applicant shall describe what field actions will be taken to avoid such contamination to demonstrate compliance with 62 Ill. Adm. Code 1823.12.
15. Post Mining Reclamation Typical Details (Drawing number B17-378-A2), provides a diagram of a “typical” section of pipe installation. This section differs from the information provided in Attachments 3.1.1 and 3.1.2 and in Part 8 of the application. Specifically, this drawing shows a compacted pipe backfill which is not discussed in Attachment 3.1.1, a four (4) foot burial depth which is inconsistent with Attachment 3.1.2, and soil replacement depths inconsistent with Part 8 responses. Further, an explanation is required to clarify how the required five (5) feet of top cover will be met for an 18-inch pipe with a four to six (4 to 6) foot trench depth. Pursuant to 62 Ill. Adm. Code 1784.11, 1823, and 1825 these discrepancies shall be corrected.
16. Attachment 3.1.2 shall be updated to reference the use of the state of Illinois “Pipeline Construction Standards and Policies”, <https://www2.illinois.gov/sites/agr/Resources/LandWater/Documents/pipelinestandardspolicies.pdf>) rather than “Water and Sewer Line Construction Policies” in order to demonstrate compliance with 62 Ill. Adm. Code 1777.11.
17. To ensure compliance with 62 Ill. Adm. Code 1777.11(a)(3) and 1784.23(c), the applicant shall include a submittal date for in the Engineering Certification form provided in Part 1.

18. The applicant provided Table 1.5.1 for the Property Ownership list. This list included the areas of public roads and railroad crossings. Pursuant to 62 Ill. Adm. Code 1778.13(e), the applicant shall make the following clarifications:
 - a. There are two areas listed for the crossing of Cyril James Road within Ewing Township. However, the Operations Map depicts the pipeline crossing of Cyril James Road to be within Benton Township. The applicant shall clarify the Township in which the area is located.
 - b. There are three areas listed for the crossing of DuQuoin Street/County Route 39 within Browning Township. However, as depicted on the Operations Map, the area East of DuQuoin Street appears to be within Benton Township. The applicant shall clarify the Township in which the area is located.
19. In response to Part 2.2.3, the applicant indicates that 1.35 acres will not be disturbed, but the table in Part 1.2.1 shows undisturbed areas of 1.39 acres. Pursuant 62 Ill. Adm. Code 1777.11(a)(2) and 1784.23(b), the applicant shall clarify the discrepancy and shall depict the unaffected acreage on the Operations Map.
20. In response to Part 2.3.5.1, the applicant indicates that the proposed pipeline will be within the right-of-way (ROW) of Wilson Road and DuQuoin Street/County Route 39 and within 100 feet of the outside ROW line of several other roads. At the same time, the applicant list disturbances within the ROW of Bauer Road in Table 2.3. The Operations Map does not depict the pipeline corridor to be within Bauer Road's ROW. Pursuant to 62 Ill. Adm. Code 1761.11, the applicant shall clarify if the Bauer Road ROW will be affected by revising Table 2.3, the Operations Map, and/or the answer in Part 2.3.5.1.
21. The applicant provided a narrative for utility crossings, a typical construction detail for Foreign Utility Crossings and Instructions, and a sample of a permit form to be filled with the Union Pacific Railroad in Attachment 2.5.3.5.1. To ensure compliance with 62 Ill. Adm. Code 1817.180, the applicant shall provide the following:
 - a. The Foreign Utility Crossing Detail in Attachment 2.3.5.1 depicts the proposed pipeline to be 22 feet. Page 5 of Attachment 3.1.1 states that the pipeline will have a minimum diameter of 18 inches. The applicant shall clarify the pipeline diameter in the Foreign Crossing Detail Drawing and provide a maximum diameter size for the proposed pipeline.
 - b. In many areas of the proposed pipeline corridor, such as along Wilson Road, Bauer Road, Baves Road and West of Cyril James Road, the proposed pipeline will be installed adjacent to telephone and waterlines or within existing waterlines corridors. The applicant shall expand the narrative to provide details on the measures to be taken during installation to prevent damage or disruption to those utility lines.

22. In response to Part 2.3.7, the applicant indicates that mining operations are proposed within 300 feet measured horizontally from occupied dwellings. The applicant refers to Table 2.3 for additional information. To ensure compliance with 62 Ill Adm. Code 1761.11(e), the following information and clarifications shall be provided:
- a. The applicant shall refer to the location in the application of the attached 300 feet waivers in response to Part 2.3.7.
 - b. The address listed for Kathleen (Ray) Repp in Table 2.3 differs from the address given in the waiver signed by the person with the same name. The applicant shall correct the discrepancy.
 - c. In Table 2.3, the applicant failed to list the area prohibited for mining identified as Map ID area 0804100003 which depicts the eastern pipe boring location operations within 100 feet of the road ROW outside line of Cyril James Road.
 - d. In Table 2.3, the applicant failed to list the area prohibited for mining identified as Map ID area 0805201001 for the western pipe boring location within 100 feet of the road ROW outside line of Van Horn Road.
 - e. The applicant failed to list the area prohibited for mining identified as Map ID area 0712200004 for the operations within the 300 ft buffer of an occupied dwelling. The Map ID area has been erroneously listed as needing a highway permit for activities within 100 ft of the Sugar Creek Road ROW outside line. Moreover, the occupied dwelling buffer zone waiver for this residence could not be found in the attachments of Part 2. The applicant shall correct the Structure/Owner or Area Feature affected in area Map ID 0712200004 and provide the appropriate waiver occupied dwelling buffer zone waiver.
 - f. It appears that four (4) occupied dwellings which are within 300 ft of the proposed permit boundary and proposed mining operations were not accounted for in Table 2.3 and were not depicted on the Operations Map. The applicant shall address the following occupied dwellings by revising Table 2.3, providing the appropriate waivers, and depicting the structures on the Operations Map. The structures absent from Table 2.3 are located on Map IDs 0806476006, 0806402004, 0806327011, and 0806327010.
 - g. Table 2.3 lists nine (9) occupied dwellings as having their "Buffer Unaffected"; The applicant indicates that these structures have a Buffer Distance less than 300 feet from the pipeline corridor. However, the corridor will be affected in its entirety as depicted on the Operations Maps. The applicant shall provide a clarification on how the pipeline areas within the 300 foot buffer distance of the nine (9) occupied dwellings will not be affected by the proposed pipeline operations.
23. Pursuant to 62 Ill. Adm. Code 1777.11(a)(2) and 1784.11(a), the following information and clarifications shall be provided in relation to responses to Part 3.1:
- a. In response to Part 3.1.1 the applicant stated that the proposed pipeline will be used for the delivery of underground mine infiltration water and storm water to a mixing

- zone. However, on Page 1 of Attachment 3.1.1 the applicant stated that: “a pipeline will be constructed to discharge the mine’s process water and infiltration groundwater to the Big Muddy River”. The applicant shall correct the discrepancy and clarify the source of the wastewater to be transported in the pipeline.
- b. The applicant failed to describe major equipment and construction steps needed to prepare the HDPE pipeline before boring, trenching, and laying the pipeline underground. The applicant shall extend the narrative in response to Parts 3.1.1 and 3.1.2 to include details and equipment to be use on pipeline preparation activities such as joining pipeline sections and the proposed pipeline pressure testing during installation.
 - c. The applicant shall expand the narrative in Attachment 3.1.1 to provide details of the operations proposed within the additional staging areas as part of the permit boundary.
24. The applicant included a proposed water flow diagram in Attachment 3.1.1. The following clarifications shall be provided to ensure compliance with 62 Ill. Adm. Code 1777.11 and 1817.46:
- a. The outflow line from the Water Holding Cell towards the Big Muddy River Mixing Zone depicts a split line that is directed to the RDA No. 2 North Refuse Area. The applicant shall expand the narrative in Part 3.1.1 to clarify if it is proposing for the pipeline to have a joint to divert water from the Holding Water Cells to the RDA No. 2 or if the diversion of Water to RDA No. 2 will be sent directly from the Water Holding Cell. The flow diagram shall be revise accordingly.
 - b. The proposed Flow Diagram Drawing date is shown as 7/30/2015. The applicant shall revise the diagram to ensure that the diagram contains current information and shall include the date of the most updated drawing revision.
 - c. The Proposed Water Flow Diagram depicts a Total Plant Water Consumption of approximately 5,000,000 gpd. However, paragraph one of the “Preparation Plant” narrative on Page 3 of Attachment 3.1.1 states that thickener units attached to the Preparation Plant require approximately 4,600,000 gpd. The applicant shall clarify the discrepancy.
25. The applicant is proposing to construct a Multiport Diffuser Control Building and Port on the Big Muddy riverbank and channel. To ensure compliance with 62 Ill. Adm. Code 1784.11(b), 1784.23(b), and 1817.57, the following additional information shall be provided concerning disturbances and reclamation in the stream buffer zone and the channel of the Big Muddy River:
- a. Page 2 of Attachment 3.1.1 states that adequately sized riprap will be keyed into the toe of the bank slope of the river. The applicant shall provide minimum sizing design based on expected stream flow velocities to assure a stable bank is maintained.

- b. The applicant shall expand the narrative to address construction steps of the diffuser port within the Big Muddy River channel. Details of the anticipated extent of the disturbance during installation and specific steps to control and contain off site impacts shall be provided.
 - c. The applicant shall provide a plan view with a larger scale plan view drawing of the Diffuser Site.
 - d. The applicant states that a coffer dam within the Big Muddy River channel may be constructed to divert water from the work site. In response to Part 3.2, the applicant shall extend the narrative to provide more details on the construction steps and any permitting actions required for construction within the river channel.
 - e. In response to Part 9.1.3.2, the applicant shall expand the narrative to include reclamation steps for the diffuser ports proposed to be installed within the Big Muddy River channel after mining operations are completed.
26. The following items in response to Part 3.3 shall be addressed pursuant to 62 Ill. Adm. Code 1817.11:
- a. In response to Part 3.3.1 the applicant states that no permit markers will be installed in actively farmed cropland, residential areas and industrial commercial areas, but a tracer wire will be placed in the pipeline trench so the buried pipeline can be located. Conversely, the applicant states on Page 4 of Attachment 3.1.1 that “the permit boundary will be delineated by installing PVC or metal post in advanced of the construction operation and located within eyesight of one another.” The Department encourages the use of the tracer wire as a way to monitor and protect the proposed pipeline; however, all areas shall be properly marked before and during construction to ensure all disturbances are contained and controlled within the permit boundaries. Once all construction is complete and surface areas restored, markers may be removed from farming, residential and industrial commercial areas as a convenience to those landowners. All other areas shall have the markers in place as described, for the duration of the operation. The applicant shall revise the narrative in response to Part 3.3.1 and Attachment 3.1.1 to more thoroughly describe the placement and duration of all markers to demonstrate compliance with 62 Ill. Adm. Code 1817.11(a through d).
 - b. The applicant shall also indicate in response to Part 3.3.1 how specific acreage defined as “Undisturbed Areas” in Part 1.2.1 will be marked in the field.
27. On Page 6 of Attachment 3.1.1, the applicant provides Preliminary Hydraulic Analysis to determine system operating pressures and preliminary equipment sizing. The applicant shall provide the following clarifications:
- a. The high point is defined at STA 184+00 with elevation 501 feet and the end point is defined at STA 668+20 at 392 elevation. However, the Water Management Pipeline Profile drawing shows the highest point to be at STA 432+65 at

approximate elevation of 460 ft and the end point to be at STA 674+00 at 379 elevation. The applicant shall correct the discrepancies.

- b. The second sentence in paragraph 2 of the Preliminary Hydraulic Evaluation, states that there is 115 feet of calculated available static head from the pipeline high point to the Outfall control building, while the last sentence of the paragraph states there is 60 feet of available static head. The applicant shall show calculations to justify how these values were obtained from the information provided in the Water Management Pipeline Profile.
 - c. The applicant states the pump total discharge head required is 307.1 feet. (or 133 psi) at a ± 5000 GPM discharge rate. This pump total pressure head is higher than the pipe's maximum pressure rating of 125 psi. The applicant shall provide an explanation on how the pipeline system can be operated safely when the pressures needed for maximum discharge are higher than the maximum pressures that the pipeline conduit can sustain. The applicant shall justify assumptions used for calculation of the maximum flow discharge permissible that keeps water pressure under the maximum pipe pressure rating.
28. In the Protections and Monitoring Section of Attachment 3.1.1, the applicant discusses the testing and monitoring of the mixing zone pipeline during construction and operations. Pursuant to 62 Ill. Adm. Code 1817.181, the applicant shall provide the following information and clarification:
- a. In paragraph 6, on page 2 of Attachment 3.1.1, the applicant stated that "The water control structure will house **the** flow meter...", indicating there will be only one flow meter. But paragraph 2 on page 7 states that pressure and flow meters will be used at the discharge site and other strategic locations. The applicant shall clarify any discrepancies.
 - b. The applicant stated that "in the event the pressure in the pipe exceeds the burst pressure of the pipe, the pump will be shut off and the issue corrected." The applicant shall expand the narrative to provide additional detail on the significance of the "burst pressure" and how pressure readings will be monitored to anticipate and avoid pipe pressures to exceed burst pressures to assure a pipe failure will not occur.
 - c. The applicant stated in paragraph 3 on page 7 that five (5) monitoring stations will be established along the pipeline. Later, in paragraph 4 on page 7, the applicant stated that "in addition to the 6 automatic shut off valves identified on the Operations map, standards shut off valves will be installed in the vicinity of Interstate 57 and State Route 37". Moreover, the Operations Maps depict 7 monitoring stations, including one by DuQuoin Street that is drawn but it is not labeled on the Map. The applicant shall clarify the number of preliminary monitoring stations proposed along the pipeline and shall revise the Operations Maps to label all monitoring stations and locate and label the additional standard shut off valves.

- d. The applicant stated that the stations consist of “40’ x 8.5’” portable buildings. It appears there is a typo given that the width of the building is presented in inches. The applicant shall revise the narrative to clarify the dimensions of the portable buildings.

29. In the Maintenance section of Attachment 3.1.1, the applicant stated that monitoring of the water pipeline will include a monthly visual inspection of each road, highway crossing and the Big Muddy River discharge site. Pursuant to 62 Ill. Adm. Code 1817.41(a), the following information shall be provided:
 - a. Describe how the entire pipeline corridor will be maintained for access by both the Department’s staff to inspect and for company personnel to maintain and make necessary repairs in a timely manner. Include provisions for visual inspection of all stream crossings and other sections of the pipeline that are not within a road or stream crossing.
 - b. Depict on a Map and list all inspection sites and neighboring access roads that can and will be used as visual inspection required points.
 - c. Concerning the physical inspection of the monitoring equipment, the applicant shall clarify specifically what monitoring equipment is intended to be inspected.
 - d. The applicant shall address the need to physically inspect air release valve locations and other similar critical junctions in the pipeline system as part of the monthly inspection.

30. In response to Part 5.2.2 the applicant stated that NO surface drainage from unaffected areas will be intercepted and diverted around the affected mining area. The applicant continued to explain that natural flow paths will be re-established as part of concurrent reclamation. To ensure compliance with 62 Ill. Adm. Code 1817.43(a) and 1817.45, the applicant shall expand the narrative to discuss how unaffected surface drainage will be temporarily managed/diverted **during** pipeline construction and installation.

31. Pursuant to 62 Ill. Adm. Code 1784.23, the following information shall be included and/or revised on Operations Map:
 - a. The applicant failed to Depict silos structures located in Map ID 0333400013 that are near the pipeline corridor.
 - b. The applicant labeled Bessie Road as State Route 2. Bessie Road is a County Road. The applicant shall correct all maps where the road is mislabeled as a State Route.
 - c. The applicant shall depict the stationing of the pipeline corridor.

32. In Attachment 3.1.1 the applicant describes future water handling procedures and includes language that suggests mine infiltration water and RDA decant water may be discharged from Outfall 017 or pumped to Pond 008. Pursuant to 62 Ill. Adm. Code 1784.14, the applicant shall provide additional information on the following:

- a. Water quality analysis on the mine infiltration water and RDA decant water that is proposed to be discharged from Outfall 017 and/or pumped to Pond 008.
 - b. Clarification of whether Pond 008 is constructed with a four (4) foot compacted clay liner. If Pond 008 is not lined, the applicant shall provide plans/designs to line the pond or provide justification that groundwater resources will not be impacted by the water quality proposed to be routed to Pond 008.
 - c. Clarification if NPDES Permit No. IL0078565 allows Pond 008 (Outfall 008) to receive the sources of water proposed within Attachment 3.1.1.
33. In response to the Proposed Water Flow Diagram provided in Attachment 3.1.1, the applicant depicts Pond 003 water as having the capability to be pumped to Pond 001. Pursuant to 62 Ill. Adm. Code 1784.14, the applicant shall clarify if Pond 001 is constructed with a four (4) foot compacted clay liner or if NPDES Permit IL0078565 allows Pond 001 to receive water from Pond 003.
34. In response to Part 4.3.1, the applicant references Geologic Cross Section A-A'. Pursuant to 62 Ill. Adm. Code 1783.25, the applicant shall provide an additional cross section that is perpendicular to Geologic Cross Section A-A'.
35. In response to Table 4.4.1, the applicant did not provide information on private water well "120552459600", which is depicted on the Hydrogeological Map. Pursuant to 62 Ill. Adm. Code 1784.14(b)(1), the applicant shall include private water well "120552459600" within Table 4.4.1.
36. Pursuant to 62 Ill. Adm. Code 1784.14(b)(2), the applicant shall attempt to provide water quality analysis for all surface water bodies identified as being within 100 feet of the proposed permit area in Table 4.6.1. If permission to sample a surface water body is not able to be obtained from a landowner, the applicant shall include language stating such in Part 4.6.2. Water quality analysis shall include, at a minimum, the parameters of pH, TDS, Iron, Manganese, Chloride, and Sulfate.
37. In response to Part 4.7.4, the applicant describes the sampling requirements related to Outfall 017 as being two (2) samples collected approximately 6 months apart annually. However, NPDES Permit No. IL0078565 appears to include additional quarterly monitoring requirements related to Outfall 017. Pursuant to 62 Ill. Adm. Code 1784.14(i)(2), the applicant shall clarify this apparent discrepancy, and if necessary, revise the response to Part 4.7.4 to include a description of all sampling requirements related to Outfall 017.
38. In response to the Schedule A form provided in Part 4, the applicant lists a maximum flow rate value for Outfall 017 that conflicts with portions of Attachment 3.1.1. Pursuant to 62 Ill. Adm. Code 1777.11(a)(2), the applicant shall clarify the maximum flow rate proposed for Outfall 017 and revise all applicable portions of the application

to reflect this value.

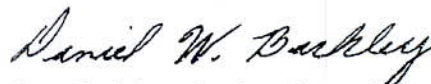
39. In response to the Hydrogeological Map (Drawing No. B17-378-E22), the applicant appears to depict private water well “120550256300” at two (2) different locations. Pursuant to 62 Ill. Adm. Code 1784.14(b)(1), the applicant shall clarify this discrepancy and ensure all private water wells noted in Table 4.1.1 are depicted on the Hydrogeological Map with a unique map ID.
40. Pursuant to 62 Ill. Adm. Code 1761.11 (c) and required by Part 2.3.4 of the application, the applicant is required to identify if operations are to occur within 1,000 feet of any publicly owned parks. The applicant has indicated NO in response to Part 2.3.4 of the application. The Department has found that areas of the proposed operation are located within 1000 ft of public lands managed by the U.S. Army Corps of Engineers – Rend Lake Project. The applicant shall revise the response to Part 2.3.4 and identify these areas on the Pre-Mining Land Use Map and Operations Map as directed.
41. Pursuant to 62 Ill. Adm. Code 1817.57 (b) and required by Part 3.3.3 of the application, the applicant is required to describe signs and markers that will be utilized for Stream Buffer Zones associated with the proposed operation. In response to Part 3.3.3 the applicant states, “A waiver for the 100 feet stream buffer zones is being requested for all intermittent and perennial streams within the proposed permit area, therefore no stream buffer zone markers will be installed.” This response conflicts with the response provided for Part 6.9 of the application. The applicant shall clarify this discrepancy.
42. Pursuant to 62 Ill. Adm. Code 1817.57 and required by Part 6.3 of the application, the applicant is required to provide a justification for each stream the applicant has classified as ephemeral. The justification shall include information pertaining to **BOTH** parts of the definition for ephemeral streams found at Section 1701.5 Appendix A. The justification the applicant has supplied as Attachment 6.3 fails to address watershed. Based on the definitions, streams designated as ephemeral shall drain a watershed of less than one (1) square mile. The applicant shall include watershed information in Attachment 6.3 for each stream designated as ephemeral.
43. Pursuant to 62 Ill. Adm. Code 1817.97(b) and required by Part 7.2.1, the applicant has provided Attachment 7.1 - T&E Species Project Assessment. The applicant shall update this assessment to reflect the current known occurrences of state listed threatened and endangered species for Franklin County as updated in September of 2021. Two (2) additional species have been listed and one (1) has been delisted for Franklin County. The current list provided by the Illinois Natural Heritage Database can be found here; https://www2.illinois.gov/sites/naturalheritage/DataResearch/Documents/ETCountyList_sept2021.pdf
44. The applicant has stated in Part 7.2.2.1 that “a protections and enhancement **is needed** to comply with the Final 4(d) rule nor Northern Long-Eared bats.” A review of Page

38 of Attachment 7.1 the applicant states “Although Northern Long-Eared Bats have been captured near the project area, **not protection and enhancement plan** is required: Sugar Camp is proposing to bore under all forested areas within the project area. Therefore, since no habitat will be impacted, the 4(d) rule does not apply.” The applicant shall clarify this discrepancy.

45. In response to Part 10.5 of the application, the applicant has provided a Pasture Reclamation Plan. The applicant has not proposed the pasture post-mining land use as part of the application and therefore a reclamation plan for pasture would not be warranted. The applicant shall clarify this discrepancy in order to demonstrate compliance with 62 Ill. Adm. Code 1817.111.
46. Pursuant to 62 Ill. Adm. Code 1817.116(a)(5)(A); 1817.111 (a) and (b); 1817.97(g); 1701.5 Appendix A and required by Part 10.8.2, the applicant is required to provide information regarding Wildlife-Wetland reclamation and enhancement measures. The applicant has proposed the Wildlife-Wetland post -mining land use as part of the reclamation plan but failed to provide a response Part 8.2 of the application. The applicant shall provide the required information under 8.2 of the application.

If you have any questions, please contact this office at (217) 782-4970, or our Southern office in Benton at (618) 439-9111.

Sincerely,


Dan Barkley, Acting Supervisor
Land Reclamation Division

DB:JSc

cc: J. Kuhlman
B. Brown
Franklin County Clerk

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APPENDIX B

CONSIDERATION OF COMMENTS AND OBJECTIONS

62 Ill. Adm. Code 1773.13(b) allows submission of written comments on applications. The following are comments received from the State Agencies, County Board and other members of the public and the Department's response to those comments.

Illinois Department of Agriculture

Comment: Attachment 2.2, Part 2, SCMZ Pipeline Soils table needs to be updated to reflect amended Table S2 in Bulletin 811 dated January 2, 2012.

Response: See Appendix A, Modification Question No. 6.k, and applicant's response.

Comment: Attachment 3.1.2 should state *Pipeline Construction Standards and Policies* not *Water and SewerLine Construction and Policies*.

Response: See Appendix A, Modification Question No. 16, and applicant's response.

Comment: The Post Mining Reclamation, Typical Details (Drawing# 817-378-A2) indicates 4-feet of cover over the top of the pipeline. This should be changed to reflect 5-feet of top cover over the pipeline per the construction standards for pipelines (see Section 1. A. 2. in document).

Response: See Appendix A, Modification Question No. 15, and applicant's response.

Comment: The mining company should explain how they are going to separate the B and C horizons without causing mixing during construction and during reclamation phase since a B/C mix is not proposed.

Response: See Appendix A, Modification Question No. 13, and applicant's response.

Comment: The mining company has indicated a trenching depth of 4 to 6 feet below the ground surface. Please explain how an 18-inch pipe will have 5-feet of top cover with this trenching depth. (See Part 4, Section 4.3.2, page 4)

Response: See Appendix A, Modification Question No. 15, and applicant's response.

Illinois Environmental Protection Agency

Comment: The pipeline corridor area should be included in the annual stormwater monitoring plan.

The mine related activities, as proposed, are required to be permitted in accordance with 35 Ill. Adm. Code: Subtitle D of the Illinois Pollution Control Board Rules and Regulations. Since this application is considered to be an application for such permit from this Agency, please notify us of any action taken by your Office.

Response: This comment has been forwarded to the applicant.

U.S. Department of Agriculture, Natural Resource Conservation Service

Comment: After review of the attached soil maps and soil map unit legends and soil information, Illinois NRCS is in agreement with comments made by IDOA. In order to restore to previous Land Capability classification, Prime Farmland Classification, and Productivity, the soils need to be correctly identified using the latest soil survey maps and associated data for land capability classes and prime farmland designation. The Productivity indices should be in line with the latest values assigned to those map units by the University of Illinois' productivity Indices.

Response: See Appendix A, Modification Question No. 6.k and applicant's response.

Comment: Any bare soil exposed should be seeded, limed, fertilized and mulched to minimize soil erosion. Silt fence or the proposed straw barriers should be used to limit slope length and runoff into nearby streams and ditches. Please refrain from using tall fescue or reed canary grass in seeding mixtures and only plant native trees and shrubs for wildlife areas. Reclaimed areas may require follow up to repair some areas, especially if local rainstorms or overland flow occurs while the soil is bare. Wetlands should be returned to historic hydrologic conditions. Prime farmland should be reclaimed according to state laws, rules, regulations and administrative codes.

Response: The applicant has demonstrated to the Department that they will duly meet requirements to minimize erosion, lime and fertilize upon landowners' request. The applicant has also provided sufficient information to show they meet requirements for the requested prime farmland exemption or negative determination under code 62 Ill. Adm. Code 1823.11.

Comment: For consideration: Soils along this corridor often have high water tables and wetness may be an issue. Compaction is an issue in soils that are worked while

wet. Likewise, sodium content in subsoil of some of the mapped soils may be high locally. If subsoil with high sodium is replaced too high in the reclaimed soil profile, permeability may significantly be affected and this will in turn, lower productivity.

Response: The Department notes the potential for compaction and sodium issues and will monitor reclamation to ensure that proper soil conditions are met to reestablish appropriate vegetation.

Comment: This permit currently appears to be exempt from FPPA because it is a pipeline that has a plan to restore to pre-construction capabilities. "Agriculture and Food Act of 1981 (Public Law 97-98) containing the Farmland Protection Policy Act (FPPA) subtitle I of Title XV, Section 1539-1549. On June 17, 1994, the final rules and regulations were published in the Federal Register." If areas along the proposed corridor are set to take any land out of production, or not be restored to current land use, farmland classification, or yield index, then an FPPA assessment will be required if federal funding is used.

Response: This comment has been forwarded to the applicant.

Comment: Much of the area of the corridor appears to be in road or perhaps railway right-of-way and may fall under other county and state laws.

Response: This comment has been forwarded to the applicant. While the Department has no authority over other county and state laws that may need to be observed, a permit issued by the Department does not preclude the applicant from its responsibilities under any such county or state laws.

U.S. Department of the Interior, Fish and Wildlife Service

Comment: To facilitate compliance with Section 7(c) of the Endangered Species Act of 1973, as amended, Federal agencies are required to obtain from the Fish and Wildlife Service (Service) information concerning any species, listed or proposed to be listed, that have ranges which include the project area. As the State of Illinois has been delegated the responsibility of issuing mining permits by the Office of Surface Mining, we are providing the following list of threatened and endangered species to assist in your evaluation of the proposed permit. The list for the proposed permit area includes the endangered Indiana bat (*Myotis sodalis*), endangered piping plover (*Charadrius melodus*), threatened northern long-eared bat (*Myotis septentrionalis*), and candidate monarch butterfly (*Danaus plexippus*). There is no designated critical habitat in the project area at this time.

Response: Comment has been noted and forwarded to the applicant.

Based on the location of the project and information in the permit application, the Service concurs that the proposed project is not likely to adversely affect the piping plover. Information in the permit application indicates that a survey of the project area resulted in the capture of no Indiana or northern long-eared bats. In addition, the applicant is proposing to bore under all forested areas within the project area. Based on this information, the Service concurs that the proposed project is not likely to adversely affect the Indiana bat and northern long-eared bat and that a Protection and Enhancement Plan in accordance with the 2013 Range-wide Indiana Bat PEP Guidelines is not necessary. Regarding the monarch butterfly, the Service concurs with the use of pollinator species in wetland and grassland see mixes. Should this project be modified, or new information indicate listed or proposed species may be affected, consultation or additional coordination with this office, as appropriate, should be initiated.

Comment: Applicants should be directed to our Information, Planning, and Conservation System (IPaC) at the link below to determine whether any federally threatened and endangered species, designated critical habitat, or other natural resources of concern may be affected by a proposed project and to obtain a preliminary or official U.S. Fish and Wildlife species list. For projects that require FWS review, request an official species list from the Regulatory Documents page. <https://ecos.fws.gov/ipac/>

Response: This comment has been forwarded to the applicant. In addition, the Department has supplied the Service's website to future applicants as an encouraged and available resource.

Comment: Although the bald eagle has been removed from the threatened and endangered species list, it continues to be protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act (BGEPA) as stated in the permit application. The Service developed the National Bald Eagle Management Guidelines to provide landowners, land managers, and others with information and recommendations regarding how to minimize potential project impacts to bald eagles, particularly where such impacts may constitute "disturbance," which is prohibited by the BGEPA.

The Service was aware of a bald eagle nest(s) being present in the vicinity of the proposed project area. If a bald eagle nest is found in the project area or nearby then our office should be contacted, and the guidelines implemented. A copy of the guidelines is available at:

<http://www.fws.gov/midwest/eagle/pdf/NationalBaldEagleManagementGuidelines.pdf>

Response: Comment has been noted and forwarded to the applicant

Fish and Wildlife Resources

Information in the permit application indicates that the post-mining land use will include 7.20 acres of wildlife herbaceous grassland and 14.57 acres of wildlife

woody. The Service has no objection to the proposed post-mining land use; however, we offer the following comments.

- The Service concurs with the use of native plant species and recommends that the planting of non-native, exotic, and invasive species be avoided.
- The Service recommends that the seed mix for grassland restoration include native forbs, which will provide greater benefits to native pollinators and the monarch butterfly.

Response: The applicant has proposed native and non-native species for Fish and Wildlife PMLUs. See the Seeding and Planting Plan, Attachment Part 10 to the application that contains species lists and justification for the use of some non-native species. The regulations found at Section 1816.111(a)(2) and (c) allow non-native species if they are necessary to achieve the desired post-mining land use or are necessary for erosion control. The applicant has proposed non-native species for temporary/cover crop vegetation. The Department does not have the regulatory authority to require native species for temporary seed mixes. The recommendation by the Service to incorporate native forbs in the herbaceous seeding mix was noted and has been forwarded to the applicant.

Pursuant to Section 1816.116 (b)(1) and 1784.15(b)(1) the Department required the applicant to achieve the approved species and/or PMLU vegetation success standards during the applicable period of liability. Undesirable invasive species control will be part of the remedial action plan if deemed necessary by the applicant or the Department.

APPENDIX C

**Sugar Camp Energy, LLC – Sugar Camp No. 1 Mine
Application for Permit No. 460
And Permit No. 382 and No. 434
And Revision Nos. 1, 2, 5, and 6 to Permit No. 382
Assessment and Findings of Probable Cumulative Hydrologic Impacts**

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APPENDIX C

**Sugar Camp Energy, LLC – Sugar Camp No. 1 Mine
Application for Permit No. 460
And Permit No. 382 and No. 434
And Revision Nos. 1, 2, 5, and 6 to Permit No. 382
Assessment and Findings of Probable Cumulative Hydrologic Impacts**

Sugar Camp Energy, LLC (hereinafter referred to as “permittee” or “applicant” as applicable) was required to submit a determination of probable hydrologic consequences of the proposed mining and reclamation operations, both on and off the permit area, pursuant to 62 Ill. Adm. Code 1784.14(e) for underground mines.

Pursuant to 62 Ill. Adm. Code 1773.15(c) (5), the Department must make an assessment of the probable cumulative impacts of all anticipated coal mining on the hydrologic balance in the cumulative impact area, in accordance with 62 Ill. Adm. Code 1784.14(f), and find in writing that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area.

The following assessment and findings are intended to fulfill the above requirements.

I. GENERAL INFORMATION

A. Historical Coal Mines (ISGS)

There are no previous coal mining operations located upstream/upgradient of the existing Sugar Camp No. 1 Mine. The proposed permit area within the Application for Permit No. 460 intersects portions of the surface facilities of the former underground LCC Illinois, LLC - #24 Mine. A few of the historical mines in close proximity to the proposed permit area are described below.

1. LCC Illinois, LLC #24 Mine (1965-1996)

This former underground mine was originally known as the Old Ben No. 24 Mine and is located within the proposed permit area of the Application for Permit No. 460 near the proposed diffuser site. While in operation, the #24 Mine utilized room and pillar and longwall mining techniques to extract the Herrin No. 6 Coal Seam.

B. Active Coal Mines -

1. Permit No. 382 (issued 2008)

The original Sugar Camp No. 1 Mine permit (Permit No. 382) was issued for an underground coal mining operation consisting of approximately 12,103 acres, which included 1,264 acres for use as surface support facilities. The surface support facilities include a coal preparation plant, reclaim tunnels, parking lots, access roads, drainage control structures, office buildings, changing rooms, assembly rooms, warehousing facilities, storage facilities, elevator facilities, ventilation facilities,

refuse disposal areas, overland conveyors, screens, crusher, power distribution facilities, power lines, water lines, rail loop and loadout facilities, stockpile areas and other associated facilities. The permittee is extracting the Herrin No. 6 Coal Seam at a depth ranging from 730 to 1,040 vertical feet from the surface, utilizing both room and pillar, and longwall mining methods within the 10,839 acres of shadow area. The areas utilizing room and pillar mining are designed to prevent subsidence while the longwall mining areas will have planned subsidence.

To date, the Department has issued 121 Incidental Boundary Revisions (IBR's) and 86 Insignificant Permit Revisions (IPR's) to Permit No. 382 pursuant to 62 Ill. Adm. Code 1774.13. These changes have resulted in the Permit No. 382 area increasing by 388.19 acres. The approved changes were for a variety of items, including the construction for various boreholes, as well as the addition of a refuse conveyor belt system, and the extension of a water pipeline to continue removing water from the mine workings. Of the 121 IBR's approved, 25 were IBR's for shadow area, which added approximately 478 acres of shadow area to Permit No. 382.

2. Permit No. 382, Significant Revision No. 1 (issued 2012)

Significant Revision No. 1 to Permit No. 382 modified the previously approved refuse disposal area (RDA) from a non-impounding structure to an impounding structure. No other changes to the RDA were proposed or approved.

3. Permit No. 382, Significant Revision No. 2 (issued 2011)

Significant Revision No. 2 to Permit No. 382 added 817 acres of shadow area for additional longwall and room and pillar mining of the Herrin No. 6 Coal Seam. No other changes to the existing permit were proposed or approved.

4. Permit No. 382, Significant Revision No. 3 (withdrawn)

Significant Revision No. 3 to Permit No. 382 proposed to add 880.3 acres of shadow area to the existing and approved shadow area for the Sugar Camp No. 1 Mine. This application was withdrawn by the applicant via written request dated November 6, 2014.

5. Permit No. 382, Significant Revision No. 4 (withdrawn)

Significant Revision No. 4 to Permit No. 382 proposed to construct a new refuse disposal area within the eastern portion of the existing permit area. This application was withdrawn by the applicant via written request dated December 18, 2018.

6. Permit No. 382, Significant Revision No. 5 (issued 2016)

Significant Revision No. 5 to Permit No. 382 added 755 acres of shadow area for additional longwall and room and pillar mining of the Herrin No. 6 Coal Seam. No other changes to the existing permit were proposed or approved.

7. Permit No. 382, Significant Revision No. 6 (issued 2017)

Significant Revision No. 6 to Permit No. 382 added 37,971.9 acres of shadow area for additional longwall and room and pillar mining of the Herrin No. 6 Coal Seam. No other changes to the existing permit were proposed or approved.

8. Permit No. 382, Significant Revision No. 7 (under review)

Significant Revision No. 7 to Permit No. 382 proposes the construction of a refuse disposal area within permit area originally permitted as “undisturbed”. At this time, the application has yet to be deemed administratively complete by the Department.

9. Permit No. 434 (issued 2015)

Permit No. 434 was issued by the Department in 2015 for a new refuse disposal area. This additional permit area was approved to add approximately 1,159 acres to be used almost exclusively for disposal of both coarse and fine coal refuse. Permit No. 434 is located directly north of the existing Permit No. 382 permit area in parts of Sections 4 and 5 of Township 6 South, Range 4 East, and Sections 29, 28, and 33 of Township 5 South, Range 4 East of Franklin County, Illinois. The site is surrounded by a mixture of privately owned rural properties and/or agricultural lands. Some forested areas exist in the vicinity as well.

To date, the Department has issued nine (9) Insignificant Permit Revisions (IPR’s) to Permit No. 434 pursuant to 62 Ill. Adm. Code 1774.13. The approved changes were for a variety of items, including the replacement of a damaged monitoring well and various modifications to the North Refuse Disposal Facility. There have been no Incidental Boundary Revisions approved to date and no shadow area is associated with Permit No. 434.

10. Permit No. 434, Significant Revision No. 1 (under review)

Significant Revision No. 1 to Permit No. 434 proposes to expand the existing refuse disposal area footprint and construct associated drainage control measures to facilitate the expansion. At this time, the application has yet to be deemed Administratively Complete by the Department.

11. Application for Permit No. 460

The Application for Permit No. 460 proposes to add 74.32 acres of permit area for an approximately 12.25-mile pipeline from the currently approved water holding cell, located immediately west of the prep plant area, in Permit No. 382, to the Big Muddy River. According to the application, the pipeline will be a high-density polyethylene (HDPE) pipe that will consist of both 28” and 30” diameter pipe with a minimum wall thickness of 1.647” and a pressure rating of 126 psi throughout the entire length. The pipeline will allow the permittee to utilize an already approved mixing zone within the Big Muddy River at NPDES Outfall 017. The special conditions put forth within the NPDES Permit allow Outfall 017 to discharge groundwater infiltrating into the mine that has naturally elevated levels of sulfate and chloride under specific conditions. The amount of water that can be discharged into the Big Muddy River is dependent on real-time

readings of the chloride concentration of the mine effluent, the chloride concentration in the receiving stream, and the flow of the receiving stream. However, the maximum pumping rate to be discharged into the Big Muddy River will be limited to 8,482 gallons per minute, according to the NPDES Permit and language provided in the Application for Permit No. 460.

II. PROBABLE CUMULATIVE HYDROLOGIC IMPACT ASSESSMENT (CHIA) OF APPLICATION FOR PERMIT NO. 460

A. Cumulative Impact Area (CIA) Evaluation

For purposes of a Cumulative Hydrologic Impact Assessment (CHIA), the Cumulative Impact Area (CIA) is defined as follows:

The area, including the permit area, within which impacts resulting from the proposed operation may interact with the impacts of all anticipated mining on surface and groundwater systems. Anticipated mining shall include, at a minimum, the entire projected lives through bond release of:

the proposed operation;

all existing operations;

any operation for which a permit application has been submitted to the Department.

This is based upon baseline geologic and hydrologic information. See 62 Ill. Adm. Code Sections 1701.Appendix A and 1784.14

1. Office of Surface Mining Guidance

The Federal Office of Surface Mining Mid-Continent Region (OSM-MCR) developed a document in June 2007 entitled *Hydrologic Considerations for Permitting and Liability Release, a Technical Reference for the Mid-Continent Region*. In determining whether a CHIA is required, OSM-MCR states that “the operative word in the CHIA concept is *cumulative* which seemingly necessitates the potential interaction of two or more anticipated mining operations” (p. 17). Further OSM-MCR states, “While it may be possible that for a single hydrologically isolated mine the probable hydrologic consequences determination made by the operator would be adopted by the regulatory authority as the CHIA, nevertheless such a conclusion must be reached by the regulatory authority on a case-by-case basis.” (p.17)

2. CIA Determination

The Cumulative Impact Area (CIA) is that area, including the permit area, within which impacts resulting from the operation may interact with the hydrologic impacts of all other current and anticipated coal mining on the surface and groundwater systems.

Previously, the Department determined a CIA was necessary for the Permit No. 434 area and the original Permit No. 382 areas due to the high likelihood of the proposed Application for Permit No. 435 (Sugar Camp Energy's Logan Mine) proceeding. For the previous assessment, the Department looked within the four HUC 12 watersheds (the Sugar Camp Creek, Carlton Branch-Middle Fork Big Muddy River, Akin Creek and Sullivan Branch-Middle Fork Big Muddy River HUC's) that included the existing and proposed Sugar Camp permit areas.

The Application for Permit No. 435 was subsequently withdrawn by the permittee via written letter on December 18, 2018. Currently, there are no existing or anticipated coal mining operations upstream/upgradient or downstream/downgradient of the Sugar Camp No. 1 Mine. Further, no other current coal mining operations in close proximity to the Sugar Camp No. 1 Mine are known by the Department.

The Application for Permit No. 460 proposes to add 74.32 acres of permit area for an approximate 12.25-mile pipeline that will terminate at a mixing zone in the Big Muddy River. The Department considered the additional permit area of the proposed pipeline corridor, as well as the Significant Revisions currently under review by the Department while determining the CIA Determination. The Significant Revisions currently under review by the Department are proposing to expand RDA No. 2 within Permit No. 434 and to construct a new RDA within previously permitted ground associated with Permit No. 382. After consideration of these changes, the Department determined that the Sugar Camp No. 1 Mine is hydrologically isolated and neither a surface water CIA nor a groundwater CIA should be defined at this time.

The Department's required assessment of the Probable Hydrologic Consequences (PHC) follows pursuant to 62 Ill. Adm. Code Sections 1784.14(b)(3) and 1784.14(e).

B. Assessment of the Probable Hydrologic Consequences (PHC) for the Permit Area

1. Permit Area

For purposes of this CHIA, the Department will discuss the Application for Permit No. 460 permit area. Previously, the Department conducted the required hydrologic assessment on the original Permit Nos. 382 and 434 permit areas, shadow area, and their respective adjacent areas. Please see the previously issued CHIAs for detailed discussions of the hydrologic assessments.

Per 62 Ill. Adm. Code Section 1701.Appendix A, the following terms are defined:

The "permit area" is defined as:

[T]he area of land and water within the boundaries of the permit which are designated on the permit application maps, as approved by the Department. This area shall include all areas which are or will be affected by the surface coal mining and reclamation operations during the term of the permit indicated on the approved map which the operator submitted with the operator's application and which is required to be bonded under 62 Ill. Adm. Code 1800 and where the operator proposes to conduct surface coal mining and reclamation

operations under the permit, including all disturbed areas; provided, that areas adequately bonded under another valid permit may be excluded from a permit area.

The “shadow area” is defined as:

[A]ny area beyond the limits of the permit area in which underground mine workings are located. This area includes all resources above and below the coal that are protected by the State Act that may be adversely impacted by underground mining operations including impacts of subsidence.

The “adjacent area” is defined as:

[T]he area located outside the permit area, or shadow area, where a resource or resources, determined according to the context in which adjacent area is used, are or reasonably could be expected to be adversely impacted by proposed mining operations.

As described in Section I.B.11 above, the Application for Permit No. 460 consists of 74.32 acres which will be used for a pipeline corridor from the mine site to the Big Muddy River. Given the minimal disturbance expected from the proposed operations, for the purposes of this CHIA, the Department has determined there is no adjacent area, as no impacts are expected outside of the proposed permit area.

a. Regional Hydrologic Area

The existing permit and shadow areas are located in the glaciated upland area of northeastern Franklin County and western Hamilton County. These areas are situated within the reaches of three streams, Akin Creek, Sugar Camp Creek, and the Middle Fork Big Muddy River. Unnamed tributaries of each stream and associated branches pass through the existing permit area and shadow area. All three of these streams eventually drain to the Big Muddy River, itself. There are no USGS gaging stations located on the Middle Fork Big Muddy River, nor on Sugar Camp or Akin Creeks.

The proposed permit area within the Application for Permit No. 460 is also located within the glaciated upland area of northeastern Franklin County. Unnamed tributaries to the Middle Fork Big Muddy River and the Big Muddy River pass near and through the proposed pipeline corridor permit area. The proposed permit area terminates at the proposed diffuser site along the Big Muddy River approximately 1.5 miles south of the Rend Lake Dam. The nearest USGS gaging station located on the Big Muddy River is near Benton, Illinois. The USGS gaging station on the Big Muddy River near Benton, Illinois (05596000) is located approximately 3 miles downstream of the proposed diffuser site and has a drainage area of 502 square miles (321,280 acres). This USGS gaging station monitors only the discharge flow rate of the Big Muddy River. Given the large drainage area at this location and the volume of water proposed to be discharged into the Big Muddy River compared to the historical discharge flow rate of the Big Muddy River, the USGS gaging station use is insignificant.

b. Permit Area Surface Waters Assessment Area

The permit area surface waters assessment area was previously defined as the approximately 96.43 square mile (61,712-acre) area which encompasses the portions of the watersheds of Sugar Camp Creek, Akin Creek and the Middle Fork Big Muddy River. The watershed of the Middle Fork Big Muddy River, just below the confluence of the three streams, has been estimated to also be approximately 96.43 square miles (61,712 acres). The applicant established and will continue to monitor a stream sampling point downstream of the confluence of the three streams. The Middle Fork Big Muddy River eventually discharges to the Big Muddy River approximately twenty miles downstream (to the southwest).

The Department has reevaluated the permit area surface waters assessment area for the Application for Permit No. 460. The permit area surface waters assessment area is now defined as the 61,786-acre area that includes the existing permit areas, the more recently permitted surface IBR areas previously not included in the assessment area, and the Application for Permit No. 460 permit area (See Map 1).

The Permit No. 382 area is approximately 1,652 acres in size, while the Permit No. 434 area is approximately 1,159 acres in size, and the Application for Permit No. 460 proposes to add approximately 74 acres to the permit area. The combined surface facilities permit areas is approximately 2,885 acres in total, which is approximately 4.67% of the permit area surface water assessment area. Based on this, the impacts should be negligible due to the volume of water contributing to the Middle Fork Big Muddy River at the confluence with both Akin Creek and Sugar Camp Creek and the volume of water contributing to the Big Muddy River at the proposed diffuser site. The proposed diffuser site has an associated mixing zone that was approved in NPDES Permit No. IL0078565, which suggests analysis found the additional volume of water would not negatively affect the Big Muddy River. Therefore, the Department will not comment further on the volume of water going to the Big Muddy River.

c. Permit Area Groundwater Assessment Area

The permit area groundwater assessment area has been defined as the same area as the surface water assessment area. The groundwater assessment area for the permit area has been selected based upon the assumption that shallow groundwater generally mimics the topography in the area and the Department's assessment of the possible hydrologic impacts which may occur as a result of mining operations proposed within the Application for Permit No. 460. The subsurface hydrologic components considered in this assessment include all significant water-bearing units in and within the vicinity of the surface facilities permit area (See Map No. 1).

d. Shadow Area Surface Waters Assessment Area

The shadow area surface waters assessment area was most recently evaluated in the CHIA for Significant Revision No. 6 to Permit No. 382. The shadow area surface waters assessment area is approximately 62,050 acres, while the approved and proposed shadow area is approximately 50,569 acres in size. As described above, this assessment is limited to the area one-half mile away

from the perimeter of the shadow area. The Department limited the assessment area to the one-half mile radius around the shadow area, as lands beyond the one-half mile area historically are unaffected by longwall mining operations. The Application for Permit No. 460 does not propose to modify any of the previously approved shadow area permits. Therefore, they will no longer be discussed in this CHIA. Please refer to the CHIA for Significant Revision No. 6 to Permit No. 382 for discussion of the Shadow Area Surface Waters Assessment Areas.

e. Shadow Area Groundwater Assessment Area

The Shadow Area Groundwater Assessment Area is the same as the Shadow Area Surface Waters Assessment Area. The Shadow Area Groundwater Assessment Area was most recently evaluated in the CHIA for Significant Revision No. 6 to Permit No. 382. The Shadow Area Groundwater Assessment Area, associated with Significant Revision No. 6 to Permit No. 382, is approximately 62,050 acres. The Application for Permit No. 460 does not propose to modify any of the previously approved shadow area permits. Therefore, they will no longer be discussed in this CHIA. Please refer to the CHIA for Significant Revision No. 6 to Permit No. 382 for discussion of the Shadow Area Groundwater Assessment Area.

2. Geologic Information Required by 62 Ill. Adm. Code 1784.22

a. Baseline Geologic Information

The Application for Permit No. 460 provides that the regional bedrock of the area consists of Pennsylvanian system formations. Sixty percent of the Pennsylvanian system strata are classified as sandstones, while most of the remainder of the strata is siltstones and shales. A small percentage of the remaining strata (approximately one percent) of the Pennsylvanian system are classified as coal and/or limestone units. Geologic faults and other structural features are known to exist regionally, but do not appear to be found within the existing or proposed permit areas. The closest structural features to the existing and proposed permit areas are the Du Quoin Monocline to the west, the Salem-Louden Anticline to the north, and the Rough Creek Fault Zone to the southeast. Unconsolidated deposits within the proposed permit area are described as ranging from 16 to 49 feet in thickness. These deposits consist mainly of clay, silt, and till materials, but limited deposits of sand can be found. Per the applicant, the limited sand deposits do not generally perform reliably as a significant aquifer within the existing and proposed permit areas due to low horizontal and vertical permeabilities.

Site-specific geology, interpreted from the boring and corehole logs, submitted with the original permit application indicates the depth to the Herrin No. 6 Coal Seam ranges from approximately 730 vertical feet to 1,040 vertical feet with seam floor elevations ranging from 458 feet below mean sea level (MSL) to 293 feet below MSL. The regional dip of the Herrin No. 6 Coal Seam is less than one percent to the northeast. The Herrin No. 6 Coal is overlain by alternating shale and limestone layers. The roof material immediately above the Herrin No. 6 Coal is commonly Anna Shale, which is described as a thin black shale. The Energy Shale, which is a thin grey shale, is also found in places immediately above the Herrin No. 6 Coal. The Herrin No. 6 Coal seam is approximately five and a half feet thick in the area, but thickness can vary.

As stated in the Application for Permit No. 460, the groundwater that infiltrates into the mine at a rate of approximately 2,600,000 gallons per day is from a saline zone(s) above the Herrin No. 6 Coal seam. The saline zone(s) are believed to be within the caved zone above the mined longwall panels, which leads to the water infiltrating into the mine.

b. Geologic Information Findings

The applicant presented no acid base accounting data with this application because no changes in the current coal refuse management are being proposed. The applicant has committed to constructing the pipeline using the best management construction techniques that follow the provisions of Standards and Policies for Agricultural Mitigation.

The applicant did present information on the poor-quality groundwater infiltrating into the mine. To protect the miners working underground, the operator must pump this water from the underground works. Since the water is naturally high in chlorides and sulfates, the applicant was granted a mixing zone from the IEPA in NPDES Permit No. IL0078565. Otherwise, this water could not be discharged from the existing NPDES outfalls on site without exceeding compliance limits.

The pipeline proposed within the Application for Permit No. 460 is proposed to be installed between four (4) to six (6) feet in depth and no adverse impacts are expected to occur to any consolidated formations. Impacts to shallow, unconsolidated formations will only occur in the event of a pipeline leak. However, the applicant will monitor for leaks using a network of seven (7) separate monitoring stations. These monitoring stations will be equipped with flow meters and automatic shut off valves in the event of a pipeline leak. Therefore, the Department finds as long as the pipeline is properly constructed, maintained, operated, and the limits of the NPDES permit are adhered to, any impacts to the hydrologic balance should be minimized.

3. Hydrologic Information Required by 62 Illinois Adm. Code 1784.14

a. Baseline Information

i. Surface Water Quantity Baseline Information

No baseline surface water quantity information from stream monitoring points in the vicinity of the proposed permit area was presented in this application. Surface water quantity information was previously discussed in the CHIAs for the original Permit No. 382 and Permit No. 434 applications, as well as Significant Revision No. 6 to Permit No. 382, which added shadow area acreage. The applicant is expecting minimal impacts to the surface water quantity in the proposed permit area during the construction of the pipeline and little to no impacts when the pipeline is operational. According to Attachment 3.1.1 of the application, the applicant will monitor the pipeline for leaks using a network of flow meters at seven (7) separate monitoring stations. These monitoring stations will also be equipped with flow meters and automatic shut off valves. Attachment 3.1.1 of the application also states the mine can discharge as much as 8,482 gallons per minute into the Big Muddy River via a diffuser system based on the flow of the river and other conditions specified in the NPDES permit.

ii. Surface Water Quality Baseline Information

No baseline surface water quality information from stream monitoring points in the vicinity of the proposed permit area was presented with this application. The applicant is expecting minimal impacts to the surface water quality in the proposed permit area during the construction of the pipeline and little to no impacts when the pipeline is operational given the provisions specified in the NPDES Permit.

The applicant provided typical water quality analysis from the mine infiltration water and the impoundment decant water that will be routed to the water holding cell prior to entering the pipeline. Table 4 of Attachment 3.1.1 reports that chloride concentrations of the impoundment decant water and mine infiltration water are typically around 5,280 mg/L and 10,200 mg/L, respectively. Sulfate concentrations were reported around 1,380 mg/L from the impoundment decant water and approximately 1,570 mg/L from the mine infiltration water. Surface water quality for the main surface facilities was previously discussed in the CHIAs for the original Permit No. 382 and Permit No. 434 applications, as well as Significant Revision No. 6 to Permit No. 382.

iii. Groundwater Quantity Baseline Information

The applicant installed no groundwater monitoring wells for this permit application due to the minimal disturbance proposed during construction activities, which will be limited to trenching and boring approximately four (4) to six (6) feet in depth. The applicant did not conduct a door – to – door survey either, given the minimally invasive construction methods and protections that will be employed to install the pipeline. The applicant did survey the Illinois State Geological Survey (ISGS) public water well records to identify users within ½ mile of the proposed permit area who may utilize groundwater resources. In Table 4.4.1 and depicted on the Hydrogeologic Maps of the Application for Permit No. 460, the applicant identified seventeen (17) private water wells and their respective users within ½ mile of the proposed permit area. Based on the available drilling logs provided from the ISGS records, all private wells noted appear to obtain groundwater from bedrock sources. As such, the applicant does not expect any listed well owner to experience groundwater quantity issues as a result of this operation.

In Attachment 3.1.1 of the application, the applicant states the current daily quantity of mine infiltration water required to be pumped out amounts to 2,600,000 gallons per day. The applicant anticipates the maximum flow of mine infiltration water to be 3,500,000 gallons per day. The infiltrating groundwater is believed to originate from a saline zone overlying the coal seam. This overlying saline zone is not hydrologically connected to the geologic unit(s) utilized by private water well users in the area.

iv. Groundwater Quality Baseline Information

As mentioned in the previous section, construction activities and methods to install the pipeline should be minimally invasive. As such, the applicant does not believe the shallow groundwater quality will be affected by the proposed operations, given that disturbances will be limited to approximately four (4) to six (6) feet in depth.

The mine infiltration water that will be routed through the pipeline has naturally elevated levels of chloride and sulfate that would not otherwise be allowed to discharge through the outfalls associated with the main mine site approved in the NPDES permit. Attachment 3.1.1 in the application provides representative water quality data obtained from the mine infiltration water. The typical chloride concentration varied between 5,190 mg/L and 11,800 mg/L, whereas the sulfate concentration varied between 100 mg/L and 1,182 mg/L according to the application.

v. **Existing Coal Processing Waste Disposal Baseline Information**

The Application for Permit No. 460 proposes to add 74.32 acres of permit area for an approximately 12.25-mile pipeline. No changes to the existing coal processing waste disposal designs are being proposed.

Two refuse disposal areas (RDAs) have been approved by the Department for this facility; the original 226-acre RDA within Permit No. 382 and the 502-acre RDA within Permit No. 434. Please see the Department's previous CHIAs for additional details regarding coal processing waste disposal.

b. **Findings**

i. **Surface Water Quantity Findings**

Previous surface water assessments can be found in the CHIAs for Permit Nos. 382 and 434. The applicant presented information in the application to indicate the construction of the proposed pipeline will be minimally invasive. Additionally, the applicant has committed to provisions in the pipeline construction and operation to prevent leaks and ensure reliable operation. Therefore, the Department finds the construction of the pipeline will cause little to no impact to the surface water quantity in the proposed permit area.

The application states up to 8,482 gallons per minute can be discharged into the Big Muddy River depending on the flow of the river and other conditions specified in the NPDES permit. The mixing zone was approved by IEPA on May 24, 2016, thus suggesting their analysis found the additional volume of water would not negatively affect the Big Muddy River. Therefore, the Department will not comment any further on the volume of water being routed to the Big Muddy River.

Shadow Area

The Application for Permit No. 460 will have no impact on the surface water quantity that may be present within the existing shadow areas.

ii. **Surface Water Quality Findings**

The Department finds the surface water quality will be minimally affected or not affected at all by the proposed operations. This finding is based on the relatively non-invasive construction, maintenance commitment, and operational provisions of the pipeline to prevent leaks.

Table 4 within Attachment 3.1.1 of the application provides representative water quality analysis of the water to be routed to the Big Muddy River. The water quality analysis shows the main parameters of concern to be elevated chloride and sulfate values. The applicant provided the sampling results from the mine infiltration water, RDA impoundment water, Pond 003, and the Clarifier Pond. These water sources were considered in the Anti-Degradation Analysis conducted by IEPA for the mixing zone into the Big Muddy River. According to the NPDES permit, the IEPA determined the mixing zone will not negatively affect the Big Muddy River, thus, the Department will not comment further on their analysis. The Department finds that as long as the applicant follows and meets the provisions laid out in the NPDES permit, the surface water quality should not be negatively affected.

Shadow Area

The Application for Permit No. 460 will have no impact on the surface water quality that may be present within the existing shadow areas.

iii. Groundwater Quantity Findings

Groundwater quantity is not anticipated to be significantly impacted by the proposed operations. Table 4.4.1 and the Hydrogeologic Maps of the Application for Permit No. 460 identified seventeen (17) private water wells and their respective users within ½ mile of the proposed permit area. The Department does not expect the groundwater quantity of the private well users to be impacted by the proposed operations, given the relatively non-invasive construction, maintenance commitment, and operational provisions of the pipeline to prevent leaks. Additionally, the private water wells identified all appear to obtain groundwater resources from bedrock sources. As such, the Department finds the shallow groundwater that may be encountered during construction of the pipeline will be minimally affected or not affected at all.

As stated in previous CHIAs for this mine, the groundwater infiltrating into the mine workings originates from a saline zone that is presumably located directly above the Herrin No. 6 coal seam. There are no known private water users that obtain groundwater from this zone, as it is highly mineralized at depth. Local residents tend to obtain their drinking water from public water supplies or from bedrock aquifers found above this saline zone. Therefore, the effect of pumping the mine infiltration water is not anticipated to have a negative impact on any current drinking, domestic, or usable aquifer quantity.

Shadow Area

The Application for Permit No. 460 will have no impact on the groundwater quantity that may be present within the existing shadow areas.

iv. Groundwater Quality Findings

Similar to the Groundwater Quantity Findings, shallow groundwater quality is not anticipated to be significantly impacted by the proposed operations. Table 4.4.1 and the Hydrogeologic Maps of the Application for Permit No. 460 identified seventeen (17) private water wells and their respective users within ½ mile of the proposed permit boundary. The Department does not expect the groundwater quality of the private wells users to be impacted by the proposed operations. Given

the relatively non-invasive construction, maintenance commitment, and operational provisions of the pipeline to prevent leaks, the Department finds the groundwater quality will be minimally affected or not affected at all by the proposed operations.

As mentioned in the previous section, the groundwater infiltrating into the mine workings originates from a saline zone that is currently (and historically) not in use by local residents due to its highly mineralized, poor-quality water. Local residents tend to obtain their drinking water from public waters supplies or bedrock aquifers that are not hydrologically connected to this saline zone.

Shadow Area

The Application for Permit No. 460 will have no impact on the groundwater quality that may be present within the existing shadow areas.

c. Findings Related to Existing Coal Processing Waste Disposal

Please see the Department's previous CHIAs for additional details regarding coal processing waste disposal. No changes to the existing coal processing waste disposal designs are being proposed within the Application for Permit No. 460.

III. CONCLUSION

The Department has now conducted a hydrogeologic assessment on the proposed additional acreage described in the Application for Permit No. 460. As noted in the discussions throughout this document, the Department has concluded that the additional operations proposed in the Application for Permit No. 460 will not have a negative impact on either the surface water or groundwater regimes.

The surface water and groundwater monitoring programs have been designed to provide sufficient lead time for notification of any potential impacts, as well as to provide ample time for investigation and mitigation of any impacts prior to reaching off-site. Both the groundwater and surface water monitoring programs are dynamic and as such, the Department reserves the right to add monitoring parameters or monitoring locations should the need arise. The applicant/permittee is required to monitor the surface water and groundwater throughout the life of the mine, up to and including the time of final bond release.

Neither groundwater nor surface water would be materially damaged unless the quantity and/or quality of water is degraded, on a long-term or permanent basis beyond applicable standards or a long-term or permanent loss of use is reported. Material damage occurs when the impact is immitigable. Neither the applicant nor the Department anticipates that this will occur.

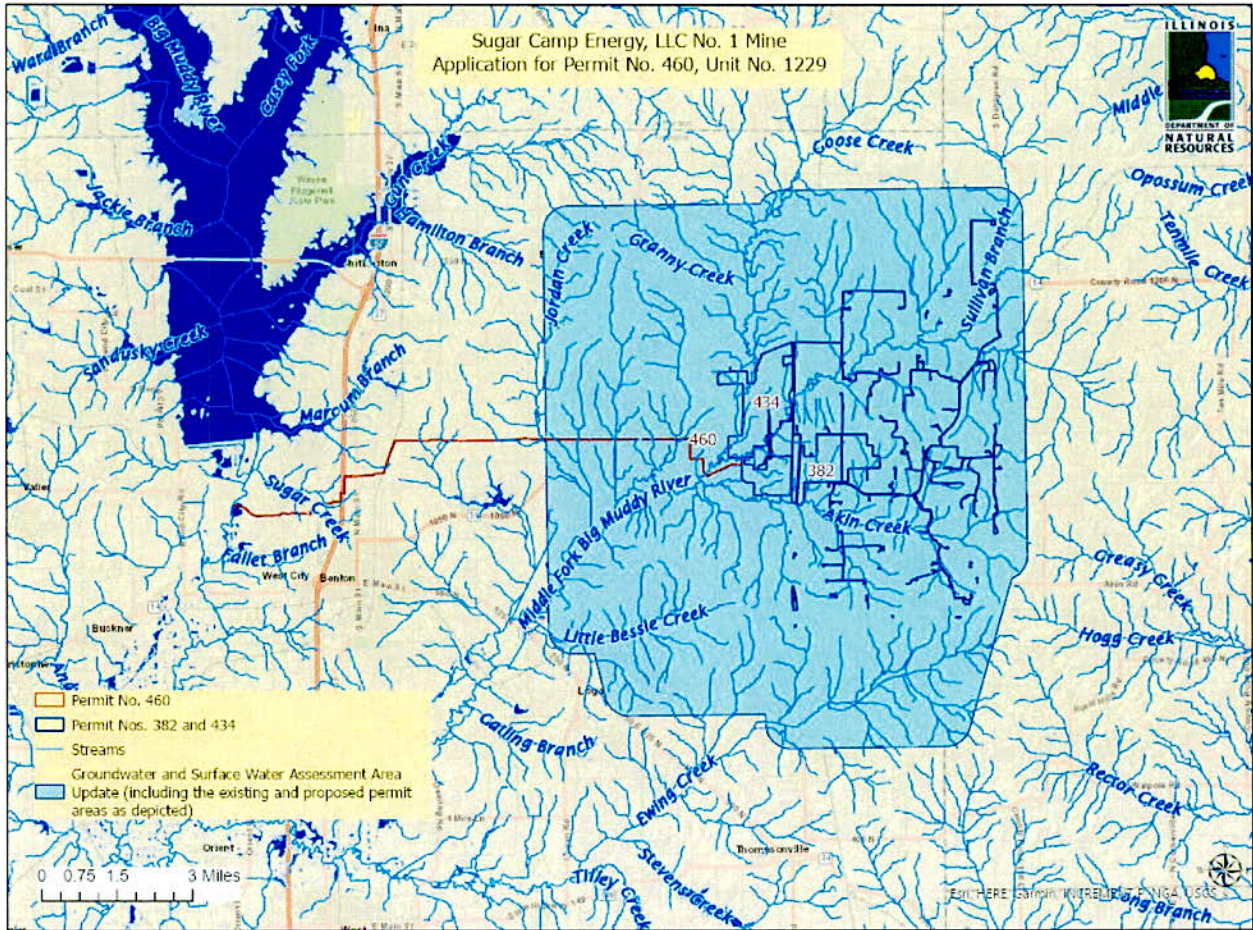
Therefore, the cumulative hydrologic impact assessment finds that the proposed operations have been designed to prevent material damage to the hydrologic balance beyond the permitted areas.

In summary, the assessment and findings of the probable cumulative impact of all anticipated mining in the area on the hydrologic balance finds that this operation has been designed to prevent material damage to the hydrologic balance outside the permit areas.

IV. REFERENCES AND ATTACHMENTS

REFERENCES

- Booth, C.J., and E.D. Spande, 1991, *Changes in hydraulic properties of strata over active longwall mining, Illinois, USA*: Proceedings, Fourth International Mine Water Congress, Portschach, Austria/Ljubljana, Slovenia, September, p.12.
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- Pryor, W.A., 1956, *Groundwater geology in southern Illinois: A preliminary report*. Illinois State Geological Survey, Circular #212.
- United States Department of the Interior, Office of Surface Mining, *Technical Reference for the Mid-Continent Region: Hydrologic Considerations for Permitting and Liability Release*, June 2007.
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APPENDIX D

DECISION ON PROPOSED POST-MINING LAND USE OF PERMIT AREA

The pre-mining and post-mining land use acreage of the permitted area is as follows*:

	<u>Pre-mining</u>	<u>Post-mining</u>	<u>Revised Post-mining</u>
Cropland	48.85	48.85	
Residential	1.45	1.45	
Industrial/Commercial	1.54	1.54	
Fish & Wildlife Habitat**	22.48	22.48	
Total	74.32	74.32	

*The Department notes that other agencies with environmental and land use authority may use land use definitions other than 62 Ill. Adm. Code 1701.5. Reports for those agencies which may be included in the application will classify and tabulate land uses based on their definitions. As a result, those land use tabulations may not directly correlate with the above tables.

** To facilitate the assessment of the revegetation success performance standards, the post-mining land use of Fish and Wildlife Habitat is broken out as follows:

Wildlife-Herbaceous	Wildlife-Woody	Wildlife-Wetland	Wildlife-Water
7.93	14.23	0.0	0.32

The Department finds the areas affected by surface coal mining activities will be restored in a timely manner to conditions that are capable of supporting the use which they were capable of supporting before mining or to higher or better use achievable under the criteria and procedures of 62 Ill. Adm. Code 1817.133, or as noted above. The plan of restoration submitted by the applicant does not present any actual or probable hazard to public health or safety nor does it pose any actual threat of water diminution or pollution as indicated in Appendix C, and the proposed land uses following mining are not impractical or unreasonable as all the post-mining land uses existed prior to mining and are compatible with the surrounding areas. The land uses are consistent with applicable land use policy and plans known to the Department and no objections were received from any governmental agency with such authority. The plan does not involve unreasonable delay in implementation and is not in violation of any other applicable law known to the Department.

Federal court decisions, commonly known as the “Flannery decisions” and current regulations provide for the distinct difference between surface and underground mining. In this permit the operations will involve the trenching and burying of a pipeline through the permit area.

Reclamation by soil replacement and revegetation will occur shortly afterward as part of the operation with the exception of any surface access areas. There are no land use changes requested by the permittee. The permittee has requested to reclaim 13.36 acres of non-crop capability area to high capability land. These disturbances are considered minor in comparison to surface mining and the removal of overburden and coal.

APPENDIX E

DOCUMENTATION PROVIDED BY APPLICANT TO COMPLY WITH
62 Ill. Adm. Code 1773.15(b)(1)(A)

**TABLE 1.4.3 Violations for
Applicant and Owners/Controllers of the Applicant**

Issuing Agency	State and Permit No. or MSHA Number	State Violation No. or MSHA Violation No.	Issue Date	Name of Company or Person to Whom Violation Issued	Description of the Violation	Date, Location and Type of Administrative or Judicial Proceeding	Violation Status	Abatement Actions
WVDEP	U010083	NOV #3	10/12/2022	West Virginia Land Resources, Inc.	In accordance with WV Reg 38-2-5.4.a, permittee failed to maintain the approved drainage control system, in that water was overtopping the sump at the toe of Tevenbaugh Refuse and discharging from the UIC standpipe and entering into Tevebaugh Creek.		Abated	
WVDEP	U07883	NOV #75	10/12/2022	Marion County Coal Resources, Inc.	In accordance with WV Reg 38-2-5.4.a, permittee failed to pass all runoff from disturbed area through a sedimentation control system.		Abated	
IDNR	375	86-40-2022	10/3/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrdie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 9/29/22.		Abated	
IDNR	375	86-39-2022	9/27/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrdie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 9/26/22.		Abated	
KYDEP	KYGW40042	ENV20220002	9/26/2022	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for TRMn, for permit KYGW40042. The permitted limits for TRMn are a monthly average of 2.0 mg/l and daily maximum of 4.0 mg/l. The reported results are as follows: Outfalls 002 and 021: a monthly average of 2.2 mg/l for February 2022; a monthly average of 2.4 mg/l for March of 2022; a monthly average of 3.5 mg/l for April 2022. Outfalls 010, 011, and 013: a monthly average of 2.1 mg/l for April 2022.		Abated	
KYDEP	KYGW40062	ENV20220002	9/26/2022	Muhlenberg County Coal Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for TSS, for permit KYGW40062. The permitted limits for TSS are a monthly average of 35.0 mg/l and daily maximum of 70 mg/l. The reported results are as follows: Outfall 001: a daily maximum of 74 mg/l for January of 2022.		Abated	
IDNR	375	86-38-2022	9/22/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrdie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 9/22/22.		Abated	
IDNR	375	86-37-2022	9/20/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrdie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 9/19/22.		Abated	
IDNR	375	86-36-2022	9/16/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrdie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 9/15/22.		Abated	
IDNR	375	86-35-2022	9/16/2022	Williamson Energy, LLC.	Failure to follow the approved plan in the construction of IBR No 88. The construction an ancillary road prevented sheet flow of water through permitted aea as described in permit application. Additionally, culverts were installed without providing design calculatoins or design information to the Department.		Abated	
IDNR	375	86-34-2022	9/16/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrdie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 9/12/22.		Abated	
IDNR	375, 456	86-33-2022	9/13/2022	Williamson Energy, LLC.	Failure to submit an update on the construction of the pipeline and mixing zone project on Permit No. 456. This update was required by July 21, 2022 to document the permittee's progress in completing a project that is anticipated to eliminate the non-compliant discharges from Outfall 006 on Permit No. 375.		Abated	

**TABLE 1.4.3 Violations for
Applicant and Owners/Controllers of the Applicant**

Issuing Agency	State and Permit No. or MSHA Number	State Violation No. or MSHA Violation No.	Issue Date	Name of Company or Person to Whom Violation Issued	Description of the Violation	Date, Location and Type of Administrative or Judicial Proceeding	Violation Status	Abatement Actions
IEPA	IL0078565	W-2022-50229	9/7/2022	Sugar Camp Energy, LLC	No person shall construct, install, or operate any equipment, facility, vessel, or aircraft capable of causing or contributing to water pollution, or designed to prevent water pollution, of any type designated by the Board of regulations, without a permit granted by the Agency, or in violation of any conditions imposed by such permit.		Issued	Supplemental permit submitted 9/19/22; operator request to resolve dated 10/21/22
UDEQ	400448	NOV	9/6/2022	Emery County Coal Resources, Inc.	Utah Adm. Code R313-15-101(3): "The licensee or registrant shall, at intervals not to exceed 12 months, review the radiation protection program content and implementation." Contrary to this requirement the Licensee did not perform an annual audit of its radiation protection program for the years of 2019 or 2022. The violation has been characterized as Severity Level IV for failing to perform the required annual audits. The base penalty for this Severity Level is \$1,500. However, no civil penalty is assessed for this violation because it is the first time it has been assessed.		Abated	
KYDEP	KYGW40058	ENV20220001	9/1/2022	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for TSS, for permit KYGW40058. The permitted limits for TSS are a monthly average of 354 mg/l and a daily max of 70 mg/l. The reported results from June 2021 were a monthly average of 48.5 for Outfalls 001, 002, and 003.		Abated	
WVDEP	U007883	NOV #74	9/1/2022	Marion County Coal Resources, Inc.	In accordance with WV Reg 38-2-5.4.a, permittee failed to maintain the approved drainage control system, in that there was a leak in the pipeline that carries mine pool water to the St. Leo AMD Treatment Facility. The leak was near South Fork.		Abated	
KDMRE	892-8011	NNC 13-2538	8/30/2022	Kentucky Land Resources, Inc.	The effluent had a pH of 2.5, and >10mg/L iron. A lab sample was taken to Pace Laboratories for confirmation. NNC# 13-2538 will be issued this date for discharging substandard water from SB AD-05. The permittee needs to continue treating the basin and cease any substandard discharge.		Extended	Abatement date 11/30/2022
PADEP	PA0236519	DMR NOV	8/29/2022	Marshall County Coal Resources, Inc.	Failure to meet the monitoring requirements required by NPDES Permit No. PA0201081. Specifically the operator reported that outfall 001 had not discharged during May 2022, a sample was collected at outfall 001 on May 23, 2022. If an outfall discharges at any point during a given month at least one flowing sample must be reported during that month.		Abated	
PADEP	PA0214132	DMR NOV	8/26/2022	Keystone Land Resources, Inc.	Discharge of water from an area disturbed by mining activities as evidenced by operator's DMR samples from April, collected on 04/06/2022 and 04/20/2022, with a manganese concentration of 1.2 mg/l, which exceeds the allowable limit of 1.0 mg/l.		Abated	
KDMRE	889-9008	NNC 13-2483	8/19/2022	Muhlenberg County Coal Resources, Inc.	Permittee has failed to maintain diversion Perimeter Ditch 1 according to the approved plans. Located around the base of the coarse refuse pile on increment 1. Permittee has allowed material outside the permitted area base of the refuse pile at approximately 37.17035, -87.03098		Abated	
KYDEP	KYGW40042	ENV20220001	8/15/2022	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for TSS, for permit KYGW40042. The permitted limits for TSS area monthly average of 35 mg/l and a daily max of 70 mg/l. Outfall 001: average of 37.5 for March 2021 and a monthly monthly average of 80 mg/g and daily max of 80 mg/l in April 2021.		Abated	
KYDEP	KYGW40041	ENV20220001	8/15/2022	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for TSS, for permit KYGW40041. The permitted limits for TSS area monthly average of 35 mg/l and a daily max of 70 mg/l. Outfall 001: average of 37.5 for April 2021.		Abated	

**TABLE 1.4.3 Violations for
Applicant and Owners/Controllers of the Applicant**

Issuing Agency	State and Permit No. or MSHA Number	State Violation No. or MSHA Violation No.	Issue Date	Name of Company or Person to Whom Violation Issued	Description of the Violation	Date, Location and Type of Administrative or Judicial Proceeding	Violation Status	Abatement Actions
KYDEP	KYGW40042	ENV20220001	8/15/2022	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for TSS, for permit KYGW40042. The permitted limits for Total Recoverable Iron (TRFe) area monthly average of 3 mg/l and a daily max of 4 mg/l. Outfall 001: monthly average of 5.6 and daily max of 6.2 in March 2021, monthly average of 4.7 and daily max of 4.7 in April 2021.		Abated	
KYDEP	KYGW40042	ENV20220001	8/15/2022	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for TSS, for permit KYGW40042. The permitted limits for Total Recoverable Manganese (TRMn) area monthly average of 2 mg/l and a daily max of 4 mg/l. Outfall 002: monthly average of 2.5 in April 2021. Outfall 004 monthly average of 2.4 in March 2021. Outfall 006 monthly average of 2.4 in March 2021. Outfall 010 monthly average of 2.6 in April 2021. Outfall 011 monthly average of 2.6 in April 2021. Outfall 013 monthly average of 2.6 in April 2021. Outfall 021 monthly average of 2.5 in April 2021.		Abated	
IDNR	375	86-32-2022	8/12/2022	Williamson Energy, LLC.	Failure to pass surface drainage from the disturbed area through a siltation structure before leaving the permit area. The northern berm of Sediment Pond 008 overtopped and allowed drainage from the coarse refuse impounding structure on Permit No. 375 to flow off permit area.		Abated	
IDNR	375	86-31-2022	8/12/2022	Williamson Energy, LLC.	Failure to follow the correct procedures for stockpiling and storing topsoil, failure to protect a topsoil stockpile from contamination, and failure to prevent or control erosion to private property. Specifically, the operator failed to fully protect a topsoil stockpile at IBR No. 88; evidence of traffic on unprotected topsoil was observed, materials were stored on the unseeded portion of stockpile, and large portions of the stockpile were not seeded or mulched. Gravel on roadway mobilized and flowed over the silt fence and off-permit at several locations.		Abated	
PADEP	PA0013790	CO 221052	8/2/2022	Monongalia County Coal Resources, Inc.	Discharge of water from an area disturbed by mining activities as evidenced by sample number 635, collected on 06/15/2022, with a total suspended solids concentration of 108 mg/l which exceeds the permit limit of 90 mg/l.		Abated	
PADEP	30841312	CO 221052	8/2/2022	Monongalia County Coal Resources, Inc.	Discharge of water from an area disturbed by mining activities as evidenced by sample number 635, collected on 6/15/22, with a TSS concentration of 108 mg/L which exceeds the permit limit of 90 mg/l.		Abated	
IDNR	375	86-30-2022	7/27/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 7/25/22.		Abated	
IDNR	375	86-29-2022	7/22/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 7/21/22.		Abated	
IDNR	382, 434	60-01-2022	7/21/2022	Sugar Camp Energy, LLC	A pipeline break within a permitted support area of mine resulting in the release of mine water. The mine water flowed off-permit and caused adverse impacts to nearby topsoil resources, downstream waterbodies, and aquatic life.		Abated	
IDNR	375	86-28-22	7/20/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 7/19/22.		Abated	
KYDEP	KYGW40062	ENV20220001	7/18/2022	Muhlenberg County Coal Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for TSS, for permit KYGW40062. The permitted limits for TSS are MA of 35 mg/l and a DM of 70 mg/L. The reported results for Outfall 001 was MA of 54 mg/l and a DA of 86 mg/l in March of 2021.		Abated	

**TABLE 1.4.3 Violations for
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Issuing Agency	State and Permit No. or MSHA Number	State Violation No. or MSHA Violation No.	Issue Date	Name of Company or Person to Whom Violation Issued	Description of the Violation	Date, Location and Type of Administrative or Judicial Proceeding	Violation Status	Abatement Actions
IDNR	375	86-27-22	7/14/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrodie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 7/14/22		Abated	
IDNR	375	86-26-22	7/12/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrodie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 7/11/22		Abated	
IDNR	456	86-25-22	7/12/2022	Williamson Energy, LLC.	Silt fence installation occurred off-permit for a distane of approximately 0.5 miles between Williams Prairie Road and Harris School Road.		Abated	
UDNR	C/007/0013	LC07072022	7/7/2022	Emery County Coal Resources, Inc.	Coal/coal fines and untreated water went into the undisturbed drainage. An unauthorized water impoundment was created at the upper coal pile, causing a flow of coal and waer when the embankment failed.		Abated	
PADEP	PA0013790	DMR NOV	7/6/2022	Monongalia County Coal Resources, Inc.	Failure to comply with the terms and conditions of the permit		Abated	
PADEP	30950701	CO 221039	7/5/2022	Monongalia County Coal Resources, Inc.	Failure to properly maintain erosion and sedimentation controls		Abated	
ODNR	D-0425	29958	6/13/2022	Belmont County Coal Resources, Inc.	Inspection on 6/9/22 revealed refuse material deposited off of the permit. The diversion ditch DD-26 leading into impoundment 20 has breached. All drainage from the disturbed area is not being passed through siltation structure		Abated	
IDNR	4266	O&G NOV	6/10/2022	Sugar Camp Energy, LLC	Failure to post a lease sign.		Abated	
IDNR	4266	O&G NOV	6/10/2022	Sugar Camp Energy, LLC	Failure to plug an inactive Class II injection well.		Abated	
IDNR	375	86-24-22	6/6/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrodie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 6/2/22		Abated	
PADEP	PA0236519	DMR NOV	6/2/2022	Marshall County Coal Resources, Inc.	Discharge of water from an area disturbed by mining activities as evidenced by the February 2022 discharge monitoring report for outfall 001, with an instantaneous maximum aluminum concentration of 3.25 mg/l which exceeds the permit limit of 1.48 mg/l, a daily maximum aluminum concentration of 3.25 mg/l which exceeds the permit limit of 1.48 mg/l and a monthly average aluminum concentration of 1.7815 mg/l which exceeds the permit limit of 0.75 mg/l. The operator shall immediately provide adequate treatment to ensure all discharges from areas disturbed by mining activities meet the established effluent limits.		Abated	
IDNR	375	86-23-22	5/30/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrodie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 5/30/22		Abated	
IDNR	375	86-22-22	5/27/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrodie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 5/26/22		Abated	
IDNR	375	86-21-22	5/23/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrodie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 5/23/22		Abated	
IDNR	375	86-20-22	5/19/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrodie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 5/19/22		Abated	
IDNR	375	86-19-22	5/17/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrodie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 5/17/22		Abated	

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Issuing Agency	State and Permit No. or MSHA Number	State Violation No. or MSHA Violation No.	Issue Date	Name of Company or Person to Whom Violation Issued	Description of the Violation	Date, Location and Type of Administrative or Judicial Proceeding	Violation Status	Abatement Actions
ASMC	P-3199	22MLF011	5/16/2022	Alabama Land Resources, Inc.	Failure to maintain discharges of water from areas disturbed by mining activities in compliance with all applicable state and federal water quality effluent limitation guidelines for coal mining. (Impoundment 007 5.75 pH)		Abated	
PADEP	PA0236519	CO 221023 (1)	5/16/2022	Marshall County Coal Resources, Inc.	Discharge of water from an area disturbed by mining activities as evidenced by sample number 488, collected at outfall 001 on 02/03/2022, with an aluminum concentration of 5.985 mg/l which exceeds the permit limit of 1.48 mg/l. The operator shall immediately provide adequate treatment to ensure all discharges from areas disturbed by mining activities meet the established effluent limits.		Abated	
PADEP	PA0236519	CO 221023 (2)	5/16/2022	Marshall County Coal Resources, Inc.	Discharge of water from an area disturbed by mining activities as evidenced by sample number 520, collected at outfall 001 on 03/08/2022, with an aluminum concentration 2.065 mg/l which exceeds the permit limit of 1.48 mg/l. The operator shall immediately provide adequate treatment to ensure all discharges from areas disturbed by mining activities meet the established effluent limits.		Abated	
PADEP	PA0013790	CO 221017	5/9/2022	Monongalia County Coal Resources, Inc.	Discharge of water from an area disturbed by mining activities as evidenced by sample number 493, collected at outfall 023 on 02/08/2022, with an aluminum concentration of 1.931 mg/l which exceeds the permit limit of 0.75 mg/l. The operator shall immediately provide adequate treatment to ensure all discharges from areas disturbed by mining activities meet the established effluent limits.		Abated	
WVDEP	U102591	NOV #67	5/5/2022	Ohio County Coal Resources, Inc.	The company failed to maintain sediment control and water retention structures when the rock baskets that form the bank of the sediment pond fell into the adjacent stream causing partial blocking of the flow and material to leave the permit area. Per 38CSR2-5.4a, Sediment control or water retention structures shall be constructed... All such structures shall be designed, constructed, and maintained in such a manner as to minimize adverse hydrologic impacts in the permit and adjacent area and to prevent material from eroding into the stream.		Abated	
KYDNR	892-8011	NNC 13-2508	4/28/2022	Kentucky Land Resources, Inc.	Permittee failed to pass all surface drainage from the permitted area through the approved sediment control. The violation occurred on increments 2 & 3. The water was supposed to flow to the basin on increment 3, but flowed across increment 2.		Abated	
IEPA	IL0078565	W-2022-50051	4/12/2022	Sugar Camp Energy, LLC	Unpermitted Discharge: Except as in compliance with the provisions of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source shall be unlawful.		Issued	Section 31 waiver requested 6/14/2022
IEPA	IL0078565	W-2022-50051	4/12/2022	Sugar Camp Energy, LLC	Discharge of Contaminants: No person shall cause, threaten or allow the discharge of any contaminants into the environment in any State so as the cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources.		Issued	Section 31 waiver requested 6/14/2022
IEPA	IL0078565	W-2022-50051	4/12/2022	Sugar Camp Energy, LLC	Deposited Contaminants: Deposited contaminants on the ground in such a manner that caused or threatened to cause a water pollution hazard.		Issued	Section 31 waiver requested 6/14/2022
IEPA	IL0078565	W-2022-50051	4/12/2022	Sugar Camp Energy, LLC	Offensive Conditions: Waters of the State shall be free from sludge or bottom deposits, floating debris, visible oil, odor, plant, oil, odor, plant or algal growth, color or turbidity other than natural origin.		Issued	Section 31 waiver requested 6/14/2022
IEPA	IL0078565	W-2022-50051	4/12/2022	Sugar Camp Energy, LLC	Water Quality Violations: Discharge of contaminants caused by a violation of water quality standards for chloride.		Issued	Section 31 waiver requested 6/14/2022
IEPA	IL0078565	W-2022-50051	4/12/2022	Sugar Camp Energy, LLC	Failure to Follow Good Mining Practices: Failure to retain and control waters exposed to disturbed materials.		Issued	Section 31 waiver requested 6/14/2022
IDNR	399	38-02-22	4/6/2022	Hillsboro Energy, LLC	Failure to follow the approved plan; specifically, longwall mining operations and the associated planned subsidence occurred in a manner that differed from the plans approved by the Department.		Abated	

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Issuing Agency	State and Permit No. or MSHA Number	State Violation No. or MSHA Violation No.	Issue Date	Name of Company or Person to Whom Violation Issued	Description of the Violation	Date, Location and Type of Administrative or Judicial Proceeding	Violation Status	Abatement Actions
IDNR	375	86-18-22	4/6/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloridie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 4/6/22		Abated	
IEPA	IL0077666	W-2022-50038	4/4/2022	Williamson Energy, LLC.	Unpermitted/Unauthorized point source discharge: Except as in compliance with the provisions of the Act, Board regulations, and the CWA &, the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source shall be unlawful.		Issued	CCA negotiations ongoing; referred to Attorney General
IEPA	IL0077666	W-2022-50038	4/4/2022	Williamson Energy, LLC.	Failure to Comply with NPDES Permit: Failure to comply with Special Condition #1 of NPDES Permit #IL0077666.		Issued	CCA negotiations ongoing; referred to Attorney General
IEPA	IL0077666	W-2022-50038	4/4/2022	Williamson Energy, LLC.	Discharge of Contaminants: No person shall cause, threaten or allow the discharge of any contaminants into the environment in a State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.		Issued	CCA negotiations ongoing; referred to Attorney General
IEPA	IL0077666	W-2022-50038	4/4/2022	Williamson Energy, LLC.	Deposit of Contaminants: Deposited contaminants on the ground in such a manner that caused or threatened to cause a water pollution hazard.		Issued	CCA negotiations ongoing; referred to Attorney General
IEPA	IL0077666	W-2022-50038	4/4/2022	Williamson Energy, LLC.	Offensive Conditions: Waters of the State shall be free from sludge or bottom deposits, floating debris, visible oil, odor, plant, oil, odor, plant or algal growth, color or turbidity other than natural origin.		Issued	CCA negotiations ongoing; referred to Attorney General
IEPA	IL0077666	W-2022-50038	4/4/2022	Williamson Energy, LLC.	Water Quality Violations: Discharge of contaminants caused by a violation of water quality standards.		Issued	CCA negotiations ongoing; referred to Attorney General
IEPA	IL0077666	W-2022-50038	4/4/2022	Williamson Energy, LLC.	Failure to comply with good mining practices: Retention and control within the site of waters exposed to disturbed materials.		Issued	CCA negotiations ongoing; referred to Attorney General
IDNR	375	86-17-22	4/4/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloridie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 4/4/22		Abated	
IDNR	375	86-16-22	4/2/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloridie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 4/2/22		Abated	
IDNR	375	86-15-22	4/1/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloridie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 3/31/22		Abated	
IDNR	375	86-14-22	3/29/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloridie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 3/29/22		Abated	
PADEP	PA0214132	DMR NOV 221009	3/28/2022	Keystone Land Resources, Inc.	Instantaneous pH exceedances on 11/15/21 and 12/20/21. Reported results were 9.2 and 9.3 respectively.		Abated	
IDNR	375	86-13-22	3/27/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloridie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 3/27/22		Abated	
IDNR	375	86-12-22	3/25/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloridie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 3/25/22		Abated	
IDNR	375	86-11-22	3/23/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloridie concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 3/23/22		Abated	

**TABLE 1.4.3 Violations for
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Issuing Agency	State and Permit No. or MSHA Number	State Violation No. or MSHA Violation No.	Issue Date	Name of Company or Person to Whom Violation Issued	Description of the Violation	Date, Location and Type of Administrative or Judicial Proceeding	Violation Status	Abatement Actions
IDNR	375	86-10-22	3/21/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrodie concentration that exceeded the NPDES limit of 500 me/l for the conditions present on 3/21/22.		Abated	
IDNR	399, 424	38-01-22	3/15/2022	Hillsboro Energy, LLC	A non-compliant discharge of water from Outfall No. 009 left the permit area. A sample collected from the discharge was analyzed for the Departmentn by a certified lab. The sample was found to have a pH of 5.92 (outside the NPDES permit limits of 6.0 to 9.0 for Condition II)		Abated	
IEPA	IL0078565	W-2022-50025	3/10/2022	Sugar Camp Energy, LLC	Discharge of Contaminants - No person shall cause, threaten or allow the discharge of contaminants into the environment in any State so as to cause or tend to cause water sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this act.		Issued	CCA negotiations ongoing; referred to Attorney General
IEPA	IL0078565	W-2022-50025	3/10/2022	Sugar Camp Energy, LLC	Deposited Contaminants - Deposited contaminants on the ground in such a manner that caused or threatened to cause a water pollution hazard.		Issued	CCA negotiations ongoing; referred to Attorney General
IEPA	IL0078565	W-2022-50025	3/10/2022	Sugar Camp Energy, LLC	Offensive Conditions - Waters of the State shall be free from sludge or bottom deposits, floating debris, visible oil, odor, plant, oil, odor, plant or algal growth, color or turbidity of other than natural origin.		Issued	CCA negotiations ongoing; referred to Attorney General
IEPA	IL0078565	W-2022-50025	3/10/2022	Sugar Camp Energy, LLC	Water Qaulity Violations: Discharge of contaminants caused a violation of water qulity standards for chlrodie.		Issued	CCA negotiations ongoing; referred to Attorney General
IDNR	56	60-01-22	3/4/2022	Macoupin Energy, LLC	A non-compliant discharge of water from Outfall No. 003 left the permit area. Lab analysis of a sample collected from eh discharge indicated a pH of 3.69.		Abated	
KYDEP	KY0105562	ENV20210005	2/28/2022	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:06, which cites 40 CFR 122.41(a), by failing to comply with WET permitted limits of KPDES KY0105562. The permitted limit for toxicity is TU = (<1.00 Tu). Outfall 004 October 2, 2021.		Abated	
IDNR	375	86-09-22	2/15/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrodie concentration that exceeded the NPDES limit of 500 me/l for the conditions present on 2/13/22.		Abated	
IDNR	375	86-08-22	2/13/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrodie concentration that exceeded the NPDES limit of 500 me/l for the conditions present on 2/13/22.		Abated	
IDNR	375	86-07-22	2/11/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrodie concentration that exceeded the NPDES limit of 500 me/l for the conditions present on 2/11/22.		Abated	
WVDEP	U003383	NOV #90	2/10/2022	Marshall County Coal Resources, Inc.	Company has failed to complete repairs to land, structures, and water loss on the Dwain Glover property within 90 days of the written order noted on a MR-6 dated 8/26/2021. No escrow bond revision was submitted past the 90-day deadline.		Abated	
IDNR	375	86-06-22	2/9/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrodie concentration that exceeded the NPDES limit of 500 me/l for the conditions present on 2/9/22.		Abated	
IDNR	375	86-05-22	2/7/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrodie concentration that exceeded the NPDES limit of 500 me/l for the conditions present on 2/7/22.		Abated	
ASMC	P-3232	22MDH001	2/7/2022	Crimson Oak Grove Resources, LLC	Conducting surface coal mining activity outside permitted and bonded area.		Abated	
IDNR	375	86-04-22	2/5/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chlrodie concentration that exceeded the NPDES limit of 500 me/l for the conditions present on 2/5/22.		Abated	

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IDNR	375	86-03-22	2/2/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 2/2/22.		Abated	
IDNR	375	86-02-22	1/31/2022	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 1/31/22.		Abated	
IDNR	417	86-01-22	1/13/2022	Williamson Energy, LLC.	Failure to pass surface drainage from the distributed area through siltation structure prior to leaving permitted area.		Abated	
WVDEP	U007883	NOV #73	1/11/2022	Marion County Coal Resources, Inc.	Permittee failed to complete repairs for structure damages for Misty Huggins by the 90 day deadline of 12/15/21 and an escrow bond in the form of a revision was not submitted by the deadline of 12/15/21.		Abated	
IEPA	IL0078565	W-2021-50215	1/5/2022	Sugar Camp Energy, LLC	No person shall cause, threaten or allow the discharge of any contaminants into the environment in any State so as the cause or tend to cause water pollution in Illinois, either alone or in combination with other sources, or as to violate regulations or standards adopted by the Pollution Control Board under this Act.		Issued	Resolution requested; referred to Attorney General
IEPA	IL0078565	W-2021-50215	1/5/2022	Sugar Camp Energy, LLC	Deposited contaminants on the ground in such a manner that caused or threatened to cause a water pollution hazard.		Issued	Resolution requested; referred to Attorney General
IEPA	IL0078565	W-2021-50215	1/5/2022	Sugar Camp Energy, LLC	Waters of the State shall be free from sludge or bottom deposits, floating debris, visible oil, odor, plant, oil, odor, plant or algal growth, color or turbidity of other than natural origin.		Issued	Resolution requested; referred to Attorney General
IEPA	IL0078565	W-2021-50215	1/5/2022	Sugar Camp Energy, LLC	No effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must be reduced to below obvious levels.		Issued	Resolution requested; referred to Attorney General
IEPA	IL0078565	W-2021-50215	1/5/2022	Sugar Camp Energy, LLC	Except as in compliance with the provisions of the Act, Board regulations, and the CWA & the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source shall be unlawful.		Issued	Resolution requested; referred to Attorney General
IEPA	IL0078565	W-2021-50215	1/5/2022	Sugar Camp Energy, LLC	Discharge of contaminants caused a violation of water quality standards for iron.		Issued	Resolution requested; referred to Attorney General
IDNR	375	86-09-21	12/20/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 12/20/21.		Abated	
IDNR	375	86-08-21	12/18/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 12/18/21.		Abated	

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Issuing Agency	State and Permit No. or MSHA Number	State Violation No. or MSHA Violation No.	Issue Date	Name of Company or Person to Whom Violation Issued	Description of the Violation	Date, Location and Type of Administrative or Judicial Proceeding	Violation Status	Abatement Actions
WVDEP	103-01074	W21-52-082-TGW	12/17/2021	West Virginia Land Resources, Inc.	Company caused conditions not allowable in waters of the State by allowing distinctly visible settleable solids in the waters of the state. Stout Run had a significant amount of turbidity while there was little to none in South Fork Fishing Creek. We followed Stout Run to find the source of the turbid water and found that there was an intermittent stream (UNT of Stout Run) that was equally as turbid that travels into Stout Run, so the inspection was turned to it to find the source. We found that there was an ephemeral stream (UNT of Stout Run) that traveled into the intermittent stream that had significant turbidity in it (39 29'35.7" N, -80 31' 19.9" W), and we followed it to find its source. The source of the turbid water coming from the ephemeral stream was caused by an access road that was constructed by Coastal Drilling and this is for a permitted project, this project had caused a Conditions Not Allowable (CNA) into an ephemeral stream (UNT of Stout Run) as it was noted that a visible plume was visible in the water. Company caused conditions not allowable in waters of the State by allowing distinctly visible SS in the waters of the state. There was also evidence of another CNA into separate ephemeral stream (UNT of Price Run) as it was noted there was a visible plume located in the stream (39 30' 00.7" N, -80 31' 58.9" W). Company caused conditions not allowable in waters of the State by allowing sediment deposits on the bottom of the stream. There was a slip that had occurred off of the access road and this caused a CNA for sediment deposits being in the bottom of the stream (UNT of Price Run) (39 30' 00.7" N, -80 31' 58.9" W).		Abated	
IDNR	375	86-06-21	12/16/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 12/16/21.		Abated	
IDNR	382	60-13-21	12/14/2021	Sugar Camp Energy, LLC	Failure to report flow in the quarterly discharge monitoring reports from Sediment Basin 003 during the month of August 2021. (The Department documented flow from SB 003 during August 2021 and subsequently issued 60-07-21 for the non-compliant discharge).		Abated	
IDNR	375	86-05-21	12/14/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 12/14/21.		Abated	
IDNR	375	86-04-21	12/12/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 12/12/21.		Abated	
IDNR	375	86-03-21	12/10/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 12/10/21.		Abated	
IDNR	375	86-02-21	12/8/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 12/8/21.		Abated	
IDNR	434	60-12-21	12/6/2021	Sugar Camp Energy, LLC	Non-compliant water was observed discharging from the Pond 013 NPDES permit outfall. Water from Pond 013 was actively being discharged into the concrete outfall structure from three pumps resulting in a high flow rate. Laboratory analysis of a grab sample from the Outfall 013 discharge determined the water to have a 3.37 pH, which is below the NPDES limit of 6.5 pH for the conditions present.		Abated	
IDNR	382	60-11-21	12/6/2021	Sugar Camp Energy, LLC	Non-compliant water was observed discharging from Pond 003 NPDES permit outfall. A sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l.		Abated	

**TABLE 1.4.3 Violations for
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Issuing Agency	State and Permit No. or MSHA Number	State Violation No. or MSHA Violation No.	Issue Date	Name of Company or Person to Whom Violation Issued	Description of the Violation	Date, Location and Type of Administrative or Judicial Proceeding	Violation Status	Abatement Actions
IDNR	375	86-01-21	12/6/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on 12/6/21.		Abated	
ADEM	AL0003620	NOV	11/26/2021	Crimson Oak Grove Resources, LLC	An analysis of the DMRs submitted to the Department indicates that discharges from the facility did not comply with the permit limitations (as specified in table). Outfalls 006, 009, 010, 027, 050, 051.		Abated	
IDNR	382	60-10-21	11/4/2021	Sugar Camp Energy, LLC	The permittee failed to obtain the necessary permit approvals prior to conducting work that facilitated the active mining operation. In addition, the permittee failed to meet the following permit requirements: failure to remove all topsoil within the affected area, failure to install mine identification signs, failure to install topsoil stockpile identification signs, failure to acquire sediment pond exemption, failure to file public notice prior to conducting mining activities within 100 ft of a public road ROW. The permittee failed to acquire the necessary approvals to allow for work to take place in this location. Therefore, this event is justified as an off-		Abated	
IDNR	382	60-09-21	11/4/2021	Sugar Camp Energy, LLC	The operator failed to follow the approved plan by mishandling sediment and water being removed from an active drilling operation at IBR 108. The material traveled off-site into an unpermitted area, resulting in an off-site impact.		Abated	
KYDEP	KYGW40056	ENV20210001	11/1/2021	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section d(1), which cites to 40 CFR 122.41(a), by failing to comply with KPDES permit limits for Total Recoverable Manganese, for permit KYGW40056. Outfall 015 daily max 4.6 mg/l.		Abated	
KYDEP	KYGW40058	ENV20210001	11/1/2021	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section d(1), which cites to 40 CFR 122.41(a), by failing to comply with KPDES permit limits for TSS, for permit KYGW40058. Outfalls 001, 002, and 003 monthly average of 51 mg/L.		Abated	
ASMC	P-3232	21MDH008	10/26/2021	Crimson Oak Grove Resources, LLC	Failure to maintain water quality effluent limits from the spillway system of the primary discharge from basins 004 and 006. Elevated TSS		Abated	
WVDEP	103-03364	W21-52-068-TGW	10/18/2021	West Virginia Land Resources, Inc.	Company caused conditions not allowable in waters of the state by allowing sediment deposits on the bottom of the stream. There was evidence of a Conditions Not Allowable into an ephemeral stream UNT of Price Run and it was noted that sediment deposits were in the bottom of the stream. Silt fence was installed around the UNT, however due to a lack of maintenance to the BMPs, sediment overwhelmed the controls and entered UNT of Price Run.		Abated	
WVDEP	103-01074	W21-52-066-TGW	10/18/2021	West Virginia Land Resources, Inc.	Company caused conditions not allowable in waters of the state by allowing sediment deposits on the bottom of the stream. The company had caused a Conditions Not Allowable into an ephemeral stream (UNT of Stout Run) as sediment deposits were noted in the bottom of the stream.		Abated	
WVDEP	103-03333	W21-52-065-TGW	10/18/2021	West Virginia Land Resources, Inc.	Company caused conditions not allowable in waters of the state by allowing sediment deposits on the bottom of the stream. Controls that were installed around UNT of Stout Run have been overwhelmed and as a result, sediment has entered the stream causing Conditions Not Allowable in waters of the state for sediment deposits in the bottom of the stream.		Abated	
WVDEP	103-03366	W21-52-064-TGW	10/18/2021	West Virginia Land Resources, Inc.	Company caused conditions not allowable in waters of the state by allowing distinctly visible settleable solids in the waters of the state. The company was actively discharging into Stout Run causing Conditions Not Allowable in Stout Run as a visible plume was noted in the stream. Company caused conditions not allowable by allowing sediment deposits on the bottom of the stream. Sediment deposits noted in Stout Run.		Abated	
WVDEP	R30-04900019-2021	NOV	10/18/2021	Marion County Coal Resources, Inc.	The Facility is in violation for failure to comply with the Title V Permit sections 4.3.10 and 4.3.11 (late stack test).		Abated	

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IDNR	375	67-79-21	10/13/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on October 13, 2021.		Abated	
IDNR	375	67-78-21	10/11/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on October 11, 2021.		Abated	
IDNR	375	67-77-21	10/11/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on October 9, 2021.		Abated	
IDNR	375	67-76-21	10/7/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on 10/7/21.		Abated	
IDNR	375	67-75-21	10/5/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on October 5, 2021.		Abated	
IDNR	375	67-74-21	10/3/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on October 11, 2021.		Abated	
IDNR	375	67-73-21	10/1/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on October 1, 2021.		Abated	
IDNR	375	67-72-21	9/29/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on September 29, 2021.		Abated	
IDNR	375	67-71-21	9/27/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on September 27, 2021.		Abated	
WVDEP	U003383	NOV #89	9/23/2021	Marshall County Coal Resources, Inc.	In accordance with 38-2-16.2.c.4, the Marshall County Coal Co. has failed to complete repairs for land damages by the 90 day deadline of 8/9/21 for the Larry Palmer complaint and have not posted an escrow bond.		Withdrawn	
WVDEP	U010483	NOV #102	9/22/2021	Harrison County Coal Resources, Inc.	Failed to minimize the disturbance of the prevailing hydrologic balance at the mine site and associated off-site areas by allowing water to be discharged via outlet 021 that caused staining along an unnamed tributary of Quaker Fork for approximately 0.67 miles.		Abated	
IEPA	IL0078565	W-2021-50155	9/21/2021	Sugar Camp Energy, LLC	No person shall cause, threaten or allow the discharge of any contaminants into the environment in any State so as the cause or tend to cause water pollution in Illinois, either alone or in combination with other sources, or as to violate regulations or standards adopted by the Pollution Control Board under this Act.		Issued	CCA negotiations are ongoing
IEPA	IL0078565	W-2021-50155	9/21/2021	Sugar Camp Energy, LLC	Deposited contaminants on the ground in such a manner that caused or threatened to cause a water pollution hazard.		Issued	CCA negotiations are ongoing

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Issuing Agency	State and Permit No. or MSHA Number	State Violation No. or MSHA Violation No.	Issue Date	Name of Company or Person to Whom Violation Issued	Description of the Violation	Date, Location and Type of Administrative or Judicial Proceeding	Violation Status	Abatement Actions
IEPA	IL0078565	W-2021-50155	9/21/2021	Sugar Camp Energy, LLC	Waters of the State shall be free from sludge or bottom deposits, floating debris, visible oil, odor, plant, oil, odor, plant or algal growth, color or turbidity of other than natural origin.		Issued	CCA negotiations are ongoing
IEPA	IL0078565	W-2021-50155	9/21/2021	Sugar Camp Energy, LLC	No effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must be reduced to below obvious levels.		Issued	CCA negotiations are ongoing
PADEP	PA0013790	DMR NOV 211052	9/8/2021	Monongalia County Coal Resources, Inc.	Discharge of water from an area disturbed by mining activities as evidenced by the second quarter 2021 discharge monitoring report for outfall 023, with a monthly average aluminum concentration of 0.777 mg/l which exceeds the permit monthly average limit of 0.75 mg/l. The operator shall immediately provide adequate treatment to ensure that all discharges from areas disturbed by mining activities meet the established effluent limits.		Abated	
ASMC	P-3199	21MLF010	9/8/2021	Alabama Land Resources, Inc.	Failure to maintain sediment pond. (Sediment Basin B024)		Abated	
IDNR	382	60-07-21	9/1/2021	Sugar Camp Energy, LLC	Non-compliant water discharge from Outfall 003. Laboratory analysis indicates that the water from Outfall 003 during the inspection had a pH of 4.39, which is below the NPDES permit permissible limit.		Abated	
IDNR	382	60-08-21	9/1/2021	Sugar Camp Energy, LLC	A malfunction of the turbine pump at IBR No. 33 resulted in affected mine water running off-site and into an adjacent agricultural field.		Abated	
KYDEP	WW #1660	ENV20210001	8/30/2021	Kentucky Land Resources, Inc.	Facility has failed to regularly submit monthly reports for Water Withdrawal Permit #1660. The facility has not regularly submitted monthly reports from March through December 2020, and January through July 2021. All permitted facilities are required to submit monitoring results on the approved submittal forms and water withdrawal report from every month per regulatory requirements (401 KAR 5:010 Section 2).		Abated	
KYDEP	WW #1705	ENV20210001	8/30/2021	Kentucky Land Resources, Inc.	Facility has failed to regularly submit monthly reports for Water Withdrawal Permit #1705. The facility has not regularly submitted monthly reports from January through December 2019, 2020, and January through July 2021. All permitted facilities are required to submit monitoring results on the approved submittal forms and water withdrawal report from every month per regulatory requirements (401 KAR 5:010 Section 2).		Abated	
KYDEP	WW #1645	ENV20210001	8/30/2021	Kentucky Land Resources, Inc.	Facility has failed to regularly submit monthly reports for Water Withdrawal Permit #1645. The facility has not regularly submitted monthly reports from January through December 2019, 2020, and January through July 2021. All permitted facilities are required to submit monitoring results on the approved submittal forms and water withdrawal report from every month per regulatory requirements (401 KAR 5:010 Section 2).		Abated	
KYDEP	KYGW40013	ENV20210002	8/27/2021	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for pH, for permit KYGW40013. Outfalls 003 and 004 below limits for October 2020.		Abated	
KYDEP	KYGW40013	ENV20210002	8/27/2021	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for Total Recoverable Selenium, for permit KYGW40013. The permitted limits for TRS are a monthly average of 5 ug/l and a daily maximum of 20 ug/L. An exceedance of the monthly average shall trigger the permittee to collect and analyze fish tissue. The permitted limits for this selenium fish tissue sample shall be no higher than 8.6 mg/kg. The reported monthly average was 6.1 ug/l in October 2020 for Outfalls 003 and 004.		Abated	
KYDEP	KYGW40013	ENV20210002	8/27/2021	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to complete the required Fish Tissue sampling as specified in KPDES permit KYGW40013. An exceedance of the monthly average shall trigger the permittee to collect and analyze fish tissue. The was not completed for Outfalls 003 and 004 in November 2020.		Abated	

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Issuing Agency	State and Permit No. or MSHA Number	State Violation No. or MSHA Violation No.	Issue Date	Name of Company or Person to Whom Violation Issued	Description of the Violation	Date, Location and Type of Administrative or Judicial Proceeding	Violation Status	Abatement Actions
KYDEP	KYGW40013	ENV20210002	8/27/2021	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for Total Suspended Solids, for permit KYGW40013. Outfall 00 monthly average and daily max in November 2020. Outfall 009 monthly average in November 2020.		Abated	
KYDEP	KYGW40013	ENV20210002	8/27/2021	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for Total Recoverable Iron, for permit KYGW40013. Outfall 008 monthly average and daily max in November 2020. Outfall 009 monthly average in November 2020.		Abated	
KYDEP	KYGW40041	ENV20210001	8/27/2021	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for Total Suspended Solids, for permit KYGW40041. Outfall 001 monthly average in June, July, October and November 2020. Outfalls 003 and 004 monthly average in June 2020.		Abated	
KYDEP	KYGW40042	ENV20210001	8/27/2021	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for Total Recoverable Manganese, for permit KYGW40042. Outfalls 002 and 021 monthly average in April 2020. Outfalls 009 and 025 monthly average in January 2020. Outfalls 010, 011 and 013 monthly average in March 2020.		Abated	
KYDEP	KYGW40048	ENV20210001	8/27/2021	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for Total Suspended Solids, for permit KYGW40048. Outfalls 001 and 002 monthly average in March 2021.		Abated	
KYDEP	KYGW40013	ENV20210002	8/27/2021	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for Total Suspended Solids, for permit KYGW40013. Outfall 008 monthly average in January 2021 and Daily max in March 2021. Outfall 009 monthly average in March 2021.		Abated	
KYDEP	KYGW40013	ENV20210002	8/27/2021	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for Total Recoverable Iron, for permit KYGW40013. Outfall 008 monthly average in January and March 2021. Outfall 009 monthly average in March 2021.		Abated	
KYDEP	KYGW40013	ENV20210002	8/27/2021	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for Total Recoverable Manganese, for permit KYGW40013. Outfall 008 monthly average in April 2021.		Abated	
IDNR	382	60-06-21	8/20/2021	Sugar Camp Energy, LLC	The permittee failed to obtain the necessary permit approvals prior to conducting work that facilitated the active mining operation. In addition, the permittee failed to meet the following permit requirements: remove all topsoil within the affected area, install mine identification signs, install topsoil stockpile identification signs, install stream buffer identification signs, maintain 100ft distance from a stream, acquire sediment pond exemption. The permittee failed to acquire the necessary IBR to allow for work to take place in this location. Therefore, this event is justified as an		Abated	
KYDEP	KYGW40062	ENV20210001	8/18/2021	Muhlenburg County Coal Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for Total Recoverable Selenium, for permit KYGW40062. The permitted limits for TRS are a monthly average of 5 ug/l and a daily maximum of 20 ug/L. An exceedance of the monthly average shall trigger the permittee to collect and analyze fish tissue. The permitted limits for this selenium fish tissue sample shall be no higher than 8.6 mg/kg. The reported monthly average was 10.5 ug/l in January 2020, 15.5 in February 2020, 20.8 ave / 21.5 max in March 2020, and 22.2 ave / 23.8 max in April 2020.		Abated	

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KYDEP	KYGW40062	ENV20210001	8/18/2021	Muhlenburg County Coal Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites 40 CFS 122.41(a), by failing to complete the required fish tissue sampling as specified in KPDES permit KYGW40062. An exceedance of the monthly average shall trigger the permittee to collect and analyze fish tissue. This requirement was not completed in January, February, March, April and May of 2021.		Abated	
IDNR	375	67-67-21	8/12/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on August 12, 2021.		Abated	
IDNR	375	67-66-21	8/10/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on August 10, 2021.		Abated	
IDNR	375	67-65-21	8/8/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on August 8, 2021.		Abated	
IDNR	375	67-64-21	8/6/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on August 6, 2021.		Abated	
IEPA	Groundwater Wells	W-2021-00030	8/6/2021	Illinois Land Resources, Inc.	Operations at the coal mine have resulted in violations of the Groundwater Quality Standards at monitoring wells MPGW1, MPGW2, GW2, GW3, GW4B, GW5, GWA, GW7A, GW8A, GW9, GW10, GW12, GW14, GW15, GW16, GW17, GW18, GW19, GW-20, GW-21.		Extended	CCA negotiations are ongoing
IDNR	375	67-63-21	8/4/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on August 4, 2021.		Abated	
IDNR	375	67-62-21	8/2/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on August 2, 2021.		Abated	
IDNR	375	67-61-21	7/30/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on July 30, 2021.		Abated	
IDNR	375	67-60-21	7/28/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on July 28, 2021.		Abated	
IDNR	375	67-59-21	7/26/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/l for the conditions present on July 30, 2021.		Abated	
KYDEP	KY0105562	ENV20210003	7/22/2021	Kentucky Land Resources, Inc.	Failing to comply with 401 KAR 5:065, Section 2(1), which cites 40 CFR 122.41(a), by failing to comply with the KPDES permit limits for Total Recoverable Selenium, for permit KY0105562. The permitted limits for TRS are a monthly average of 5 ug/l and a daily maximum of 20 ug/L. An exceedance of the monthly average shall trigger the permittee to collect and analyze fish tissue. The permitted limits for this selenium fish tissue sample shall be no higher than 8.6 mg/kg. The reported monthly average was 6.1 ug/l in May 2021.		Abated	

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KYDEP	KY0105562	ENV20210002	7/22/2021	Kentucky Land Resources, Inc.	Failing to comply with 40 CFR 122.41(a), which cites 401 KAR 5:065, Section 2(1), by failing to comply with the monitoring and reporting requirements specified in KPDES permit no. KY0105562, during the December 2020 monitoring period, for the following monitoring point: 003-1		Abated	
KDMRE	892-0133	NNC 13-2138	7/7/2021	Kentucky Land Resources, Inc.	Permittee allowed a blaster to detonate a blast on 4-30-2021 (Blast # MS009-21) with an expired blasting certification. Blaster - Aaron Brooks (Cert. #12-2726 and License # 11083). Mr. Brooks blasting certification expired on 4-1-2021.		Abated	
IEPA	UIC-016-SCM	L-2021-00131	6/23/2021	Sugar Camp Energy, LLC	Failure to Initiate Plugging and Abandonment.		Extended	CCA Agreement 10/29/21, Extended 5/12/22, 7/18/22, & 8/02/22
IEPA	UIC-016-SCM	L-2021-00131	6/23/2021	Sugar Camp Energy, LLC	Site operations in violation of the Permit (multiple conditions noted).		Extended	CCA Agreement 10/29/21, Extended 5/12/22, 7/18/22, & 8/02/22
IEPA	UIC-016-SCM	L-2021-00131	6/23/2021	Sugar Camp Energy, LLC	Issues with Recordkeeping and Reporting.		Extended	CCA Agreement 10/29/21, Extended 5/12/22, 7/18/22, & 8/02/22
IEPA	UIC-016-SCM	L-2021-00131	6/23/2021	Sugar Camp Energy, LLC	Violations of Generally Applicable Authority (The UIC wells at the submit property have been operated in violation of Illinois law, Board Regulations, and conditions of the Permit.		Extended	CCA Agreement 10/29/21, Extended 5/12/22, 7/18/22, & 8/02/22
IEPA	UIC-016-SCM	L-2021-00132	6/23/2021	Sugar Camp Energy, LLC	Failure to Initiate Plugging and Abandonment.		Extended	CCA Agreement 10/29/21, Extended 5/12/22, 7/18/22, & 8/02/22
IEPA	UIC-016-SCM	L-2021-00132	6/23/2021	Sugar Camp Energy, LLC	Site operations in violation of the Permit (multiple conditions noted).		Extended	CCA Agreement 10/29/21, Extended 5/12/22, 7/18/22, & 8/02/22
IEPA	UIC-016-SCM	L-2021-00132	6/23/2021	Sugar Camp Energy, LLC	Issues with Recordkeeping and Reporting.		Extended	CCA Agreement 10/29/21, Extended 5/12/22, 7/18/22, & 8/02/22
IEPA	UIC-016-SCM	L-2021-00132	6/23/2021	Sugar Camp Energy, LLC	Violations of Generally Applicable Authority (The UIC wells at the submit property have been operated in violation of Illinois law, Board Regulations, and conditions of the Permit.		Extended	CCA Agreement 10/29/21, Extended 5/12/22, 7/18/22, & 8/02/22
IDNR	375	67-56-21	6/17/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on June 17, 2021.		Abated	
IDNR	375	67-52-21	6/15/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on June 11, 2021.		Abated	
IDNR	375	67-51-21	6/15/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on June 9, 2021.		Abated	
IDNR	374	67-54-21	6/15/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on June 15, 2021.		Abated	
PADEP	Gas Well	NOV 395153	6/14/2021	Keystone Land Resources, Inc.	25 Pa. Code § 78.93 (c) - Plugging - Wells in Coal Areas - Surface or Coal Protective Casing Anchored With Packer or Cement - Person authorized by the Department to under the act or section 13 of the Coal and Gas Resource Coordination Act failed to plug a gas well that penetrates a workable coal seam in a manner prescribed by the Department and in accordance with section 13(a)(2) or 13(a)(4) of the Coal and Gas Resource Coordination Act.		Closed	Administrative - Non Abateable

**TABLE 1.4.3 Violations for
Applicant and Owners/Controllers of the Applicant**

Issuing Agency	State and Permit No. or MSHA Number	State Violation No. or MSHA Violation No.	Issue Date	Name of Company or Person to Whom Violation Issued	Description of the Violation	Date, Location and Type of Administrative or Judicial Proceeding	Violation Status	Abatement Actions
PADEP	30841312	TGD NOV	6/14/2021	Monongalia County Coal Resources, Inc.	Failure to notify the Department of stream flow loss with twenty-four (24) hours as described above constitutes a separate violation of 25 Pa. Code 89.65(a) for each stream listed. Negro Run ST-41851		Closed	Administrative - Non Abateable
WVDEP	0200706	NOV #4	6/14/2021	Ohio County Coal Resources, Inc.	A call came in to the WVDEP spill line at 10:26 AM notifying that coal had entered Boggs Run Stream from the Ohio County raw coal stockpile. A heavy rain event on 6/13/21 had caused coal to enter the perimeter ditch behind the stockpile and discharge out of outlet 001. Coal had filled the culvert and entered the road culvert before discharging into the stream. Coal had also covered the road and removed from the culvert underneath of the outlet. Coal was present in Boggs Run Stream in small piles along approximately 700 feet of the stream. The company has a vacuum truck on site and is preparing to remove coal from the stream and clean out the perimeter ditch.		Abated	
IDNR	375	67-53-21	6/13/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on June 13, 2021.		Abated	
PADEP	63921301	DMR NOV	6/8/2021	Washington County Land Resources, Inc.	A DMR violation is being written for a March 2021 noncompliant discharge for aluminum on outfall 005. The violation is for is instantaneous maximum and maximum daily collected by the operator on 3/3/2021. The sample had an aluminum concentration of 0.79 mg/l, which exceeded the allowable limit of 0.75 mg/l.		Abated	
IDNR	375	67-50-21	6/7/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on June 7, 2021.		Abated	
IDNR	375	67-49-21	6/5/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on June 5, 2021.		Abated	
IEPA	IL0061727	W-2021-50084	6/3/2021	Illinois Land Resources, Inc.	Failure to comply with NPDES Permit: Failure to comply with NPDES Permit #IL0061727		Abated	
IEPA	IL0061727	W-2021-50084	6/3/2021	Illinois Land Resources, Inc.	Unauthorized discharge: Except as in compliance with the provisions of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into waters of the state from a point sources shall be unlawful.		Abated	
IEPA	IL0061727	W-2021-50084	6/3/2021	Illinois Land Resources, Inc.	Discharge of Contaminants: No person shall cause, threaten or allow the discharge of any contaminants into the environment in any State so as the cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sou		Abated	
IEPA	IL0061727	W-2021-50084	6/3/2021	Illinois Land Resources, Inc.	Deposited contaminants: Deposited contaminants on the ground in such a manner that caused or threatened to cause a water pollution hazard.		Abated	
IEPA	IL0061727	W-2021-50084	6/3/2021	Illinois Land Resources, Inc.	Offensive Conditions: Waters of the State shall be free from sludge or bottom deposits, floating debris, visible oil, odor, plant, oil, odor, plant or algal growth, color or turbidity other than natural origin.		Abated	
IEPA	IL0061727	W-2021-50084	6/3/2021	Illinois Land Resources, Inc.	Offensive Discharge: No effluent shall contain SS, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must be reduced to below obvious levels.		Abated	
IEPA	IL0061727	W-2021-50084	6/3/2021	Illinois Land Resources, Inc.	Failure to follow good mining practices.		Abated	
KDMRE	892-0133	NNC 13-2137	6/3/2021	Kentucky Land Resources, Inc.	During review of the blast records, it was found that the permittee has detonated several blasts without attaching the drill log to the blast reports. The approved permit requires the blaster to attach the drill log to the shot record for each blast. Two blasters detonated shots during this time frame. Blaster #1 - Aaron Brooks - (Cert. #12-2726 and License #11083) Blaster #2 - Brian Piper - (Cert. #15-2743 and License #11179).		Abated	

**TABLE 1.4.3 Violations for
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Issuing Agency	State and Permit No. or MSHA Number	State Violation No. or MSHA Violation No.	Issue Date	Name of Company or Person to Whom Violation Issued	Description of the Violation	Date, Location and Type of Administrative or Judicial Proceeding	Violation Status	Abatement Actions
IEPA	IL0077666	W-2021-50080	6/2/2021	Williamson Energy, LLC.	Unpermitted/Unauthorized point source discharge: Except as in compliance with the provisions of the Act, Board regulations, and the CWA &, the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source shall be unlawful.		Issued	CCA negotiations are ongoing
IEPA	IL0077666	W-2021-50080	6/2/2021	Williamson Energy, LLC.	NPDES Bypass Violations: Failure to comply with Standard Condition 12(b) and 13@1), (d) of NPDES Permit # IL0077666.		Issued	CCA negotiations are ongoing
IEPA	IL0077666	W-2021-50080	6/2/2021	Williamson Energy, LLC.	Discharge of Contaminants: No person shall cause, threaten or allow the discharge of any contaminants into the environment in any State so as the cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as violate regulations or standards adopted by the Pollution Control Board under this Act.		Issued	CCA negotiations are ongoing
IEPA	IL0077666	W-2021-50080	6/2/2021	Williamson Energy, LLC.	Deposit of Contaminants: Deposited contaminants on the ground in such a manner that caused or threatened to cause a water pollution hazard.		Issued	CCA negotiations are ongoing
IEPA	IL0077666	W-2021-50080	6/2/2021	Williamson Energy, LLC.	Offensive Conditions: Waters of the State shall be free from sludge or bottom deposits, floating debris, visible oil, odor, plant, oil, odor, plant or algal growth, color or turbidity other than natural origin.		Issued	CCA negotiations are ongoing
IEPA	IL0077666	W-2021-50080	6/2/2021	Williamson Energy, LLC.	Offensive Discharge: In addition to other requirements for this Part, no effluent shall contain SS, floating debris, visible oil, grease, scum, or sludge solids. Color, odor, and turbidity must be reduced below obvious levels.		Issued	CCA negotiations are ongoing
IEPA	IL0077666	W-2021-50080	6/2/2021	Williamson Energy, LLC.	Water Quality Violations: Discharge of contaminants caused a violation of water quality standards.		Issued	CCA negotiations are ongoing
IEPA	IL0077666	W-2021-50080	6/2/2021	Williamson Energy, LLC.	Effluent Violations: Outfall 006 - Effluent limits, sulfate, chlorides		Issued	CCA negotiations are ongoing
IEPA	IL0077666	W-2021-50080	6/2/2021	Williamson Energy, LLC.	Failure to comply with good mining practices: Retention and control within the site of waters exposed to disturbed materials.		Issued	CCA negotiations are ongoing
IDNR	375	67-48-21	6/1/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on June 1, 2021.		Abated	
KDMRE	892-0131	NNC 13-2136	6/1/2021	Kentucky Land Resources, Inc.	During review of F8:N8 the blast records it was found that the permittee had detonated several blasts without attaching the drill log to the blast reports. The approved permit requires the blaster to attach the drill log to the shot record for each blast. Two blasters detonated shots during this time frame. Blaster #1 - Aaron Brooks - (Cert. #12-2726 and License #11083) Blaster #2 - Brian Piper - (Cert. #15-2743 and License #11179).		Abated	
KDMRE	889-9004	NNC 13-2220	5/4/2021	Kentucky Land Resources, Inc.	The sediment level in sediment structure SB-3A has exceeded the approved elevation as set forth in the permit.		Abated	
IDNR	002	60-04-21	4/26/2021	Illinois Land Resources, Inc.	Outfall 003 at the Galatia Mine was observed discharging orange colored, odoriferous water into the Middle Fork Saline River, outside of the permit boundary. Lab analysis of the water being discharged indicates various elevated parameters, including readings outside of effluent limits of the NPDES Permit as follows: Suspended Solids 13,000, Iron 2,590, Manganese 217, Chlorides 947.		Abated	
IDNR	375	67-42-21	4/23/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on April 23, 2021.		Abated	
KYDEP	KY0105562	ENV20210001	4/22/2021	Kentucky Land Resources, Inc.	Failing to comply with terms and conditions of KPDES Permit No. KY0105562, monitoring point 003-1, for Total Recoverable Iron. The permitted limit for Total Recoverable Iron is concentration daily max., less than or equal to 4 mg/L. The facility reported the following: 5.3 mg/L for November 2020		Abated	

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KYDEP	KY0105562	ENV20210001	4/22/2021	Kentucky Land Resources, Inc.	Failing to comply with terms and conditions of KPDES Permit No. KY0105562, monitoring point 003-1, for Total Recoverable Manganese. The permitted limit for Total Recoverable Manganese is concentration monthly ave., less than or equal to 2 mg/L. the facility reported the following: 2.6 mg/L for November 2020		Abated	
KYDEP	KY0105562	ENV20210001	4/22/2021	Kentucky Land Resources, Inc.	Failing to comply with terms and conditions of KPDES Permit No. KY0105562, monitoring point 003-1, for pH. The permitted limit for pH is concentration daily min., less than or equal to 6 su. the facility reported the following: 4.74 su for November 2020		Abated	
KYDEP	KY0105562	ENV20210001	4/22/2021	Kentucky Land Resources, Inc.	Failing to comply with the monitoring and reporting requirements specified in KPDES Permit No. KY0105562, during the November 2020 monitoring period, for the following monitoring point: 003-01		Abated	
IDNR	375	67-41-21	4/21/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on April 21, 2021.		Abated	
PADEP	63921301	CO 211020	4/20/2021	UMCO Energy, Inc.	Discharge of water from an area disturbed by mining activities as evidenced by water sample number 4127-071 collected on 3/1/2021 from outfall 005, with an Aluminum concentration of 2.44 mg/l, which exceeds the allowable limit of 0.75 mg/l.		Abated	
IDNR	002	60-03-21	4/19/2021	The American Coal Company	Pond 002 at the Galatia Mine was observed overflowing its banks from the emergency spillway (002ES) into an unaffected, grassy area located north/northwest of the pond. Lab analysis indicates the water leaving Pond 002 had a 3.02 pH, which is non-complaint with the NPDES permit.		Abated	
IDNR	375	67-40-21	4/19/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on April 19, 2021.		Abated	
IDNR	375	67-39-21	4/18/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on April 17, 2021.		Abated	
IDNR	375	67-37-21	4/16/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on April 15, 2021.		Abated	
IDNR	375	67-36-21	4/13/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on April 5, 2021.		Abated	
IDNR	375	67-35-21	4/11/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on April 5, 2021.		Abated	
IDNR	375	67-34-21	4/9/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on April 13, 2021.		Abated	
PADEP	30841312	CO 211018	4/7/2021	The Monongalia County Coal Company	Discharge of water from an area disturbed by mining activities as evidenced by sample number 193, collected on 02/25/2021, with an aluminum concentration of 1.555 mg/l which exceeds the permit limit of 1.0 mg/l. The operator shall immediately provide adequate treatment to ensure that all discharges from areas disturbed by mining activities meet the established effluent limits.		Abated	

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Issuing Agency	State and Permit No. or MSHA Number	State Violation No. or MSHA Violation No.	Issue Date	Name of Company or Person to Whom Violation Issued	Description of the Violation	Date, Location and Type of Administrative or Judicial Proceeding	Violation Status	Abatement Actions
PADEP	30841312	Docket No. 211017	4/7/2021	The Monongalia County Coal Company	Discharge of water from an area disturbed by mining activities as evidenced by the October 2020 discharge monitoring report for outfall 003, with a monthly average and instant maximum aluminum concentration of 2.23 mg/l which exceeds the permit monthly average limit and permit instant maximum limit of 0.75 mg/l and with a monthly average total suspended solids concentration of 38.0 mg/l which exceeds the permit monthly average limit of 35.0 mg/l. The operator shall immediately provide adequate treatment to ensure that all discharges from areas disturbed by mining activities meet the established effluent limits.		Abated	
IDNR	375	67-33-21	4/5/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on April 5, 2021.		Abated	
IDNR	375	67-32-21	4/5/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge was analyzed and found to have a chloride concentration that exceeded the NPDES limit of 500 mg/L for the conditions present on April 5, 2021.		Abated	
IEPA	IL0078565	W-2021-50056	3/24/2021	Sugar Camp Energy, LLC	Outfall A10 Effluent -- BOD, 5-day, 20C, Total Effluent Limit		Abated	
IEPA	IL0078565	W-2021-50056	3/24/2021	Sugar Camp Energy, LLC	Outfall A10 Effluent -- Solids, total suspended, Effluent Limit		Abated	
IEPA	IL0078565	W-2021-50056	3/24/2021	Sugar Camp Energy, LLC	Outfall 013-1 Effluent -- Solids, total suspended, Effluent Limit		Abated	
IEPA	IL0078565	W-2021-50056	3/24/2021	Sugar Camp Energy, LLC	Outfall A10 Effluent -- Coliform, fecal general, Effluent Limit		Abated	
IEPA	IL0078565	W-2021-50056	3/24/2021	Sugar Camp Energy, LLC	Outfall 001 Effluent -- Chloride, Effluent Limit		Abated	
IEPA	IL0078565	W-2021-50056	3/24/2021	Sugar Camp Energy, LLC	Outfall 013-1 Effluent -- Chloride, Effluent Limit		Abated	
IEPA	IL0078565	W-2021-50056	3/24/2021	Sugar Camp Energy, LLC	Outfall 013-1 Effluent -- pH, Effluent Limit		Abated	
IEPA	IL0078565	W-2021-50056	3/24/2021	Sugar Camp Energy, LLC	Outfall 013-1 Effluent -- Sulfate, total, Effluent Limit		Abated	
IEPA	IL0078565	W-2021-50056	3/24/2021	Sugar Camp Energy, LLC	Outfall 013-1 Effluent -- Total Iron, Effluent Limit		Abated	
IDNR	375	67-27-21	3/18/2021	Williamson Energy, LLC.	Failure to meet the requirements of 1817.181(b)(1); more specifically the operator failed to maintain support facilities in a manner that "Prevents or controls erosion and siltation, water pollution, and damage to public and private property." Water pumped from underground works spilled from a pipeline and discharge on to a non-permitted area. This untreated water impacted the private property located downslope and adjacent to the pipeline break.		Abated	
IDNR	382	60-01-21	3/12/2021	Sugar Camp Energy, LLC	A violation is being issued for failure to follow the approved plan, and failure to protect topsoil. Water from the temporary shaft dewatering pond located at IBR No. 108 was released off-site into an adjacent farm field. This action eroded the side slope of the temporary pond, carrying mud outside of the permitted area and across topsoil.		Abated	
IDNR	382	60-02-21	3/12/2021	Sugar Camp Energy, LLC	Water pumped from the underground mine escaped from a buried pipeline and flowed off-permit into an adjacent private pond.		Abated	
KDMRE	892-5014	NNC 13-2218	3/11/2021	Kentucky Land Resources, Inc.	Permittee has failed to submit the required surface monitoring reports for the 4th quarter 2020 as required by approved permit plans and regulations by the required deadline.		Abated	
IDNR	375	67-26-21	3/10/2021	Williamson Energy, LLC.	Outlet 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge had a chloride concentration of 1779 mg/L. Under the conditions present on March 10, 2021, the NPDES permit specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	
IEPA	IL0078727	W-2021-50039	3/9/2021	Hillsboro Energy, LLC	Except as in compliance with the provisions of the Act, Board regulations, and the CWA &, the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source shall be unlawful.		Abated	

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IEPA	IL0078727	W-2021-50039	3/9/2021	Hillsboro Energy, LLC	No person shall cause, threaten or allow the discharge of any contaminants into the environment in any State so as the cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as violate regulations or standards adopted by the PCB under this Act.		Abated	
IEPA	IL0078727	W-2021-50039	3/9/2021	Hillsboro Energy, LLC	Deposited contaminants on the ground in such a manner that caused or threatened to cause a water pollution hazard.		Abated	
IEPA	IL0078727	W-2021-50039	3/9/2021	Hillsboro Energy, LLC	Failure to retain and control waters exposed to disturbed materials.		Abated	
IDNR	375	67-25-21	3/8/2021	Williamson Energy, LLC.	Outlet 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge had a chloride concentration of 2632 mg/L. Under the conditions present on March 8, 2021, the NPDES permit specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	
IDNR	375	67-24-21	3/7/2021	Williamson Energy, LLC.	Outlet 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge had a chloride concentration of 2098 mg/L. Under the conditions present on March 6, 2021, the NPDES permit specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	
KDMRE	892-0127	NNC 13-2216	3/4/2021	Kentucky Land Resources, Inc.	Permittee has failed to submit the required surface monitoring reports for the 4th quarter 2020 as required by approved permit plans and regulations by the required deadline.		Abated	
KDMRE	892-0124	NNC 13-2217	3/4/2021	Kentucky Land Resources, Inc.	Permittee has failed to submit the required surface monitoring reports for the 4th quarter 2020 as required by approved permit plans and regulations by the required deadline.		Abated	
IDNR	375	67-23-21	3/4/2021	Williamson Energy, LLC.	Outlet 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge had a chloride concentration of 2124 mg/L. Under the conditions present on March 4, 2021, the NPDES permit specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	
IDNR	375	67-22-21	3/2/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge had a chloride concentration of 2028 mg/L. Under the conditions present on March 2, 2021 the NPDES permit specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	
KDMRE	892-6006	NNC 13-2134	3/1/2021	Kentucky Land Resources, Inc.	The permittee has failed to submit the required surface water monitoring report for the 4th quarter of 2020. Permittee failed to submit the required surface water monitoring report for point ACC-S9 for the 4th quarter of 2020 by the required deadline. The permittee submitted data from the 3rd quarter of 2020 for the 4th quarter of 2020 for the point ACC-S9.		Abated	
KDMRE	892-5013	NNC 13-2133	3/1/2021	Kentucky Land Resources, Inc.	The permittee has failed to submit all the required surface water monitoring reports for the 4th quarter of 2020. Permittee failed to submit the required surface water monitoring reports S-01 and S-02 for the 4th quarter of 2020 by the required deadline. The permittee submitted data from the 3rd quarter of 2020 for the 4th quarter of 2020.		Abated	
KDMRE	892-0123	NNC 13-2132	3/1/2021	Kentucky Land Resources, Inc.	Permittee/operator has failed to submit all the required surface water monitoring reports for the 4th quarter of 2020. Permittee/operator has failed to submit the data for the 4th quarter for the following surface points - S-1, S-2, S-3, S-9 and S-18. The permittee/operator reported data from the 3rd quarter of 2020 for the 4th quarter of 2020.		Abated	
IDNR	375	67-21-21	2/28/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge had a chloride concentration of 1715 mg/L. Under the conditions present on February 28, 2021 the NPDES permit specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	

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Applicant and Owners/Controllers of the Applicant**

Issuing Agency	State and Permit No. or MSHA Number	State Violation No. or MSHA Violation No.	Issue Date	Name of Company or Person to Whom Violation Issued	Description of the Violation	Date, Location and Type of Administrative or Judicial Proceeding	Violation Status	Abatement Actions
IDNR	375	67-20-21	2/26/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge had a chloride concentration of 2038 mg/L. Under the conditions present on February 26, 2021 the NPDES permit specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	
WVDEP	U010483	NOV #101	2/24/2021	Harrison County Coal Resources, Inc.	Permittee failed to properly maintain the approved drainage control system by allowing water to be discharged from sediment pond #2's outlet that was high in total iron and with a low ph.		Abated	
IDNR	375	67-19-21	2/24/2021	Williamson Energy, LLC.	Outlet 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge had a chloride concentration of 2107 mg/L. Under the conditions present on February 24, 2021, the NPDES permit specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	
IDNR	375	67-18-21	2/14/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. The sample collected from the discharge had a chloride concentration of 2182 mg/L. Under the conditions present on February 14, 2021 the NPDES permit specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	
IDNR	375	67-17-21	2/12/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. Lab analysis of a sample collected from the discharge indicated a chloride concentration of 1779 mg/L. Under the conditions present on February 12, 2021, the NPDES permit IL0077666 specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	
WVDEP	AST	2021-60211	2/11/2021	Marshall County Coal Resources, Inc.	The owner or operator failed to upgrade existing ASTs with overflow protection meeting the requirements of 10.1.d.1, 10.1.d.2, and 10.1.d.3 by June 30, 2017 for Level 1 tanks and December 31, 2017 for Level 2 tanks.		Abated	
WVDEP	AST	2021-60212	2/11/2021	Marshall County Coal Resources, Inc.	The owner or operator failed to ensure that a visual maintenance check of the regulated AST and ancillary equipment up to the first point of isolation is performed each month for Level 1 and Level 2 AST systems.		Abated	
WVDEP	AST	2021-60213	2/11/2021	Marshall County Coal Resources, Inc.	The owner or operator failed to ensure that regulated AST systems are monitored for leak detection at least once per calendar month.		Abated	
WVDEP	AST	2021-60214	2/11/2021	Marshall County Coal Resources, Inc.	The owner or operator failed to perform visual inspections of secondary containment, at a minimum of every fourteen (14) days for Level 1 ASTs, and, at a minimum, at the time of monthly check required in Section 5.1.b for Level 2 ASTs.		Abated	
WVDEP	AST	2021-60215	2/11/2021	Marshall County Coal Resources, Inc.	The owner or operator failed to ensure that all AST systems are labeled or marked in accordance with the AST act.		Abated	
WVDEP	AST	2021-60216	2/11/2021	Marshall County Coal Resources, Inc.	The owner or operator failed to submit an amended registration form to the Secretary within thirty (30) days of Change of Ownership.		Abated	
WVDEP	AST	2021-60217	2/11/2021	Ohio County Coal Resources, Inc.	The owner or operator failed to submit an amended registration form to the Secretary within thirty (30) days of Change of Ownership.		Abated	
WVDEP	AST	2021-60218	2/11/2021	Ohio County Coal Resources, Inc.	The owner or operator failed to notify the Secretary at least thirty days before beginning permanent closure.		Abated	
WVDEP	AST	2021-60219	2/11/2021	Ohio County Coal Resources, Inc.	The owner or operator of a Level 1 Tank failed to conduct an initial inspection and / or inspections every third year.		Abated	
IDNR	374	67-16-21	2/10/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. Lab analysis of a sample collected from the discharge indicated a chloride concentration of 2300 mg/L. Under the conditions present on January 1, 2021, the NPDES permit IL0077666 specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	
WVDEP	U007883	NOV #72	2/8/2021	Marion County Coal Resources, Inc.	Permittee failed to establish a permanent water supply system at the Haight residence within the 2 year timeframe; water loss occurred in June 2017.		Abated	

**TABLE 1.4.3 Violations for
Applicant and Owners/Controllers of the Applicant**

Issuing Agency	State and Permit No. or MSHA Number	State Violation No. or MSHA Violation No.	Issue Date	Name of Company or Person to Whom Violation Issued	Description of the Violation	Date, Location and Type of Administrative or Judicial Proceeding	Violation Status	Abatement Actions
IDNR	375	67-14-21	2/5/2021	Williamson Energy, LLC.	Impacts from pipeline installation occurred inside the stream buffer zone within the IBR No. 86 to Permit No. 375. The stream buffer zone exemption permitted in IBR No. 86 to Permit No. 375 reduced the buffer distance from 100-feet from the top of bank to 35-feet. During the process of boring under the stream denoted as "54" on the operations plan, drilling mud erupted to the surface within the marked 35-foot buffer zone; thus, causing impacts to the stream and the adjacent cropland.		Abated	
WVDEP	U102592	NOV #65	1/30/2021	Ohio County Coal Resources, Inc.	Modified from IHCO 64.		Abated	
WVDEP	U102591	IHCO #64	1/29/2021	Ohio County Coal Resources, Inc.	A spill occurred along Boggs Run stream that occurred when a valve broke in the T65 cleanup sump line. Black water was observed in the unnamed tributary to Boggs Run and along the length of Boggs Run stream for 2.3 miles. Water in the line from the slope had been turned off and was not actively releasing black water during the inspection.		Abated	
IDNR	375	67-02-21	1/19/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. Lab analysis of a sample collected from the discharge indicated a chloride concentration of 1776 mg/L. Under the conditions present on January 1, 2021, the NPDES permit IL0077666 specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	
IDNR	375	67-03-21	1/19/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. Lab analysis of a sample collected from the discharge indicated a chloride concentration of 2006 mg/L. Under the conditions present on January 2, 2021, the NPDES permit IL0077666 specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	
IDNR	375	67-04-21	1/19/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. Lab analysis of a sample collected from the discharge indicated a chloride concentration of 2146 mg/L. Under the conditions present on January 3, 2021, the NPDES permit IL0077666 specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	
IDNR	375	67-05-21	1/19/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. Lab analysis of a sample collected from the discharge indicated a chloride concentration of 1976 mg/L. Under the conditions present on January 4, 2021, the NPDES permit IL0077666 specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	
IDNR	375	67-06-21	1/19/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. Lab analysis of a sample collected from the discharge indicated a chloride concentration of 1900 mg/L. Under the conditions present on January 5, 2021, the NPDES permit IL0077666 specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	
IDNR	375	67-07-21	1/19/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. Lab analysis of a sample collected from the discharge indicated a chloride concentration of 1936 mg/L. Under the conditions present on January 6, 2021, the NPDES permit IL0077666 specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	
IDNR	375	67-08-21	1/19/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. Lab analysis of a sample collected from the discharge indicated a chloride concentration of 1929 mg/L. Under the conditions present on January 7, 2021, the NPDES permit IL0077666 specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	
IDNR	375	67-09-21	1/19/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. Lab analysis of a sample collected from the discharge indicated a chloride concentration of 1837 mg/L. Under the conditions present on January 8, 2021, the NPDES permit IL0077666 specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	
IDNR	375	67-10-21	1/19/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. Lab analysis of a sample collected from the discharge indicated a chloride concentration of 1885 mg/L. Under the conditions present on January 9, 2021, the NPDES permit IL0077666 specifies a daily maximum chloride concentration limit of 500 mg/L.		Abated	

**TABLE 1.4.3 Violations for
Applicant and Owners/Controllers of the Applicant**

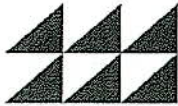
Issuing Agency	State and Permit No. or MSHA Number	State Violation No. or MSHA Violation No.	Issue Date	Name of Company or Person to Whom Violation Issued	Description of the Violation	Date, Location and Type of Administrative or Judicial Proceeding	Violation Status	Abatement Actions
IDNR	375	67-11-21	1/19/2021	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. Lab analysis of a sample collected from the discharge indicated a chloride concentration of 2148 mg/L. Under the conditions present on January 10, 2021, the NPDES permit IL0077666 specifies a <u>daily maximum chloride concentration limit of 500 mg/L.</u>		Abated	
IDNR	456	67-19-20	12/23/2020	Williamson Energy, LLC.	Unnecessary compaction was caused by a tracked excavator that was observed repeatedly tracking over the top of a topsoil stockpile while <u>moving sections of pipe.</u>		Abated	
IDNR	375	67-15-20	12/17/2020	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. Lab analysis of a sample collected from the discharge indicated a chloride concentration of 1730 mg/L and a sulfate <u>concentration of 2140 mg/L (12/7/2020)</u>		Abated	
IDNR	375	67-14-20	12/17/2020	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. Lab analysis of a sample collected from the discharge indicated a chloride concentration of 1730 mg/L and a sulfate <u>concentration of 2130 mg/L (12/6/2020)</u>		Abated	
IDNR	375	67-13-20	12/17/2020	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. Lab analysis of a sample collected from the discharge indicated a chloride concentration of 1720 mg/L and a sulfate <u>concentration of 2120 mg/L (12/5/2020)</u>		Abated	
IDNR	375	67-12-20	12/17/2020	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. Lab analysis of a sample collected from the discharge indicated a chloride concentration of 1650 mg/L and a sulfate <u>concentration of 2060 mg/L (12/4/2020)</u>		Abated	
IDNR	375	67-11-20	12/17/2020	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. Lab analysis of a sample collected from the discharge indicated a chloride concentration of 1710 mg/L and a sulfate <u>concentration of 2120 mg/L (12/3/2020)</u>		Abated	
WVDEP	U102591	NOV #63	12/10/2020	Ohio County Coal Resources, Inc.	The company has failed to repair material damage to surface lands related to Mr. Schultz's complaint. No work has started on Mr. Schultz's <u>fields for the original 12/3/2020 deadline.</u>		Withdrawn	
IDNR	375	67-10-20	12/7/2020	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. Lab analysis of a sample collected from the discharge indicated a chloride concentration of 1680 mg/L and a sulfate <u>concentration of 2080 mg/L (12/2/2020)</u>		Abated	
IDNR	375	67-09-20	12/7/2020	Williamson Energy, LLC.	Outfall 006 was observed discharging non-compliant water outside the permit boundary. Lab analysis of a sample collected from the discharge indicated a chloride concentration of 1620 mg/L and a sulfate <u>concentration of 2010 mg/L (12/1/2020)</u>		Abated	
KDMRE	892-0119	NNC 13-2131	12/2/2020	Kentucky Land Resources, Inc.	Permittee has failed to submit all the required ground water monitoring reports for the 3rd quarter of 2020. Permittee failed to submit any required data for ACC-W31 and ACC-W32 for the 3rd quarter 2020.		Abated	
KDMRE	889-5020	NNC 13-2066	11/12/2020	Muhlenburg County Coal Resources, Inc.	The permittee failed to complete the reclamation on slurry impoundment SP-01 by the required time frame as described in minor revision #15.		Abated	
WVDEP	U003383	NOV #87	11/10/2020	Marshall County Coal Resources, Inc.	Due to failure to maintain the sediment control system, Outlet 002 at Fish Creek Portal was discharging foam which was present the length of the <u>stream to its discharge point into Fish Creek.</u>		Abated	
IDNR	375	67-08-20	11/2/2020	Williamson Energy, LLC.	Outfall 007 was observed discharging non-compliant water outside the permit boundary. Lab analysis of sample collected from the discharge at <u>Outfall 007 indicated a pH of 3.45.</u>		Abated	
WVDEP	O201806	NOV #8	10/30/2020	Ohio County Coal Resources, Inc.	Water and sediment leaked through ponds' clay liner and entered Boggs Run stream due to a failure to maintain the sediment control system. Black sediment laden water from sumps along the Boggs Run Beltline was discharged into Boggs Run resulting in visible sedimentation in the stream <u>bed.</u>		Abated	

**TABLE 1.4.3 Violations for
Applicant and Owners/Controllers of the Applicant**

Issuing Agency	State and Permit No. or MSHA Number	State Violation No. or MSHA Violation No.	Issue Date	Name of Company or Person to Whom Violation Issued	Description of the Violation	Date, Location and Type of Administrative or Judicial Proceeding	Violation Status	Abatement Actions
KYDEP	KY0105562	NOV	10/21/2020	Kentucky Land Resources, Inc.	Failing to comply with terms and conditions of KPDES Permit No. KY0105562, monitoring point 003-1, for Total Recoverable Manganese. The permitted limit for Total Recoverable Manganese is concentration monthly avg., less than or equal to 2 mg/L. the facility reported 2.5 mg/L in May 2020.		Abated	
KDMRE	892-0124	NNC 13-2065	10/15/2020	Kentucky Land Resources, Inc.	Permittee has failed to stabilize rills and gullies larger than 9 inches on Increments 6 and 8.		Abated	
OEPA	01L00046	NOV	10/14/2020	Ohio Valley Coal Resources, Inc.	On August 13 and 14, 2020, Pond 13 released an iron laden sediment discharge from the emergency overflow. The discharge resulted in a fish kill in Captina Creek.		Abated	
OEPA	01L00046	NOV	10/14/2020	Ohio Valley Coal Resources, Inc.	Pond 13 and Pond 10 were observed on September 9, 2020 by Ohio EPA DSW representatives and found to be overloaded with sediment. Pond 10 also had excessive vegetative growth.		Abated	
OEPA	01L00046	NOV	10/14/2020	Ohio Valley Coal Resources, Inc.	Permittee failed to make available/provide the logbook and/or electronic records to Ohio EPA during inspection.		Abated	
OEPA	01L00046	NOV	10/14/2020	Ohio Valley Coal Resources, Inc.	The Hach Pocket Pro + Tester being used for pH analysis does not conform to standard method 4500+H as listed in 40 CFR 136.		Abated	
OEPA	01L00046	NOV	10/14/2020	Ohio Valley Coal Resources, Inc.	Outfall 013 lacked a 24-hour composite sampler and recording flow meter.		Abated	
OEPA	01L00046	NOV	10/14/2020	Ohio Valley Coal Resources, Inc.	On October 1, 2020, Ohio EPA received a document via email indicating the change in ownership occurred on September 16, 2020. The Ohio EPA SEDO received MEC's notice to the Director 15 days after the transfer date. MEC was required to submit the proposed transfer letter on or before July 19, 2020 (60 days prior to the proposed date of transfer).		Abated	
KDMRE	892-0120	NNC 13-2129	10/5/2020	Kentucky Land Resources, Inc.	Permittee/operator has failed to achieve the required reclamation within the specified time frame as approved in the permit. Permittee/operator has approximately 653 feet of open high wall on increment #8		Abated	
KDMRE	892-0122	NNC 13-2130	10/5/2020	Kentucky Land Resources, Inc.	Permittee/operator has failed to achieve the required reclamation within the specified time frame as approved in the permit. Permittee/operator has approximately 3,622 feet of open high wall on increment #2		Abated	
KDMRE	892-8010	NNC 13-2126	9/16/2020	Kentucky Land Resources, Inc.	The sediment level in sediment structure AD-05 has exceeded the approved elevation as set fourth in the permit plan.		Abated	
IDNR	382	85-07-20	8/26/2020	Sugar Camp Energy, LLC	Off permit on IBR 103.		Abated	
IDNR	375	67-03-20	8/6/2020	Williamson Energy, LLC.	A non-compliant discharge from Outfall No. 006 and 007 left the permit area.		Abated	
IDNR	382	85-06-20	7/28/2020	Sugar Camp Energy, LLC	A non-compliant discharge from Outfall No. 013 left the permit area.		Abated	
IDNR	382	85-05-20	7/21/2020	Sugar Camp Energy, LLC	Water pumped from underground works escaped from Sugar Camp support facilities. The mine water flowed off-permit, contaminating nearby water resources and also affecting fish and wildlife resources.		Abated	
IDNR	375	67-03-20	6/8/2020	Williamson Energy, LLC.	A non-compliant discharge of water from Outfall 006 left the permit area.		Abated	
IDNR	382	85-04-20	6/5/2020	Sugar Camp Energy, LLC	Water pumped from underground works escaped from Sugar Camp support facilities at a valve located at IBR 10 within Permit No 382.		Abated	
IDNR	375	67-02-20	5/28/2020	Williamson Energy, LLC.	Failure to maintain adequate storage volume, and detention time in Sediment Pond 007/008/ Also, failure to conduct periodic sediment removal in sediment Pond 007/008 sufficient to maintain adequate volume for the designed precipitation event.		Abated	
IDNR	382	85-03-20	2/13/2020	Sugar Camp Energy, LLC	The permittee conducted surface coal mining operations without requesting or obtaining approval from Department authorizing such operations to be conducted.		Abated	

**TABLE 1.4.3 Violations for
Applicant and Owners/Controllers of the Applicant**

Issuing Agency	State and Permit No. or MSHA Number	State Violation No. or MSHA Violation No.	Issue Date	Name of Company or Person to Whom Violation Issued	Description of the Violation	Date, Location and Type of Administrative or Judicial Proceeding	Violation Status	Abatement Actions
PADEP	63743702	CO 201007	2/5/2020	Washington County Land Resources, Inc.	Failure to timely dewater Coal Refuse Slurry Impoundment No. 6 as required by Coal Refuse Disposal (CRD) Permit No. 63743702, Special Condition No. 43 c. Failure to timely install Collection Channel CD-1 in accordance with reclamation plans as required by CRD Permit No. 637437023, Special Condition No. 43 e; Section 7 of the Coal Refuse Disposal Act, 52 P.S. 30.57. Failure to diligently carry out reclamation of all areas covered by the coal refuse disposal permit as required by CRD Permit NO. 63743702, Special Condition No. 45.		Abated	
PADEP	63743702	CO 191043A	2/5/2020	Washington County Land Resources, Inc.	Causing or allowing an unpermitted discharge of industrial waste from coal refuse disposal area to the waters of the Commonwealth.		Abated	
IDNR	382	85-02-20	1/17/2020	Sugar Camp Energy, LLC	Water pumped from underground works escaped from Sugar Camp support facilities at three separate locations. The mine water flowed off-permit, contaminating nearby water and soil resources.		Abated	



Sugar Camp Energy, LLC
11525 N. Thompsonville Rd.
Macedonia, IL 62860

October 21, 2022

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Mr. Caleb Ruyle/CAS#19
P.O. Box 19276
Springfield, IL 62794-9276
caleb.ruyle@illinois.gov

Re: Violation Notice: Sugar Camp Energy, LLC
IL0078565 – W0558010004
Violation Notice No.: W-2022-50229

Dear Mr. Ruyle:

Please find the following information in response to Violation Notice (“VN”) W-2022-50229 issued to Sugar Camp Energy, LLC (“Sugar Camp”) on September 7, 2022. Sugar Camp would like to request a meeting with representatives of the Illinois Environmental Protection Agency (“IEPA”) if the issues detailed herein cannot be resolved from this written response.

The VN alleges violations of Section 12(b) of the Act, 415 ILCS 5/12(b) (2020) and 35 Ill. Adm. Code 309.202 and 309.203 for failure to obtain a State Construction and Operating Permit. The VN further alleges that representatives from the Illinois EPA conducted a reconnaissance of the Sugar Camp Mine on August 16, 2022, and observed the presence and operation of five water cannons installed along the western berm of the Refuse Disposal Area #2 impoundment, which are intended to evaporate a portion of the water in Refuse Disposal Area #2 while allowing heavier particles to settle out over the impoundment. The VN alleges violations of certain statutes and regulations because Sugar Camp had not obtained an Illinois EPA State Construction or Operating Permit prior to construction and operation of the water cannons.

Sugar Camp takes exception to any implication that operation of the water evaporation equipment was concealed from the Agency. In fact, Sugar Camp freely acknowledged operation of water evaporation equipment to the Agency and invited Illinois EPA representatives to observe the operation.

Sugar Camp requests to enter into a Compliance Commitment Agreement (“CCA”), subject to the proposed terms below, which respond to the IEPA’s recommendations listed in Attachment B of the VN.

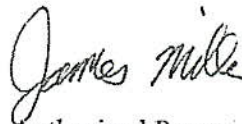
1. Sugar Camp applied for a State Construction and Operating permit for the water evaporation equipment used in the Refuse Disposal Area #2 impoundment. Its

permit application was sent on September 19, 2022, and received by the Agency on September 29, 2022. Sugar Camp is unable to cease operation of the water evaporation equipment during the pendency of the Agency's review of its permit application. Evaporators are intended for seasonal use, generally to include continuous operation in peak evaporation months between March 1– October 31. Thus, while its permit application is being considered by the Agency, Sugar Camp will continue to run the water evaporation equipment during appropriate weather conditions as specified in the Standard Operating Procedures.

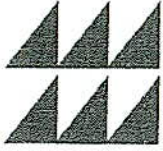
2. As detailed above, Sugar Camp has applied for a construction and operating permit for its water evaporation equipment used in the Refuse Disposal Area #2 impoundment. Its application includes Standard Operating Procedures (SOP) for utilization of the treatment equipment which addresses operating parameters during weather conditions that are not conducive for water evaporation.
3. Sugar Camp currently intends to install additional water evaporation equipment in early 2023. It has applied for a construction and operating permit from the Agency, but in the meantime, it cannot commit to refraining from further installation given its need for additional evaporation equipment in early spring 2023.

If you have any questions or concerns, or if you wish to discuss this matter in any particular, please do not hesitate to contact me.

Respectfully,



Authorized Person



Sugar Camp Energy, LLC
11351 N. Thompsonville Rd.
Macedonia, IL 62860
Office: 618-435-5439 Fax: 618-435-2485

September 19, 2022

Illinois Environmental Protection Agency
Permit Section, Div. of Water Pollution Control
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Subject: Supplemental Permit Request to Existing State Operating Permit IL 0078565

Dear Water Pollution Control Staff:

At the request of the Illinois Environmental Protection Agency (IEPA) Sugar Camp Energy LLC is submitting this Supplemental Permit Request to Existing State National Pollutant Discharge Elimination System (NPDES) Operating Permit IL 0078565 to install and operate an engineered brine/wastewater evaporation system at the Sugar Camp Energy (SCE) Complex in Macedonia, Illinois. The facility currently discharges wastewater through numerous outfalls, as outlined in the current NPDES permit, which was issued on May 24, 2016 and modified on May 3, 2021. The proprietary supplemental system enhances natural evaporation by supplying water at a design pressure to spray nozzles which project a diffused plume into the atmosphere enabling water vapor evaporation and non-evaporated water droplets to return to the pool.

The water evaporation system is configured with the evaporator plume directed over the existing refuse disposal area pool. The system will be operated such that the plume will not negatively affect unaffected areas or soils that have been placed for site reclamation. As a non-discharge system, none of the evaporator plume will be allowed to fall outside of the drainage system that reports to the approved NPDES permitted outfalls. The evaporation system will not substantially affect characterization of the pool quality so that the effluent quality of the NPDES outfalls will not be impacted by the addition of the water evaporation system.

Each evaporation unit is designed for a feed flow rate of 600 GPM (0.86 MGD) with an expected evaporation yield of approximately 50%. The total feed flow rate for the 5-unit system is 3000 GPM (4.32 MGD). Future installation of additional evaporation units is anticipated.

Attached, please find a completed WPC-PS-1 form, including Schedule J, and a check in the amount of \$1,000 for the permit fee. Additionally, included in the attachments are Standard Operating Procedures, an illustration of the evaporation system, an analysis comparing natural evaporation to expected supplemental evaporation, and a map showing the installation location of the evaporator units.

Please do not hesitate to reach out to me at (618) 435-9439 or (618) 218-7627 with questions regarding this application. Thank you for your attention in this matter.

Respectfully submitted,

James Miller, Authorized Representative
Sugar Camp Energy, LLC

Attachments: WPC-PS-1 (including Schedule J) and a permit fee check
Permit Support Attachments



Illinois Environmental Protection Agency
 Permit Section, Division of Water Pollution Control
 P.O. Box 19276
 Springfield, Illinois 62794-9276

For IEPA Use:

**Application for Permit or Construction Approval
 WPC-PS-1**

1 Owner Name: Sugar Camp Energy, LLC
 Name of Project: Evaporator Operation
 Township: Northern Township (T5S, R4E) County: Franklin

2. Brief Description of Project:
 Operation includes an engineered brine/wastewater evaporation system. The proprietary non-discharge system enhances natural evaporation by supplying water at a design pressure to spray nozzles which project a diffused plume into the atmosphere enabling water vapor evaporation and water droplets to return to the pool.

3 Documents Being Submitted: If the Project involves any of the items listed below, submit the corresponding schedule, and check the appropriate boxes.

	<u>Schedule</u>		<u>Schedule</u>
Private Sewer Connection/Extension	A/B <input type="checkbox"/>	Spray Irrigation	H <input type="checkbox"/>
Sewer Extension Construct Only	C <input type="checkbox"/>	Septic Tanks	I <input type="checkbox"/>
Sewage Treatment Works	D <input type="checkbox"/>	Industrial Treatment/Pretreatment	J <input checked="" type="checkbox"/>
Excess Flow Treatment	E <input type="checkbox"/>	Waste Characteristics	N <input type="checkbox"/>
Lift Station/Force Main	F <input type="checkbox"/>	Erosion Control	P <input type="checkbox"/>
Fast Track Service Connection	FTP <input type="checkbox"/>	Trust Disclosure	T <input type="checkbox"/>
Sludge Disposal	G <input type="checkbox"/>		

Plans: Title N/A
 No. of Pages: N/A

Specifications: Title N/A
 No. of Books/Pages: N/A

Other Documents: N/A
 (Please Specify)

3.1 Illinois Historic Preservation Agency approval letter: Yes No

4. Land Trust: Is the project identified in item number 1 herein, for which a permit is requested, to be constructed on land which is the subject of a trust? Yes No

If yes, Schedule T (Trust Disclosure) must be completed and item number 7.1.1 must be signed by a beneficiary, trustee or trust officer.

5. This is an Application for (Check Appropriate Line):

- A. Joint Construction and Operating Permit
- B. Authorization to Construct (See Instructions) NPDES Permit No. IL00 _____
- C. Construct Only Permit (Does Not Include Operations)
- D. Operate Only Permit (Does Not Include Construction)

6. Certifications and Approval:

6.1 Certificate by Design Engineer (When required: refer to instructions)

I hereby certify that I am familiar with the information contained in this application, including the attached schedules indicated above, and that to the best of my knowledge and belief such Information is true, complete and accurate. The plans and specifications (specifications other than Standard Specifications or local specifications on file with this Agency) as described above were prepared by me or under my direction.

Engineer Name: James M. Miller

Registration Number: 062 - 059719
(3 digits) (6 digits)

Firm: Sugar Camp Energy, LLC

Address: 11351 North Thompsonville Road

City: Macedonia State: IL Zip: 62860



Phone No: (618) 435-9439

Signature X James M Miller

Date: 9/07/2022

7. Certifications and Approvals for Permits:

7.1 Certificate by Applicant(s)

I/We hereby certify that I/we have read and thoroughly understand the conditions and requirements of this Application, and am/are authorized to sign this application in accordance with the Rules and Regulations of the Illinois Pollution Control Board. I/We hereby agree to conform with the Standard Conditions and with any other Special Conditions made part of this Permit.

7.1.1 Name of Applicant for Permit to Construct: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Signature X _____ Date: _____

Printed Name: _____ Phone No: _____

Title: _____

Organization: _____

7.1.2 Name of Applicant for Permit to Own and Operate: Sugar Camp Energy, LLC

Address: 11351 North Thompsonville Road

City: Macedonia State: IL Zip Code: 62860

Signature X James Miller Date: 9/07/2022

Printed Name: James Miller Phone No: (618) 435-9439

Title: Designated Representative

7.2 Attested (Required When Applicant is a Unit of Government)

Signature X _____ Date: _____

Title: _____
(City Clerk, Village Clerk, Sanitary District Clerk, Etc.)

7.3 Applications from non-governmental applicants which are not signed by the owner, must be signed by a principal executive officer of at least the level of vice president, or a duly authorized representative.

7.4 Certificate By Intermediate Sewer Owner

I hereby certify that (Please check one): No! Applicable

- 1. The sewers to which this project will be tributary have adequate reserve capacity to transport the wastewater that will be added by this project without causing a violation of the environmental Protection Act or Subtitle C, Chapter I, or
- 2. The Illinois Pollution Control Board, in PCB _____ dated _____ granted a variance from Subtitle C, Chapter I to allow construction of facilities that are the subject of this application.

Name and location of sewer system to which this project will be tributary:

N/A - This is a non-discharge system

Sewer System Owner: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Signature X _____ Date: _____

Printed Name: _____ Phone No: _____

Title: _____

7.4.1 Additional Certificate By Intermediate Sewer Owner

I hereby certify that (Please check one):

- 1. The sewers to which this project will be tributary have adequate reserve capacity to transport the wastewater that will be added by this project without causing a violation of the environmental Protection Act or Subtitle C, Chapter I, or
- 2. The Illinois Pollution Control Board, in PCB _____ dated _____ granted a variance from Subtitle C, Chapter I to allow construction facilities that are the subject of this application.
- 3. Not applicable

Name and location of sewer system to which this project will be tributary:

N/A - This is a non-discharge system

Sewer System Owner: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Signature X _____ Date: _____

Printed Name: _____ Phone No: _____

Title: _____

7.5 Certificate By Waste Treatment Works Owner

I hereby certify that (Please check one):

- 1. The waste treatment plant to which this project will be tributary has adequate reserve capacity to treat the wastewater that will be added by this project without causing a violation of the Environmental Protection Act or Subtitle C, Chapter I, or
- 2. The Illinois Pollution Control Board, in PCB _____ dated _____ granted a variance from Subtitle C, Chapter I to allow construction and operation of the facilities that are the subject of this application.
- 3. Not applicable

I also certify that, if applicable, the industrial waste discharges described in the application are capable of being treated by the treatment works.

Name of Waste Treatment Works: _____

Waste Treatment Works Owner: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Signature X _____ Date: _____

Printed Name: _____ Phone No: _____

Title: _____

Please return completed form to the following address:

Illinois Environmental Protection Agency
Permit Section, Division of Water Pollution Control
P.O. Box 19276
Springfield, Illinois 62794-9276

This Agency is authorized to require this information under Illinois Revised Statutes, 1979, Chapter 111 ½, Section 1039. Disclosure of this information is required under that Section. Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

FOR IEPA USE:
LOG #
DATE RECEIVED:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF WATER POLLUTION CONTROL
PERMIT SECTION

Springfield, Illinois 62706

SCHEDULE J INDUSTRIAL TREATMENT WORKS CONSTRUCTION OR PRETREATMENT WORKS

1. NAME AND LOCATION:

1.1 Name of project Evaporator Operation

1.2 Plant Location

1.2.1 NW 33 Northern Town: 4E 3rd
Quarter Section Section Township Range P.M.

1.2.2 Latitude 38 deg. 02 min. 58 sec. "NORTH

1.2.3 Longitude 88 deg. 46 min. 25 sec. "WEST

1.2.3 Name of USGS Quadrangle Map (7.5 or 15 minute) Ewing (7.5 minute)

2. NARRATIVE DESCRIPTION AND SCHEMATIC WASTE FLOW DIAGRAM: (see instructions)

The project includes operation of an engineered brine/wastewater evaporation system. Illinois EPA has demanded that this application be filed, deeming the system as treatment works. The permittee is filing this permit at the behest of IEPA without consenting to IEPA's characterization that the evaporators are treatment works.

2.1 PRINCIPAL PRODUCTS:

2.2 PRINCIPAL RAW MATERIALS:

3. DESCRIPTION OF TREATMENT FACILITIES:

3.1 Submit a flow diagram through all treatment units showing size, volumes, detention times, organic loadings, surface settling rate, weir overflow rate, and other pertinent design data. Include hydraulic profiles and description of monitoring systems.

3.2 Waste Treatment Works Is: Batch , Continuous , No. of Batches/day _____ , No. of Shifts/day _____

3.3 Submit plans and specifications for proposed construction.

3.4 Discharge is: Existing ; Will begin on 01/01/99

4. DIRECT DISCHARGE IS TO: Receiving Stream Municipal Sanitary Sewer Municipal storm or municipal combined sewer

If receiving stream or storm sewer are indicated complete the following:

Name of receiving stream N/A ; tributary to _____ ;
tributary to _____ ; tributary to _____ ;

5. Is the treatment works subject to flooding? Yes No If so, what is the maximum flood elevation of record (in reference to the treatment works datum) and what provisions have been made to eliminate the flooding hazard?

6. APPROXIMATE TIME SCHEDULE: Estimated construction schedule:

Start of Construction 08/08/22 ; Date of Completion 08/08/22
Operation Schedule 08/08/22 ; Date Operation Begins 08/08/22
100% design load to be reached by year 2022

7. DESIGN LOADINGS

7.1 Design population equivalent (one population equivalent is 100 gallons of wastewater per day, containing 0.17 pounds of BOD₅ and 0.20 pounds of suspended solids;
BOD N/A ; Suspended Solids N/A ; Flow N/A

7.2 Design Average Flow Rate _____ MGD.

7.3 Design Maximum Flow Rate _____ MGD.
7.4 Design Minimum Flow Rate _____ MGD.
7.5 Minimum 7-day, 10-year low flow _____ cfs _____ MGD.
Minimum 7-day, 10-year flow obtained from _____

7.6 Dilution Ratio _____; _____.

8. FLOW TO TREATMENT WORKS (if existing):

8.1 Flow (last 12 months)

8.1.1 Average Flow 4.32 _____ MGD

8.1.2 Maximum Flow 4.32 _____ MGD

8.2 Equipment used in determining above flows

9. Has a preliminary engineering report for this project been submitted to this Agency for Approval?

Yes No . If so, when was it submitted and approved. Date Submitted _____

Certification # _____

Dated _____

10. List Permits previously issued for the facility:

Illinois Department of Natural Resources
Land Reclamation Division
General Inspection Report - Field Decision

11. Describe provisions for operation during contingencies such as power failures, flooding, peak loads, equipment failure, maintenance shut downs and other emergencies.

Operated continuously in peak evaporation months (generally March - October). More or less depending on weather conditions.

Operated such that adverse wind conditions will not cause non-evaporated water droplets to discharge off-permit or to affect permitted areas not proposed to be affected.

12. Complete and submit Schedule G if sludge disposal will be required by this facility.

13. WASTE CHARACTERISTICS: Schedule N must be submitted.

14. TREATMENT WORKS OPERATOR CERTIFICATION: List names and certification numbers of certified operators:

N/A



SUGARCAMP ENERGY LLC
 211 N. Broadway, Ste. 2600
 ST. LOUIS, MO 63102
 US

129848

Payment No.: 2000034316
 Payment Date: 09/15/2022
 Vendor No.: 302629

ILLINOIS EPA (NPDES)
 FISCAL SERVICES #2
 PO Box 19276
 SPRINGFIELD IL 62794-9276

Page: 1 of 1

Invoice Number	Invoice Date	Document Number Text	Gross Amount	Discount	Net Amount
WPC PS 1	09/07/2022	1900033982 App for permit or Construction Approval	1,000.00	0.00	1,000.00
		Check Total.....			\$ 1,000.00

DETACH FROM CHECK AND KEEP FOR YOUR RECORDS



SUGARCAMP ENERGY LLC
 211 N. Broadway, Ste. 2600
 ST. LOUIS, MO, 63102
 US

KeyBank, N.A.
 6-103/410

129848
 09/15/2022

PAY: ILLINOIS EPA (NPDES)

\$ 1,000.00

ONE THOUSAND ****

USD

ILLINOIS EPA (NPDES)
 FISCAL SERVICES #2
 PO Box 19276
 SPRINGFIELD IL 62794-9276

⑈ 129848 ⑈ ⑆041001039⑆ 359681589529⑈

App E - 35

Security Features. Photo of Check.

Standard Operating Procedures

Evaporators are an innovative, engineered brine/wastewater disposal system. The proprietary non-discharge system enhances natural evaporation by supplying water at a design pressure to spray nozzles which project a diffused mist into the atmosphere enabling fine water droplet evaporation and dissolved particles to return to the pool. Evaporators are intended for seasonal use, generally to include continuous operation in peak evaporation months between March 1st–October 31st. The seasonal evaporation period may be extended or shortened based on weather conditions. No weather condition shall necessitate automatic system shutdown. However, multiple weather conditions require prudent judgement in determining cost/benefit of operation and also operating constraints ensuring no potential environmental impact. Weather conditions which are not conducive to evaporation include unseasonably cool temperatures and/or prolonged precipitation events. Neither poses reasonable potential for environmental impact, but occurrence of either results in diminished system efficiency. Evaporator operation is monitored so that adverse wind conditions will not cause non-evaporated water droplets to discharge off-permit or to affect permitted areas which are not proposed to be affected or are located outside of sediment control areas. Evaporator operation during adverse wind conditions shall include one or more of the following modifications:

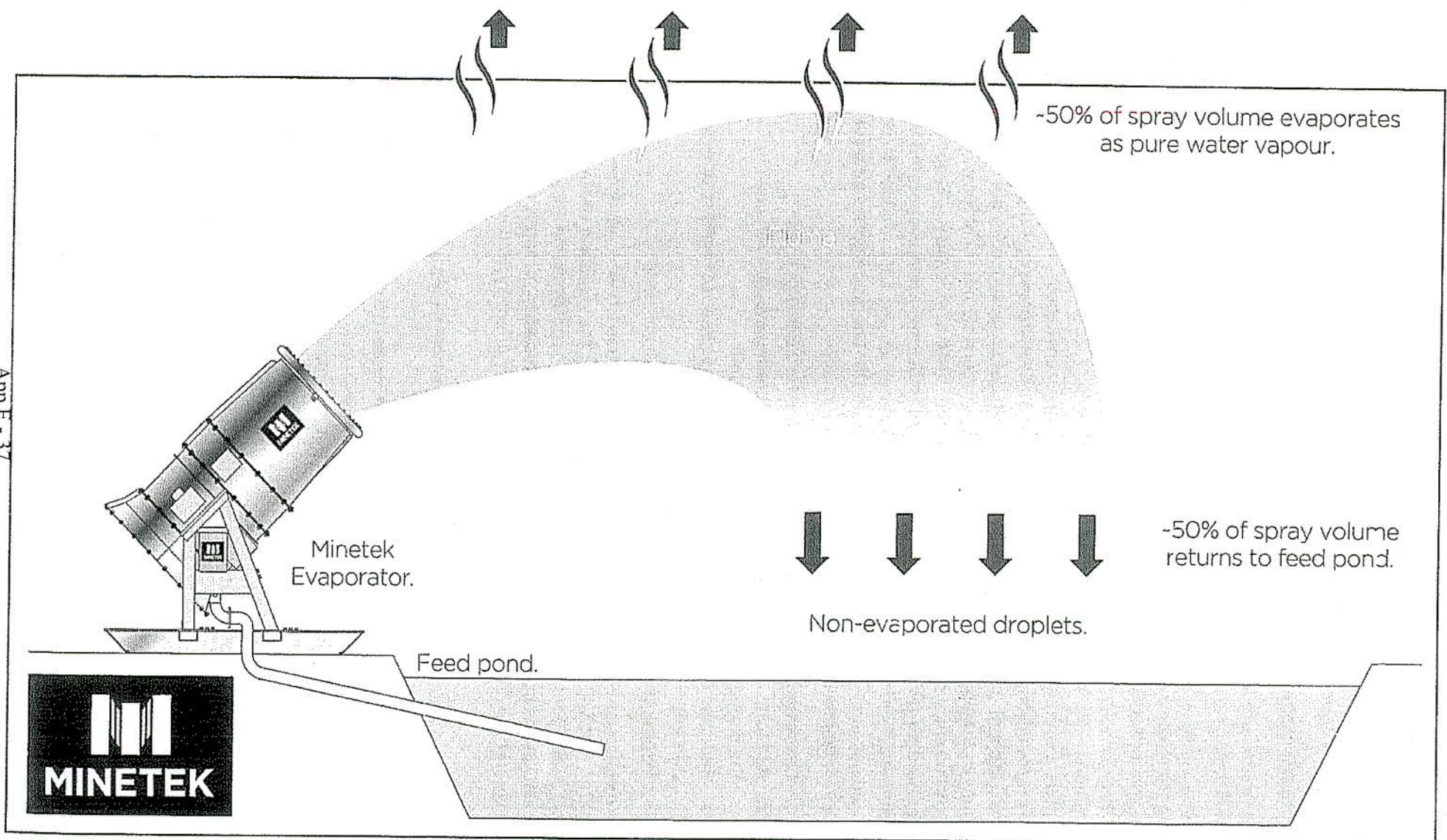
1. Changing (generally lowering) the evaporator discharge angle
2. Reducing or increasing the quantity of operating evaporation units to increase or reduce the discharge pressure at remaining active units
3. Reducing or increasing the water supply pump speed to increase or reduce the discharge pressure
4. Temporary system shutdown if Items #1-#3 are ineffective

Evaporators may be arranged in varying configurations based on expected prevailing wind patterns, but will always be oriented to discharge in the direction of the refuse disposal area (RDA) main pool. The initial August 2022 system configuration included evaporation unit installation on the west embankment of RDA2 oriented approximately due East. Specific to that configuration, wind conditions believed to adversely affect system operation include all of the following:

- Wind velocity exceeding 2 mph but not more than 5 mph arriving from a bearing between N67°E and S67°E
- Wind velocity exceeding 5 mph but not more than 10 mph arriving from a bearing between N45°E and S45°E
- Wind velocity exceeding 10 mph but not more than 15 mph arriving from a bearing between N22°E and S22°E
- Wind velocity exceeding 15 mph arriving from a bearing between N0°E and S0°E

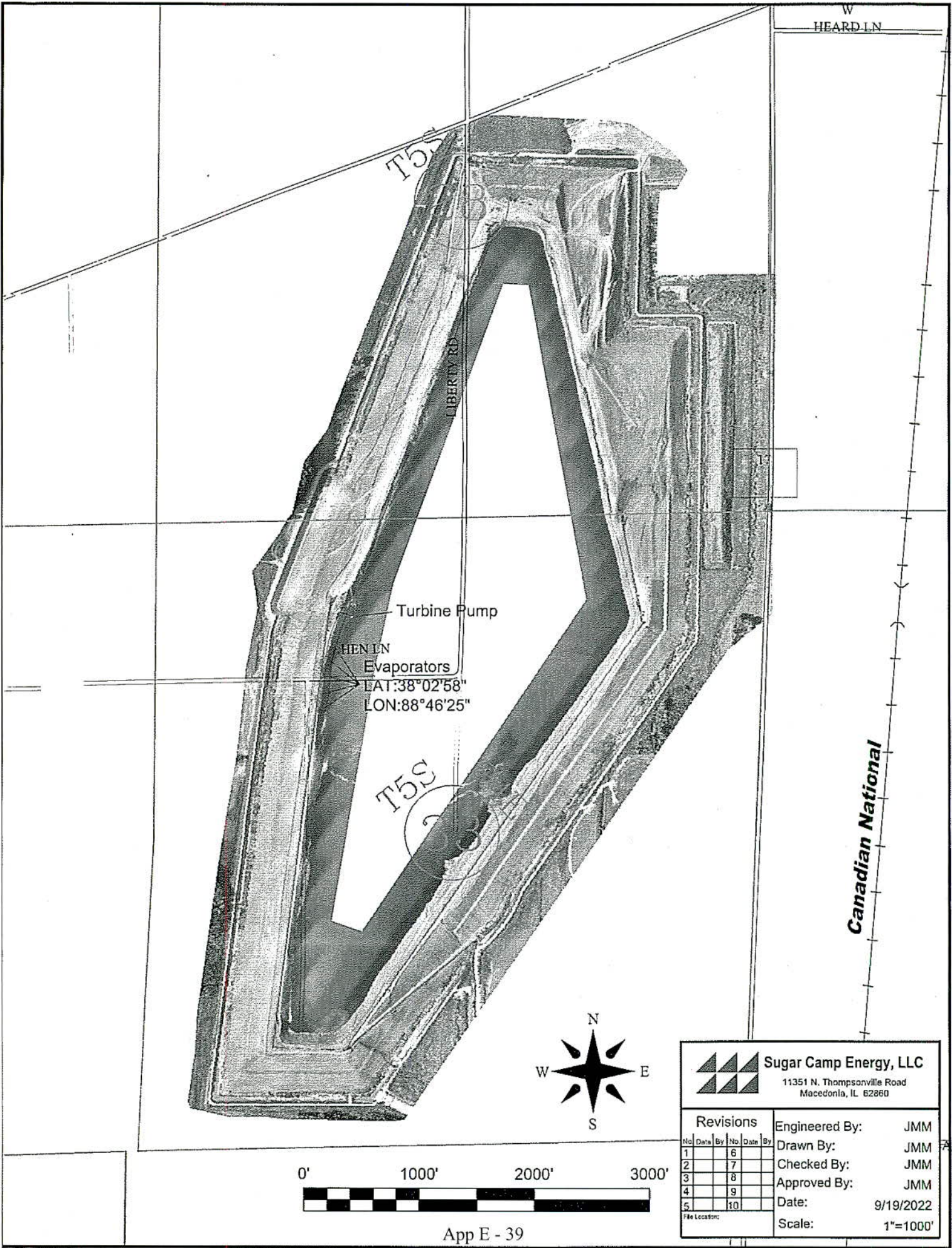
Visual observation shall supersede any of the above parameters.

App E - 37



	January	February	March	April	May	June	July	August	September	October	November	December	Totals	
Estimated Efficiency	0	0	38.5	37.7	42.7	44.2	45.7	43.4	38.8	32.6	0	0		
Daily Peak Operating Hours	0	0	12	13	14	14.5	14	13	12	11	0	0		
Daily Evaporation (gallons)	0	0	166,320	176,436	215,208	230,724	230,328	203,112	167,616	129,096	0	0		
Days	31	28	31	30	31	30	31	31	30	31	30	31		Seasonal Feet of
Monthly evaporation per unit	0	0	5,155,920	5,253,080	6,671,448	6,921,720	7,140,168	6,296,472	5,028,480	4,001,976	0	0		Evaporation
Monthly evaporation total	0	0	25,779,600	26,455,400	33,357,240	34,608,600	35,700,840	31,482,350	25,142,400	20,009,880	0	0	232,546,320	3.02
	11	10	8	6	4	2	1	3	5	7	9	12		Annual Feet of
Pan evaporation rate (inches/month)*	0.74	1.02	2.03	3.42	4.74	5.18	5.62	4.94	3.70	2.36	1.29	0.72	35.76	Evaporation
Pan evaporation gallons	4,748,333	6,545,000	13,025,833	21,945,000	30,415,000	33,238,333	36,061,667	31,698,333	23,741,667	15,143,333	8,277,500	4,620,000	229,460,000	2.98

*Based on averages from 1911-1962 as published in Report of Investigation 57 for the Illinois State Water Survey 1967 (Page 33)



W
HEARD LN

T5S

LIBERTY RD

Turbine Pump

HEN LN
Evaporators
LAT:38°02'58"
LON:88°46'25"

T5S

Canadian National



 **Sugar Camp Energy, LLC**
11351 N. Thompsonville Road
Macedonia, IL 62860

Revisions				Engineered By: JMM	
No.	Date	By	No.	Date	By
1			6		
2			7		
3			8		
4			9		
5			10		

Drawn By: JMM
Checked By: JMM
Approved By: JMM
Date: 9/19/2022
Scale: 1"=1000'

Inspection of Non-Compliance

INSPECTION OF NON-COMPLIANCE NO.: 13-2538

COMPANY NAME: KENTUCKY LAND RESOURCES, INC.

PERMIT No.: 892-8011

NON-COMPLIANCE ISSUED BY: STUMPF, JONATHAN

ID. No.: 010239

Whereas, on the 30 day of August, 2022, A notice of Non-Compliance pertaining to Permit No. 892-8011 was issued to you with the instruction that remedial work should be completed on or before the 31 day of October, 2022, and Whereas, on this 31 day of October, 2022, another inspection has been made and it has been found that:

Remedial Work for Performance Standard Diversions - KAR 16:080 (Code: DV)

- Has not been completed and an extension is granted to 11/30/2022 because: Additional time is needed for the issuance of minor revision #10. Remedial measures left to be completed include: Repair the breached areas of diversion DD-2, repair culverts and reestablish the drainway according to the approved plan.

Whereas, on the day of , A notice of pertaining to Permit No. was issued to you with the instruction that remedial work should be completed on or before the day of , and Whereas, on this day of , another inspection has been made and it has been found that:

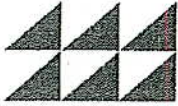
Remedial Work for Performance Standard (Code:)

- Has not been completed and a request for extension beyond 90 days currently under Director's review. Has additional environmental damage occurred since issuance of Non-Compliance? Did operator exhibit a good faith effort in completing remedial work?

Table with 4 columns: Env. Inspector, Env. Control Supervisor, Env. Control Manager, and Date. Includes signatures and dates for 11/2/2022 and 11/3/2022.

Person On-Site Whom Copy Was Delivered. Signature: Double-Click to Sign

Person Whom Copy Was Hand Delivered: Signature: Certified Date upon completion of remedial measures



Sugar Camp Energy, LLC
11525 N. Thompsonville Rd.
Macedonia, IL 62860

June 14, 2022

Via Email and Certified Mail/Return Receipt Requested

Illinois Environmental Protection Agency
Bureau of Water, Compliance Assurance Section
Attn: Caleb Ruyle
P.O. Box 19276
Springfield, IL 62794-9276
caleb.ruyle@illinois.gov

Re: Section 31 Waiver: Sugar Camp Energy, LLC
IL0078565 – W0558010004
Violation Notice No.: W-2022-50051

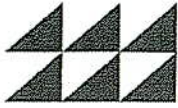
Dear Mr. Ruyle:

Pursuant to Section 31(a)(11) of the Act (415 ILCS 5/31), Sugar Camp Energy, LLC (“Sugar Camp”) consents to waiver of the procedural requirements of subsections (a) and (b) of Section 31 of the Act related to the allegations set forth in Violation Notice No.: W-2022-50051.

Per Sugar Camp’s letter to the Illinois Environmental Protection Agency (“IEPA”) dated May 26, 2022, the alleged violation in this VN is consistent with similar events included in the proposed IEPA Consent Order for the mine wastewater pipeline. As discussed in the meeting between representatives of IEPA and Sugar Camp held on June 14, 2022, Sugar Camp consents to this Section 31 waiver on the understanding that this violation will be included in the existing proposed Consent Order.

Respectfully,

Authorized Person



Sugar Camp Energy, LLC
11525 N. Thompsonville Rd.
Macedonia, IL 62860

May 26, 2022

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Rob Yoggerst/ CAS #19
P.O. Box 19276
Springfield, IL 62794-9276
Robert.yoggerst@illinois.gov

Re: Violation Notice: Sugar Camp Energy, LLC
IL0078565 – W0558010004
Violation Notice No.: W-2022-50051

Dear Mr. Yoggerst:

Please find the following information in response to Violation Notice (“VN”) W-2022-50051 received by Sugar Camp Energy, LLC (“Sugar Camp”) on April 18, 2022. Sugar Camp would like to request a meeting with representatives of the Illinois Environmental Protection Agency (“IEPA”) if the issues detailed herein cannot be resolved from this written response.

The VN alleges certain violations related to a release of high chloride water from a wastewater pipeline due to a combination air relief/vacuum valve leak. Sugar Camp staff reported the release to IEPA on January 13, 2022.

Combination air relief/vacuum valves are protective devices recommended and used extensively in fluids transmission pipelines constructed in undulating terrain and/or in systems with variable operation cycles. These valves work by introducing air necessary to prevent pipe collapse from internal vacuum pressure and also to purge air accumulation at system elevation peaks which increases operating efficiency, protects against air related surges, and reduces overpressures which lead to potential burst failure. The leak at issue in this VN is consistent with similar events included in the proposed IEPA Consent Order for the mine wastewater pipeline network. The recommendations provided by IEPA in Attachment B of the VN have been implemented and/or are addressed in the proposed Consent Order, as follows:

1. Recommendation No. 1 instructs Sugar Camp to immediately cease all process wastewater discharges that are not tributary to permitted outfalls in the facility’s NPDES Permit. This recommendation has been implemented. The release was inadvertent due to a mechanical failure of an air relief valve. The leak was promptly reported to IEPA and was stopped within thirty minutes of Sugar Camp’s awareness.

2. Recommendation No. 2 directs Sugar Camp to routinely inspect the underground mine water pumpage transmission lines for leaks and report or update lines and/or fittings if necessary. This recommendation has been implemented and is addressed in the proposed Consent Order in Sections I.D.1. and III.D.1, which detail the inspection protocol Sugar Camp has developed and implemented.
3. Recommendation No. 3 directs Sugar Camp to utilize a continuous monitoring system that identifies leakage with the underground mine water collection system. This recommendation is addressed in Section III D 5 of the proposed Consent Order.

Because the event at issue in this VN is consistent with similar leaks covered in the proposed Consent Order, and IEPA's remedial recommendations are covered by the terms of the proposed Consent Order, rather than proposing an additional agreement, Sugar Camp requests that this violation be grouped with the similar past violations and included in the existing proposed Consent Order.

If you have any questions or concerns, or if you wish to discuss this matter in any particular, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "James Miller". The signature is written in a cursive style with a large initial "J".

Authorized Person



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217-782-9861

July 25, 2022

CERTIFIED MAIL # 7011 1150 0001 0858 6815
RETURN RECEIPT REQUESTED

Williamson Energy, LLC
P.O. Box 99
Johnson City, IL 62951

Re: Notice of Non-Issuance of Compliance Commitment Agreement
Violation Notice: W-2022-50038
Williamson Energy, LLC – Pond Creek Mine #1 – IL0077666 – W1998590001

Dear Facility Owner:

The Illinois Environmental Protection Agency (“Illinois EPA”) has reviewed the proposed Compliance Commitment Agreement (“CCA”) terms submitted by **Williamson Energy, LLC – Pond Creek Mine #1 – IL0077666** in letters dated **May 10, 2022 and June 20, 2022**, in response to the Violation Notice dated **April 4, 2022**, and has decided not to issue a proposed CCA for these violations. Due to the nature and seriousness of the violations, the Illinois EPA has determined that these violations may not be able to be resolved without the involvement of the Office of the Attorney General or the State’s Attorney.

Because the violations remain the subject of disagreement between the Illinois EPA and **Williamson Energy, LLC – IL0077666**, this matter will be considered for referral to the above-referenced prosecutorial authorities for formal enforcement action and the imposition of penalties.

Questions regarding this matter should be directed to Caleb Ruyle at 217/782-9861. Written communications should be directed to:

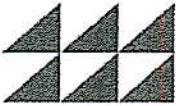
Illinois EPA – Division of Water Pollution Control
Attn: Caleb Ruyle/CAS #19
P.O. Box 19276
Springfield, IL 62794-9276

Sincerely,

Cathy Siders, Manager
Compliance Assurance Section
Bureau of Water, Division of Water Pollution Control

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294 4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite O, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760



Williamson Energy, LLC
11525 N. Thompsonville Rd.
Macedonia, IL 62860

June 20, 2022

Mr. Caleb Ruyle
Division of Water Pollution Control
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
P.O. Box 19276
Springfield, IL 62794-9276

Re: Williamson Energy, LLC
Violation Notice No. W-2022-50038

Dear Mr. Ruyle:

Please find the following information in response to Violation Notice (VN) W-2022-50038, which was discussed with Williamson Energy, LLC (Williamson) in a WebEx Conference Call on June 2, 2022.

The VN alleges multiple violations related to the notification from Williamson to IEPA on January 7, 2022, and subsequent IEPA inspection on January 8, 2022, regarding a discharge of mine water due to a blockage in the eastern collection ditch of RDA3 at Pond Creek Mine #1.

During the idle construction time in this vicinity of East Refuse, the perimeter sediment ditches were cleaned, and the excavated sediment was placed in the current lower terrace area of the facility, downstream of the main embankment. As coarse refuse was advanced, it was pushed into the pond cleaning material, of which the equipment operators were not aware that it was left in this area. Consequently, the material began to liquefy. This created conditions which allowed the material to drain toward the sediment perimeter ditch, and began to fill the ditch.

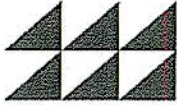
Refuse removal from the perimeter ditch was completed on January 26, 2022. During this time, the perimeter ditch was restored to its designed capacity. Williamson has implemented a plan of action to keep the perimeter ditch cleaned, as well as to properly dry and move material into holding cells in effort to prevent an event like this from reoccurring. Williamson also performed two rounds of soil testing, January 12, 2022 and April 8, 2022, both proving the discharge had minimal effects on the surrounding area and will not require any soil remediation.

Williamson developed an action plan on January 17, 2022 to keep the perimeter ditch cleaned and material disposed of properly. Since the plan was developed, Williamson has carried out the plan in cleaning the perimeter ditch on the east side of RDA 3 as the refuse placement has progressed north.

If you have any questions, concerns or if you wish to discuss this matter further, please do not hesitate to contact me.

Respectfully,

Authorized Person



Williamson Energy, LLC
11525 N. Thompsonville Rd.
Macedonia, IL 62860

May 10, 2022

Mr. Caleb Ruyle
Division of Water Pollution Control
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
P.O. Box 19276
Springfield, IL 62794-9276

Re: Williamson Energy, LLC
Violation Notice No. W-2022-50038

Dear Mr. Ruyle:

Please find the following information in response to Violation Notice (VN) W-2022-50038, which was issued to Williamson Energy, LLC (Williamson) on a letter dated April 4, 2022. Williamson would like to request a meeting with representatives of the Illinois Environmental Protection Agency (IEPA) if the issues detailed herein cannot be resolved from this written response.

The VN alleges multiple violations related to the notification from Williamson to IEPA on January 7, 2022, and subsequent IEPA inspection on January 8, 2022, regarding a discharge of mine water due to a blockage in the eastern collection ditch of RDA3 at Pond Creek Mine #1.

During the idle construction time in this vicinity of East Refuse, the perimeter sediment ditches were cleaned, and the excavated sediment was placed in the current lower terrace area of the facility, downstream of the main embankment. As coarse refuse was advanced, it was pushed into the pond cleaning material, of which the equipment operators were not aware that it was left in this area. Consequently, the material began to liquefy. This created conditions which allowed the material to drain toward the sediment perimeter ditch, and began to fill the ditch.

On January 7, 2022, as result of snow melt and heavy rain, refuse had sloughed into the perimeter sediment ditch to the extent that the ditch was filled. Additionally, a small amount of refuse had sloughed beyond the downstream berm of the ditch. This caused the incoming runoff into the ditch to inadvertently discharge over the berm of the ditch. Williamson mobilized pumps to the area the night of January 7, 2022 to divert water around the blockage area. Water had ceased discharging off permit the morning of January 8, 2022, within 24 hours of discovery.

Refuse removal from the perimeter ditch was completed on January 26, 2022. During this time, the perimeter ditch was restored to its designed capacity. Williamson has implemented a plan of action to keep the perimeter ditch cleaned, as well as to properly dry and move material into holding cells in effort to prevent an event like this from reoccurring. Williamson also performed two rounds of soil testing, January 12, 2022 and April 8, 2022, both proving the discharge had minimal effects on the surrounding area and will not require any soil remediation.

The following are in direct response to the violations as per Attachment A:

Unpermitted/Unauthorized Point Source Discharge

Williamson mobilized pumps to divert water around the blockage in the perimeter ditch the night of the event and had ceased the inadvertent discharge of water the morning of January 8, 2022. The perimeter ditch was cleaned and has been restored to the designed capacity.

Failure to Comply with NPDES Permit

Williamson will comply with the NPDES permit and the requirements concerning the monitoring, sampling, recording and reporting procedures for any future noncompliance discharge.

Discharge of Contaminants

Williamson has ceased any and all discharge of contaminants and has restored the perimeter ditch, preventing unauthorized discharges off permit.

Deposit of Contaminants

Williamson has ceased any and all discharge of contaminants and has restored the perimeter ditch, preventing unauthorized discharges off permit.

Offensive Conditions

Williamson has ceased any and all discharge of contaminants and has restored the perimeter ditch, preventing unauthorized discharges off permit. The absence of mine water in the unnamed tributary to Pond Creek complies with the regulation.

Water Quality Violations

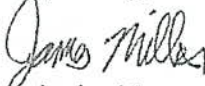
Williamson has ceased any and all discharge of contaminants and has restored the perimeter ditch, preventing unauthorized discharges off permit. The absence of mine water in the unnamed tributary to Pond Creek complies with the regulation.

Failure to Comply with Good Mining Practices

Williamson has ceased any and all discharge of contaminants and has restored the perimeter ditch, preventing unauthorized discharges off permit. The absence of mine water in the unnamed tributary to Pond Creek complies with the regulation. Williamson will comply with the NPDES permit and the requirements concerning the monitoring, sampling, recording and reporting procedures for any future noncompliance discharge.

If you have any questions, concerns or if you wish to discuss this matter further, please do not hesitate to contact me.

Respectfully,


Authorized Person



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217-782-9861

June 16, 2022

CERTIFIED MAIL # 7011 1150 0001 0858 6624
RETURN RECEIPT REQUESTED

Sugar Camp Energy, LLC
11351 Thompsonville Road
Macedonia, IL 62860

Re: Notice of Non-Issuance of Compliance Commitment Agreement
Violation Notice: W-2022-50025
Sugar Camp Energy, LLC – IL0078565 – W0558010004

Dear Facility Owner:

The Illinois Environmental Protection Agency (“Illinois EPA”) has reviewed the proposed Compliance Commitment Agreement (“CCA”) terms submitted by **Sugar Camp Energy, LLC – IL0078565** in letters dated **April 21, 2022 and May 26, 2022**, in response to the Violation Notice dated **March 10, 2022**, and has decided not to issue a proposed CCA for these violations. Due to the nature and seriousness of the violations, the Illinois EPA has determined that these violations may not be able to be resolved without the involvement of the Office of the Attorney General or the State’s Attorney.

Because the violations remain the subject of disagreement between the Illinois EPA and **Sugar Camp Energy, LLC – IL0078565**, this matter will be considered for referral to the above referenced prosecutorial authorities for formal enforcement action and the imposition of penalties.

Questions regarding this matter should be directed to Caleb Ruyle at 217/782-9861. Written communications should be directed to:

Illinois EPA – Division of Water Pollution Control
Attn: Caleb Ruyle/CAS #19
P.O. Box 19276
Springfield, IL 62794-9276

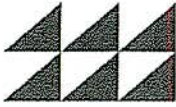
Sincerely,

Cathy Siders, Manager
Compliance Assurance Section
Bureau of Water, Division of Water Pollution Control

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

PLEASE PRINT ON RECYCLED PAPER



Sugar Camp Energy, LLC
11525 N. Thompsonville Rd.
Macedonia, IL 62860

May 26, 2022

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Rob Yoggerst/ CAS #19
P.O. Box 19276
Springfield, IL 62794-9276
Robert.yoggerst@illinois.gov

Re: Violation Notice: Sugar Camp Energy, LLC
IL0078565 – W0558010004
Violation Notice No.: W-2022-50025

Dear Mr. Yoggerst:

Please find the following supplemental response to Violation Notice (“VN”) W-2022-50025 issued to Sugar Camp Energy, LLC (“Sugar Camp”) on March 10, 2022. Sugar Camp would like to request a meeting with representatives of the Illinois Environmental Protection Agency (“IEPA”) if the information detailed herein cannot be resolved from this written response.

The VN alleges certain violations for a water sample which exceeded the water quality standard for chloride, as well as discolored seeps entering a swale, which flows to an unnamed tributary to Akin Creek. The violation resulted from an IEPA inspection based on a citizen complaint which alleged that land subsidence attributable to Sugar Camp’s mining operations resulted in a release of contaminated wastewater onto the complainant’s property. Sugar Camp acknowledges the elevated chloride concentration in IEPA’s water sample, but has not determined that it is attributable to Sugar Camp’s mining operations or to NPDES Permit IL0078565.

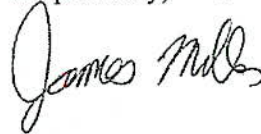
Since the meeting between Sugar Camp and IEPA held on May 6, 2022, Sugar Camp has continued efforts to identify the source of the high chloride discolored water seeps addressed in the VN. Representatives from Sugar Camp conducted a site visit with former employee Gary Vancil regarding the situation on the ground. During the site visit, no seeps were observed on the property. Background discussion with Vancil accompanied the site visit and additional conversation ensued with IEPA inspectors Brian and Bruce Rodley. Sugar Camp has not identified any interim steps that would be beneficial at this stage. Based on its preliminary investigation, Sugar Camp has not identified a connection between Sugar Camp’s NPDES permit, its mining activities, and the alleged violations.

Sugar Camp therefore will agree to the following as proposed terms of a CCA.

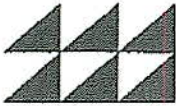
1. Illinois EPA will study the source of high chloride water seeps, including pre-mining water quality data.
2. If and only if there is definitive evidence demonstrating that the chloride seeps were more likely than not caused by mining activities, then Sugar Camp will develop a plan for remediation and containment of any identified source of high chloride water seeps.
3. If and only if there is definitive evidence demonstrating that the chloride seeps were more likely than not caused by mining activities, Sugar Camp will take steps to coordinate with the landowner and landowner's attorney to facilitate any necessary inspection, testing or remediation of affected soil in the landowner's pasture.

If you have any questions or concerns, or if you wish to discuss this matter in any particular, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink that reads "James Mills". The signature is written in a cursive style with a large initial "J" and "M".

Authorized Person



Sugar Camp Energy, LLC
11525 N. Thompsonville Rd.
Macedonia, IL 62860

April 21, 2022

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Rob Yoggerst/ CAS #19
P.O. Box 19276
Springfield, IL 62794-9276
Robert.yoggerst@illinois.gov

RECEIVED

APR 26 2022

IEPA/CAS

Re: Violation Notice: Sugar Camp Energy, LLC
IL0078565 – W0558010004
Violation Notice No.: W-2022-50025

Dear Mr. Yoggerst:

Please find the following information in response to Violation Notice (“VN”) W-2022-50025 issued to Sugar Camp Energy, LLC (“Sugar Camp”) on March 10, 2022. Sugar Camp would like to request a meeting with representatives of the Illinois Environmental Protection Agency (“IEPA”).

The VN alleges certain violations for a water sample which exceeded the water quality standard for chloride, as well as discolored seeps entering a swale, which flows to an unnamed tributary to Akin Creek. The violation resulted from an IEPA inspection based on a citizen complaint which alleged that land subsidence attributable to Sugar Camp’s mining operations resulted in a release of contaminated wastewater onto the complainant’s property. Sugar Camp acknowledges the elevated chloride concentration in IEPA’s water sample, but has not determined that it is attributable to Sugar Camp’s mining operations or to NPDES Permit IL0078565. Sugar Camp intends to undertake an evaluation of the source of high chloride water seeps.

Sugar Camp requests to enter into a Compliance Commitment Agreement (“CCA”). Below are the proposed terms of a CCA.

1. Sugar Camp will study the source of high chloride water seeps and develop a plan for remediation and containment of any identified source of high chloride water seeps.
2. Sugar Camp will hire a third-party consultant to evaluate the source of high chloride water seeps and provide recommendations on remediation and containment of any identified source of high chloride water seeps.

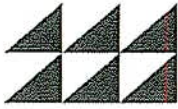
3. Sugar Camp with take steps to coordinate with the landowner and landowner's attorney to facilitate any necessary inspection, testing or remediation of affected soil in the landowner's pasture.

If you have any questions or concerns, or if you wish to discuss this matter in any particular, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink that reads "James Mills". The signature is written in a cursive style with a large initial "J" and "M".

Authorized Person



Sugar Camp Energy, LLC
11525 N. Thompsonville Rd.
Macedonia, IL 62860

July 11, 2022

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Rob Yoggerst/ CAS #19
P.O. Box 19276
Springfield, IL 62794-9276
Robert.yoggerst@illinois.gov

Re: Violation Notice: Sugar Camp Energy, LLC
IL0078565 – W055801004
Violation Notice No.: W-2021-50215

Dear Mr. Yoggerst:

Sugar Camp Energy, LLC (“SCE”) was issued Violation Notice (“VN”) W-2021-50215 from the Illinois Environmental Protection Agency (“IEPA”) dated January 5, 2022 for alleged violations of environmental laws, regulations, or permits as set forth in Attachment A of the VN. The VN included the directive to provide a written response via certified mail to the IEPA within 45 days of receipt. As a result of administrative changes or other unknown circumstances, Sugar Camp was unaware of the VN and the corresponding compliance deadline.

SCE was issued a Notice of Intent (“NOI”) to Pursue Legal Action from the IEPA dated May 6, 2022 for failure to respond to VN W-2021-50215 prior to the compliance deadline. As stated in the NOI, it provided opportunity to schedule a meeting with representatives of the IEPA to attempt resolution for the violations of the Act, regulations and permits specified in Attachment A (of VN W-2021-50215). Some correspondence occurred between IEPA legal counsel and SCE legal counsel and the meeting was ultimately scheduled and took place on June 30, 2022. During the meeting, some details were provided by SCE for events leading to the VN as well as an explanation of activity progression relative to the recommendations offered by IEPA in VN W-2021-50215 Attachment B. Further elaboration of the verbal discussion is described as follows:

VN W-2021-50215 states the following: “On October 20, 2021, the Illinois EPA received a call from Sugar Camp Energy personnel reporting a release of wastewater from a fan bleeder shaft construction site. Failure of a pencil pump during the bleeder fan shaft construction operation resulted in a wastewater release from the mud stacking area of the site. Water carried solids through a wooded area approximately ¼ mile to a culvert under Akin Road continuing north in an unnamed tributary to Akin Creek. Samples of the wastewater collected by Illinois EPA staff identified violations of applicable water quality standards.”

Recommendation #1 – Repair the pump and cease discharging drilling water from the mud stack pad.

Response – Well Pump 1 was used to dewater strata formation enabling shaft construction without significant infiltration. After electrical failure, the pump was removed from service and replaced on 10/19/21, but significant water infiltration occurred while the pump was out of service. As a result, shot rock that had been mucked from the shaft and stockpiled in the spoil area was overly saturated. Some of the water released from the spoil accumulated in a localized surface depression created by frequently turning around the haulage equipment used to transport spoil to the stockpile. Haulage equipment was operated through the undrained area pushing the accumulated wastewater carrying solids beyond the alternate sediment control measures which included silt fence and straw bales. Wastewater discharge from the site was discontinued on 10/20/21.

Recommendation #2 – Direct all drainage from the site to the cutting dewatering pond south of the shaft site.

Response – Shortly after the wastewater discharge incident, a substantial berm was constructed in the area where wastewater discharge occurred and the localized undrained area created by frequently turning around the haulage equipment was filled with shaft spoil material forcing drainage toward the construction dewatering pond. The haulage equipment turnaround site was relocated to prevent future water accumulation. All shaft construction activity was completed on 3/09/22 and site gradient was modified to ensure that drainage was directed toward the temporary containment pond on the south end of the site.

Since any potential for reoccurrence of the incident at the site has been permanently ceased and the nature of the ventilation shaft construction work was intermittent with similar projects typically occurring no more frequently than once or twice every 4-5 years, SCE requests resolution of the action based on the prompt and sustained actions described.

If you have any questions or concerns, or if you wish to discuss this matter in any particular, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink that reads "James Mills". The signature is written in a cursive style with a large initial "J" and "M".

Authorized Person



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(217) 558-1333

May 6, 2022

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7015 0640 0005 6906 4751

Sugar Camp Energy, LLC
c/o Illinois Corporation Service Company
801 Adlai Stevenson Drive
Springfield, IL 62703

Re: **Notice of Intent to Pursue Legal Action: Sugar Camp Energy, LLC**
Facility No. IL0078565
Violation Notice: W-2021-50215

Dear sir or madam,

This Notice of Intent to Pursue Legal Action is provided pursuant to Section 31(b) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(b) (2020). The Illinois Environmental Protection Agency ("Illinois EPA") is providing this notice because Sugar Camp Energy, LLC has failed to respond adequately to the Violation Notice dated January 5, 2022, which was issued by the Illinois EPA within the time frame required by Section 31 of the Act.

The Illinois EPA is providing this notice because it may pursue legal action for the violations of environmental statutes, regulations and permits specified in Attachment A. The Notice of Intent to Pursue Legal Action provides the opportunity to schedule a meeting with representatives of the Illinois EPA to attempt to resolve the violations of the Act, regulations and permits specified in Attachment A. If a meeting is requested, it must be held within thirty (30) days of receipt of this notice unless an extension of time is agreed to by the Illinois EPA.

If you wish to schedule a meeting with representatives of the Illinois EPA or have any questions, please contact me at Joshua.Leopold@illinois.gov (preferred) or (217) 558-1333 within twenty (20) days of your receipt of this notice.

Sincerely,

Joshua Leopold
Assistant Counsel
Division of Legal Counsel

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

Attachment A

**Sugar Camp Energy, LLC—IL0078565
VIOLATION NOTICE NO. W-2021-50215**

A review of information available to the Illinois EPA indicates the following violations of statutes, regulations, or permits. Included with each type of violation is an explanation of the activities that the Illinois EPA believes may resolve the violation including an estimated time period for resolution.

Discharge of Contaminants

Cease and desist from discharging contaminants that cause or threaten to cause water pollution. Review operational and maintenance procedures and correct the deficiencies which caused the violation. Compliance is expected to be pursued immediately.

<u>Violation Date</u>	<u>Violation Description</u>
10/20/2021	No person shall cause, threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.
Rule/Reg.:	Section 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2020)

Deposited Contaminants

Cease and desist from depositing contaminants that cause or threaten to cause water pollution. Compliance is expected to be pursued immediately.

<u>Violation Date</u>	<u>Violation Description</u>
10/20/2021	Deposited contaminants on the ground in such a manner that caused or threatened to cause a water pollution hazard.
Rule/Reg.:	Section 12(d) of the Act, 415 ILCS 5/12(d) (2020)

Offensive Conditions

Review and evaluate operational procedures in order to correct the deficiencies which caused the violations. Discharges must not cause a violation of water quality standards. Compliance is expected to be achieved immediately.

<u>Violation Date</u>	<u>Violation Description</u>
10/20/2021	Waters of the State shall be free from sludge or bottom deposits, floating debris, visible oil, odor, plant, oil, odor, plant or algal growth, color or turbidity of other than natural origin.
Rule/Reg.:	Section 12(a) and (d) of the Act, 415 ILCS 5/12(a) (2020), 35 Ill. Adm. Code 302.203

Offensive Discharge

Review and evaluate the operational procedures in order to correct the deficiencies which caused the violations. Discharges must not cause a violation of water quality standards. Compliance is expected immediately.

<u>Violation Date</u>	<u>Violation Description</u>
10/20/2021	No effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must be reduced to below obvious levels.
Rule/Reg.:	Section 12(a) and (d) of the Act, 415 ILCS 5/12(a) and (d) (2020), 35 Ill. Adm. Code 304.105 and 304.106

Unpermitted Discharge

Implement necessary actions to prevent any further unpermitted discharge. Apply for and obtain an NPDES Permit from the Illinois EPA for the discharge or submit appropriate documentation that the discharge has been permanently eliminated and a permit is no longer required. Develop procedures to ensure that all required permits are obtained timely. Compliance is expected within 30 days

<u>Violation Date</u>	<u>Violation Description</u>
10/20/2021 - Present	Except as in compliance with the provisions of the Act, Board regulations, and the CWA & (Clean Water Act), and the provisions and conditions of the NPDES (National Pollutant Discharge Elimination System) permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source shall be unlawful.
Rule/Reg.:	Section 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2020), 35 Ill. Adm. Code 309.102(a)

Water Quality Violations

Review and evaluate the operational procedures in order to correct the deficiencies which caused the violations. Discharges must not cause a violation of water quality standards. Compliance is expected immediately.

<u>Violation Date</u>	<u>Violation Description</u>
10/20/2021	Discharge of contaminants caused a violation of water quality standards for iron.
Rule/Reg.:	Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), 35 Ill. Adm. Code, 302.208, 304.105

November 15, 2021

Illinois Environmental Protection Agency
Attn: Michael S. Roubitchek
Deputy General Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
Mike.Roubitchek@illinois.gov

Re: Section 31 Waiver: Sugar Camp Energy, LLC
IL0078565 – W0558010004

Dear Mr. Roubitchek:

Pursuant to Section 31(a)(11) of the Act (415 ILCS 5/31), Sugar Camp Energy, LLC (“Sugar Camp”) has authorized me to provide you with this waiver of the procedural requirements of subsections (a) and (b) of Section 31 of the Act related to:

- the allegations set forth in Violation Notice No.: W-2021-50155 (Sugar Camp Energy) (“VN”);
- Sugar Camp’s use of firefighting foam to address the combustion event, even if not addressed in the VN; and
- A discharge event occurring during the weekend of November 5-7, 2021, about which Sugar Camp has provided notice to the IEPA.

This Section 31 waiver does not constitute an admission of liability as to any alleged violations of environmental laws, regulations or permits. Sugar Camp reserves all rights to contest any alleged violation and assert all defenses it may have.

Respectfully,



Nicholas S. Johnson

NSJ/les



Sugar Camp Energy, LLC
11525 N. Thompsonville Rd.
Macedonia, IL 62860

October 28, 2021

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Mr. Rob Yoggerst
P.O. Box 19276
Springfield, IL 62794-9276
Robert.yoggerst@illinois.gov

Re: Violation Notice: Sugar Camp Energy, LLC
IL0078565 – W0558010004
Violation Notice No.: W-2021-50155

Dear Mr. Yoggerst:

Please find the following information in response to Violation Notice (“VN”) W-2021-50155 issued to Sugar Camp Energy, LLC (“Sugar Camp”) on September 21, 2021. Sugar Camp would like to request a meeting with representatives of the Illinois Environmental Protection Agency (“IEPA”) if the issues detailed herein cannot be resolved from this written response.

The VN alleges certain violations of qualitative water quality standards related to firefighting foam that was injected into the mine in an effort to overcome a heating event. The VN further alleges that the firefighting foam leaked from mine property and was found in an unnamed tributary of Akin Creek down gradient of the Mine Hoist Site and in a swale adjacent to the Mine Hoist Site. On August 14, 2021, an underground heating event required evacuation of all underground personnel. To overcome the heating event, Sugar Camp drilled seven boreholes from the surface for visual observation, atmospheric monitoring and remote firefighting. On August 18, 2021, Sugar Camp began injecting water and firefighting foam into the mine. By September 7, 2021, Sugar Camp pursued alternative action and no additional firefighting foam has been injected since. The mine used vacuum trucks to remove any residual water from the containment/drill pits before reclaiming the entire area. Empty foam containers were sealed and/or placed in Roll-Off Containment for disposal by an environmental contractor.

Sugar Camp accepts the IEPA recommendations listed in Attachment B of the VN and requests to enter into a Compliance Commitment Agreement (“CCA”). Below are the proposed terms of a CCA.

1. As of September 1, 2021, Sugar Camp ceased all releases from the transfer and storage of the firefighting foam concentrate. The active remote firefighting methods in response to the heating event were discontinued by September 7, 2021, and as of

September 7, 2021, Sugar Camp has ceased all injections of firefighting foam at the mine.

2. Sugar Camp has cleaned up and removed all spilled firefighting foam concentrate. A combination of absorbent and vacuum trucks were used to remove any residual foam concentrate. The absorbent was removed using equipment and placed in Roll-Off Containment provided by an environmental contractor. The residual water was transported to our treatment facility for processing.
3. To prevent any future leaks, Sugar Camp will immediately inspect all firefighting foam concentrate containers for leaks when receiving shipments at the mine site. In addition, Sugar Camp will conduct routine inspections of firefighting foam concentrate containers when storing, transporting and utilizing during mixing and injecting into the coal mine. The results of our inspections will be included in our monthly SPCC report.

If you have any questions or concerns, or if you wish to discuss this matter in any particular, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink that reads "C. Dew Hudson". The signature is written in a cursive style with a long, sweeping underline.

Authorized Person



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217-524-3300
TDD 217/782-9143

October 29, 2021

CERTIFIED MAIL #7011 1150 0001 0858 4101
RETURN RECEIPT REQUESTED

Sugar Camp Energy, LLC
Attn: Gary Vancil
11525 N. Thompsonville Road
Macedonia, Illinois 62860

Re: Proposed Compliance Commitment Agreement
Violation Notices L-2021-00131 and L-2021-00132
LPC #0554645002– Franklin County
Macedonia/Sugar Camp Energy, LLC
Compliance File

Dear Gary Vancil:

The Illinois Environmental Protection Agency (“Illinois EPA”) has reviewed the proposed Compliance Commitment Agreement (“CCA”) terms submitted by you in a letter dated July 21, 2021 and received July 26, 2021, in another letter dated August 6, 2021 and received by the Illinois EPA on August 11, 2021, and finally in a letter dated October 28, 2021 and received by the Illinois EPA on October 29, 2021 in response to Violation Notices dated June 23, 2021 on behalf of Sugar Camp Energy, LLC (“Respondent”). Pursuant to the authority vested in the Illinois EPA under Section 31(a)(7)(i) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(a)(7)(i), attached to this letter is a proposed CCA, which contains terms and conditions that the Illinois EPA has determined are necessary in order for Respondent to attain compliance with the Act and Illinois Pollution Control Board Regulations.

Pursuant to Section 31(a)(7.5) of the Act, 415, ILCS 5/31(a)(7.5), within 30 days of your receipt of this proposed CCA, Respondent or its duly authorized representative must either (1) agree to and sign the proposed CCA, and submit the signed and dated CCA by certified mail to Illinois EPA; or (2) notify the Illinois EPA by certified mail that Respondent rejects the proposed CCA.

The proposed CCA shall only become effective upon your timely submittal of the signed CCA as discussed above, and upon final execution by the Illinois EPA. Failure by Respondent to execute and submit the proposed CCA within 30 days of receipt shall be deemed a rejection of the CCA by operation of law. Upon timely receipt of the signed CCA, the Illinois EPA will send you a fully executed copy of the CCA for your records.

In addition, the proposed CCA is not subject to amendment or modification prior to execution by Respondent and the Illinois EPA. Any amendment or modification to the proposed CCA by Respondent prior to execution by Respondent and the Illinois EPA shall be deemed a rejection of the proposed CCA by operation of law. The proposed CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent.

Written communications, including a signed and dated CCA or a notice that the Respondent rejects the proposed CCA, should be directed to:

Illinois EPA – Bureau of Land #24
Attn.: James Jennings
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

If you have questions regarding this matter, please contact Connie Letsky at the following email address: Connie.Letsky@Illinois.gov or at (618) 346-5140.

Sincerely,



James Jennings, Manager
Waste Reduction and Compliance Section
Bureau of Land

Enclosure – Proposed CCA

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)
)
Sugar Camp Energy, LLC)
Macedonia / Franklin County) ILLINOIS EPA VN L-2021-00131 and
LPC #0554645002) VN L-2021-00132
) BUREAU OF LAND

COMPLIANCE COMMITMENT AGREEMENT

I. Jurisdiction

1. This Compliance Commitment Agreement (“CCA”) is entered into voluntarily by the Illinois Environmental Protection Agency (“Illinois EPA”) and, Sugar Camp Energy, LLC (“Respondent”) (collectively, the “Parties”) under the authority vested in the Illinois EPA pursuant to Section 31(a)(7)(i) of the Illinois Environmental Protection Act. 415 ILCS 5/31(a)(7)(i).

II. Alleged Violations

2. Respondent (Sugar Camp Energy, LLC) operates the subject property located at 11351 North Thompsonville Road in Macedonia, Illinois (“the subject property”). Pursuant to Violation Notice L-2021-00131 and VN-L-2021-00132 (“the VNs”), issued on June 23, 2021, the Illinois EPA contends that Respondent has violated the following provisions of the Act and Illinois Pollution Control Board (“Board”) Regulations, and the Underground Injection Control Permit No. UIC-016-SCM (the “Permit”):
 - a) 415 ILCS 5/12(g);
 - b) 415 ILCS 5/21(d)(1);
 - c) 415 ILCS 5/21(d)(2);
 - d) 35 Ill. Adm. Code 702.141;
 - e) 35 Ill. Adm. Code 704.150(c)(2)(d);
 - f) Permit Condition A.12.a;
 - g) Permit Condition B.4.d;
 - h) Permit Condition B.7;

- i) Permit Condition B.8;
- j) Permit Condition H.1;
- k) Permit Condition H.5;
- l) Permit Condition H.12.b;
- m) Permit Condition H.26.c; and
- n) Permit Condition H.26.g.

III. Compliance Activities

- 3. The Illinois EPA received Respondent's response to the VNs, which included proposed terms for a CCA. The Illinois EPA has reviewed Respondent's proposed CCA terms and considered whether any additional terms and conditions are necessary to address the alleged violations set forth in the VNs.
- 4. By signing this CCA, Respondent certifies that, as of July 31, 2021, the Respondent installed the Annulus Protection Skid at UIC well #1 at the subject property which the Illinois EPA has determined is necessary to address the alleged violation set forth in the VNs.
- 5. Respondent agrees to recommission the injection well systems at the subject property, which the Illinois EPA has determined is necessary to address the alleged violations set forth in the VNs, by implementing the following schedule:
 - a) **By November 8, 2021**, the Respondent shall submit organized monthly operating records for both UIC wells #1 and #2
 - b) **By November 8, 2021**, the Respondent shall submit gauge calibration certifications gauges used on the UIC wells
 - c) **By December 31, 2021**, the Respondent shall perform inspection of UIC well #1 system
 - d) **By March 31, 2022**, the Respondent shall perform startup operations to confirm safe/proper Annulus Pressure System (APS) operation for UIC #1 well.
 - e) **By March 31, 2022**, the Respondent shall evaluate if additional repairs are necessary for UIC #1 well.
 - f) **By March 31, 2022**, the Respondent shall conduct the following internal and external mechanical integrity compliance tests on UIC #1 well:

- i. Annulus Pressure Test (APT).
 - ii. Mechanical Integrity Test (MIT).
 - iii. Fall-Off Test (FOT) also known as ambient pressure monitoring test.
- g) **By June 30, 2022**, the Respondent shall submit results and Request Authorization to Operate UIC #1 well.
- h) **By June 30, 2022**, the Respondent shall evaluate if repairs additional repairs are necessary for UIC #2 well. In addition, conduct internal and external mechanical integrity compliance tests on UIC #2 well, including APT, MIT and FOT.

The Illinois EPA will conduct a follow-up inspection to verify that Respondent has returned to compliance with the alleged violations identified in Section II of this CCA.

IV. Terms and Conditions

6. Respondent shall comply with all provisions of this CCA, including, but not limited to, any appendices to this CCA and all documents incorporated by reference into this CCA. Pursuant to Section 31(a)(10) of the Act, if Respondent complies with the terms of this CCA, the Illinois EPA shall not refer the alleged violations that are the subject of this CCA, as described in Section II above, to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violations occurred. Pursuant to Section 31(a)(7.6) of the Act, successful completion of the Compliance Activities identified in Section III of this CCA or an amended CCA shall be a factor to be weighed in favor of the Respondent by the Office of the Illinois Attorney General in determining whether to file a complaint on its own motion for the violations alleged in the VNs.
7. This CCA is solely intended to address the violations alleged in the VNs. The Illinois EPA reserves, and this CCA is without prejudice to, all rights of the Illinois EPA against Respondent with respect to noncompliance with any term of this CCA, as well as to all other matters. Nothing in this CCA is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the Illinois EPA may have against Respondent, or any other person as defined by Section 3.315 of the Act. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, and the Board Regulations and the Permit.
8. Pursuant to Section 42(k) of the Act, Respondent shall be liable for an additional civil penalty of \$2,000 for violation of any of the terms or conditions of this CCA, in addition to any other remedy or penalty that may apply, whether civil or criminal.
9. This CCA shall apply to and be binding upon the Illinois EPA and on Respondent and Respondent's officers, directors, employees, agents, successors, assigns, heirs, trustees,

receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondent, as well as upon subsequent purchasers of Respondent's property.

10. In any action by the Illinois EPA to enforce the terms of this CCA, Respondent consents to and agrees not to contest the authority or jurisdiction of the Illinois EPA to enter into or enforce this CCA, and agrees not to contest the validity of this CCA or its terms and conditions.

11. This CCA shall only become effective:

a) If, within 30 days of receipt, Respondent executes this CCA and submits it, via certified mail, to:

James Jennings
Manager, Waste Reduction and Compliance Section
Illinois EPA
1021 North Grand Ave. East
Springfield, Illinois 62794

and

b) Upon execution by all Parties.

If Respondent fails to execute and submit this CCA to the Illinois EPA by certified mail within 30 days of receipt, this CCA shall be deemed rejected by operation of law.

12. Pursuant to Section 31(a)(7.5) of the Act, this CCA shall not be amended or modified prior to execution by the Parties. Any amendment or modification to this CCA by Respondent prior to execution by all Parties shall be considered a rejection of the CCA by operation of law. This CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent's signatory to this CCA, Respondent's legal representative, or Respondent's agent.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

AGREED:

FOR RESPONDENT:

BY: 
Signature of Respondent or
Authorized Representative

DATE: 11/5/21

Gary Vancil Jr. Environmental Engineer
Print or Type Name of Respondent
or Authorized Representative and Title

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

BY: _____
James Jennings, Manager
Waste Reduction and Compliance Section
Bureau of Land

DATE: _____



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217-524-3300
TDD 217/782-9143

May 12, 2022

CERTIFIED MAIL # 7020 0640 0000 4965 6928
RETURN RECEIPT REQUESTED

Sugar Camp Energy, LLC
Attn: James Miller
11351 N. Thompsonville Road
Macedonia, Illinois 62860

Re: Proposed Compliance Commitment Agreement
Violation Notice L-2021-00131 and L-2021-00132
BOL #0554645002 – Franklin County
Macedonia/Sugar Camp Energy, LLC
Compliance File

Dear James Miller:

The Illinois Environmental Protection Agency (“Illinois EPA”) has reviewed the proposed Compliance Commitment Agreement (“CCA”) terms submitted by you in a letter dated April 1, 2022 and received by the Illinois EPA on April 5, 2022 in response to Violation Notice dated October 29, 2021 on behalf of Sugar Camp Energy, LLC (“Respondent”). Pursuant to the authority vested in the Illinois EPA under Section 31(a)(7)(i) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(a)(7)(i), attached to this letter is a proposed CCA, which contains terms and conditions that the Illinois EPA has determined are necessary in order for Respondent to attain compliance with the Act and Illinois Pollution Control Board Regulations.

Pursuant to Section 31(a)(7.5) of the Act, 415, ILCS 5/31(a)(7.5), within 30 days of your receipt of this proposed CCA, Respondent or its duly authorized representative must either (1) agree to and sign the proposed CCA, and submit the signed and dated CCA by certified mail to Illinois EPA; or (2) notify the Illinois EPA by certified mail that Respondent rejects the proposed CCA.

The proposed CCA shall only become effective upon your timely submittal of the signed CCA as discussed above, and upon final execution by the Illinois EPA. Failure by Respondent to execute and submit the proposed CCA within 30 days of receipt shall be deemed a rejection of the CCA by operation of law. Upon timely receipt of the signed CCA, the Illinois EPA will send you a fully executed copy of the CCA for your records.

In addition, the proposed CCA is not subject to amendment or modification prior to execution by Respondent and the Illinois EPA. Any amendment or modification to the

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

proposed CCA by Respondent prior to execution by Respondent and the Illinois EPA shall be deemed a rejection of the proposed CCA by operation of law. The proposed CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent.

Written communications, including a signed and dated CCA or a notice that the Respondent rejects the proposed CCA, should be directed to:

Illinois EPA – Bureau of Land #24
Attn.: James Jennings
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

If you have questions regarding this matter, please contact Connie Letsky at the following email address: Connie.Letsky@Illinois.gov or at (618) 346-5140.

Sincerely,

A handwritten signature in blue ink, appearing to read 'James Jennings', with a large, stylized initial 'J'.

James Jennings, Manager
Waste Reduction and Compliance Section
Bureau of Land

Enclosure – Proposed CCA

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)
)
Sugar Camp Energy, LLC)
Macedonia / Franklin County) ILLINOIS EPA VN L-2021-00131 and
LPC #0554645002) VN L-2021-00132
) BUREAU OF LAND

COMPLIANCE COMMITMENT AGREEMENT

I. Jurisdiction

1. This Compliance Commitment Agreement (“CCA”) is entered into voluntarily by the Illinois Environmental Protection Agency (“Illinois EPA”) and, Sugar Camp Energy, LLC (“Respondent”) (collectively, the “Parties”) under the authority vested in the Illinois EPA pursuant to Section 31(a)(7)(i) of the Illinois Environmental Protection Act. 415 ILCS 5/31(a)(7)(i).

II. Alleged Violations

2. Respondent (Sugar Camp Energy, LLC) operates the subject property located at 11351 North Thompsonville Road in Macedonia, Illinois (“the subject property”). Pursuant to Violation Notice L-2021-00131 and VN-L-2021-00132 (“the VNs”), issued on June 23, 2021, the Illinois EPA contends that Respondent has violated the following provisions of the Act and Illinois Pollution Control Board (“Board”) Regulations, and the Underground Injection Control Permit No. UIC-016-SCM (the “Permit”):
 - a) 415 ILCS 5/12(g);
 - b) 415 ILCS 5/21(d)(1);
 - c) 415 ILCS 5/21(d)(2);
 - d) 35 Ill. Adm. Code 702.141;
 - e) 35 Ill. Adm. Code 704.150(c)(2)(d);
 - f) Permit Condition A.12.a;
 - g) Permit Condition B.4.d;
 - h) Permit Condition B.7;

- i) Permit Condition B.8;
- j) Permit Condition H.1;
- k) Permit Condition H.5;
- l) Permit Condition H.12.b;
- m) Permit Condition H.26.c; and
- n) Permit Condition H.26.g.

III. Compliance Activities

- 3. The Illinois EPA received Respondent's response to the VNs, which included proposed terms for a CCA. The Illinois EPA has reviewed Respondent's proposed CCA terms and considered whether any additional terms and conditions are necessary to address the alleged violations set forth in the VNs.
- 4. On December 6, 2021, the Illinois EPA executed a CCA with Respondent. On April 5, 2022, the Illinois EPA received a request from Respondent to amend the December 6, 2021 CCA. The Illinois EPA has reviewed Respondent's proposed amended terms and considered whether any additional terms and conditions are necessary to address the alleged violations set forth in the VN.
- 5. Unless expressly stated otherwise, this CCA incorporates all Compliance Activities and Terms and Conditions from the CCA executed on December 6, 2021.
- 6. Respondent agrees to recommission the injection well systems at the subject property, which the Illinois EPA has determined is necessary to address the alleged violations set forth in the VNs, **by June 30, 2022**, the Respondent shall:
 - a) Perform startup operations to confirm safe/proper Annulus Pressure System (APS) operation for UIC #1 well.
 - b) Evaluate if additional repairs are necessary for UIC #1 well.
 - c) Conduct the following internal and external mechanical integrity compliance tests on UIC #1 well:
 - i. Annulus Pressure Test (APT).
 - ii. Mechanical Integrity Test (MIT).
 - iii. Fall-Off Test (FOT) also known as ambient pressure monitoring test.

These provisions supersede Section III(5)(d)-(f) of the December 6, 2021 CCA.

The Illinois EPA will conduct a follow-up inspection to verify that Respondent has returned to compliance with the alleged violations identified in Section II of this CCA.

IV. Terms and Conditions

7. Respondent shall comply with all provisions of this CCA, including, but not limited to, any appendices to this CCA and all documents incorporated by reference into this CCA. Pursuant to Section 31(a)(10) of the Act, if Respondent complies with the terms of this CCA, the Illinois EPA shall not refer the alleged violations that are the subject of this CCA, as described in Section II above, to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violations occurred. Pursuant to Section 31(a)(7.6) of the Act, successful completion of the Compliance Activities identified in Section III of this CCA or an amended CCA shall be a factor to be weighed in favor of the Respondent by the Office of the Illinois Attorney General in determining whether to file a complaint on its own motion for the violations alleged in the VNs.
8. This CCA is solely intended to address the violations alleged in the VNs. The Illinois EPA reserves, and this CCA is without prejudice to, all rights of the Illinois EPA against Respondent with respect to noncompliance with any term of this CCA, as well as to all other matters. Nothing in this CCA is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the Illinois EPA may have against Respondent, or any other person as defined by Section 3.315 of the Act. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, and the Board Regulations and the Permit.
9. Pursuant to Section 42(k) of the Act, Respondent shall be liable for an additional civil penalty of \$2,000 for violation of any of the terms or conditions of this CCA, in addition to any other remedy or penalty that may apply, whether civil or criminal.
10. This CCA shall apply to and be binding upon the Illinois EPA and on Respondent and Respondent's officers, directors, employees, agents, successors, assigns, heirs, trustees, receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondent, as well as upon subsequent purchasers of Respondent's property.
11. In any action by the Illinois EPA to enforce the terms of this CCA, Respondent consents to and agrees not to contest the authority or jurisdiction of the Illinois EPA to enter into or enforce this CCA, and agrees not to contest the validity of this CCA or its terms and conditions.
12. This CCA shall only become effective:

- a) If, within 30 days of receipt, Respondent executes this CCA and submits it, via certified mail, to:

James Jennings
Manager, Waste Reduction and Compliance Section
Illinois EPA
1021 North Grand Ave. East
Springfield, Illinois 62794

and

- b) Upon execution by all Parties.

If Respondent fails to execute and submit this CCA to the Illinois EPA by certified mail within 30 days of receipt, this CCA shall be deemed rejected by operation of law.

13. Pursuant to Section 31(a)(7.5) of the Act, this CCA shall not be amended or modified prior to execution by the Parties. Any amendment or modification to this CCA by Respondent prior to execution by all Parties shall be considered a rejection of the CCA by operation of law. This CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent's signatory to this CCA, Respondent's legal representative, or Respondent's agent.

AGREED:

FOR RESPONDENT:

BY: James Mills
Signature of Respondent or
Authorized Representative

DATE: 6/27/22

Authorized Representative
Print or Type Name of Respondent
or Authorized Representative and Title

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

BY: _____
James Jennings, Manager
Waste Reduction and Compliance Section
Bureau of Land

DATE: _____



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217-524-3300
TDD 217/782-9143

July 18, 2022

CERTIFIED MAIL # 7011 1150 00001 0858 1520
RETURN RECEIPT REQUESTED

Sugar Camp Energy, LLC
Attn: James Miller
11351 N. Thompsonville Road
Macedonia, Illinois 62860

Re: Amended Proposed Compliance Commitment Agreement
Violation Notice L-2021-00131 and L-2021-00132
BOL #0554645002 – Franklin County
Macedonia/Sugar Camp Energy, LLC
Compliance File

Dear James Miller:

The Illinois Environmental Protection Agency (“Illinois EPA”) has reviewed the proposed Compliance Commitment Agreement (“CCA”) terms submitted by you in a letter dated April 1, 2022 and received by the Illinois EPA on April 5, 2022 in response to Violation Notice dated October 29, 2021 on behalf of Sugar Camp Energy, LLC (“Respondent”). Pursuant to the authority vested in the Illinois EPA under Section 31(a)(7)(i) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(a)(7)(i), attached to this letter is a proposed CCA, which contains terms and conditions that the Illinois EPA has determined are necessary in order for Respondent to attain compliance with the Act and Illinois Pollution Control Board Regulations.

Pursuant to Section 31(a)(7.5) of the Act, 415, ILCS 5/31(a)(7.5), within 30 days of your receipt of this proposed CCA, Respondent or its duly authorized representative must either (1) agree to and sign the proposed CCA, and submit the signed and dated CCA by certified mail to Illinois EPA; or (2) notify the Illinois EPA by certified mail that Respondent rejects the proposed CCA.

The proposed CCA shall only become effective upon your timely submittal of the signed CCA as discussed above, and upon final execution by the Illinois EPA. Failure by Respondent to execute and submit the proposed CCA within 30 days of receipt shall be deemed a rejection of the CCA by operation of law. Upon timely receipt of the signed CCA, the Illinois EPA will send you a fully executed copy of the CCA for your records.

In addition, the proposed CCA is not subject to amendment or modification prior to execution by Respondent and the Illinois EPA. Any amendment or modification to the

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
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4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

proposed CCA by Respondent prior to execution by Respondent and the Illinois EPA shall be deemed a rejection of the proposed CCA by operation of law. The proposed CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent.

Written communications, including a signed and dated CCA or a notice that the Respondent rejects the proposed CCA, should be directed to:

Illinois EPA – Bureau of Land #24
Attn.: James Jennings
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

If you have questions regarding this matter, please contact Connie Letsky at the following email address: Connie.Letsky@Illinois.gov or at (618) 346-5140.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Jennings', written over a faint circular stamp or watermark.

James Jennings, Manager
Waste Reduction and Compliance Section
Bureau of Land

Enclosure – Proposed CCA

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)
)
Sugar Camp Energy)
Macedonia / Franklin County) ILLINOIS EPA VN L-2021-00131 and
BOL #0554645002) VN L-2021-00132
) BUREAU OF LAND

COMPLIANCE COMMITMENT AGREEMENT

I. Jurisdiction

1. This Compliance Commitment Agreement (“CCA”) is entered into voluntarily by the Illinois Environmental Protection Agency (“Illinois EPA”) and, Sugar Camp Energy (“Respondent”) (collectively, the “Parties”) under the authority vested in the Illinois EPA pursuant to Section 31(a)(7)(i) of the Illinois Environmental Protection Act. 415 ILCS 5/31(a)(7)(i).

II. Alleged Violations

2. Respondent owns and operates the subject property located at 11351 North Thompsonville Road in Macedonia, Illinois (“the subject property”). Pursuant to Violation Notice L-2021-00131 and VN L-2021-00132 (“the VN”), issued on June 23, 2021, the Illinois EPA contends that Respondent has violated the following provisions of the Act, Illinois Pollution Control Board (“Board”) Regulations, and the Underground Injection Control Permit No.UIC-016-SCM (the “Permit”):
 - a) 415 ILCS 5/12(g);
 - b) 415 ILCS 5/21(d)(1);
 - c) 415 ILCS 5/21(d)(2);
 - d) 35 Ill. Adm. Code 702.141;
 - e) 35 Ill. Adm. Code 704.150(c)(2)(D);
 - f) Permit Condition A.12.a;
 - g) Permit Condition B.4.d;
 - h) Permit Condition B.7;

- i) Permit Condition B.8;
- j) Permit Condition H.1;
- k) Permit Condition H.5;
- l) Permit Condition H.12.b;
- m) Permit Condition H.26.c; and
- n) Permit Condition H.26.g.

III. Compliance Activities

- 3. The Illinois EPA received Respondent's response to the VN, which included proposed terms for a CCA. The Illinois EPA has reviewed Respondent's proposed CCA terms and considered whether any additional terms and conditions are necessary to address the alleged violations set forth in the VN.
- 4. On December 6, 2021, the Illinois EPA executed a CCA with Respondent. On April 5, 2022, the Illinois EPA received a request from Respondent to amend the December 6, 2021 CCA. On June 27/July 7, 2022, the Illinois EPA executed an amended CCA with the Respondent. On July 5, 2022, the Illinois EPA received a request from Respondent to further amend the June 27/July 7, 2022 amended CCA. The Illinois EPA has reviewed Respondent's proposed amended terms and considered whether any additional terms and conditions are necessary to address the alleged violations set forth in the VN.
- 5. Unless expressly stated otherwise, this CCA incorporates all Compliance Activities and Terms and Conditions from the CCAs executed on December 6, 2021 and May 16, 2022.
- 6. Respondent agrees to recommission the injection well systems at the subject property, which the Illinois EPA has determined is necessary to address the alleged violations set forth in the VNs, **by August 31, 2022**, the Respondent shall:
 - a) Perform startup operations to confirm safe/proper Annulus Pressure System (APS) operation for UIC #1 well.
 - b) Evaluate if additional repairs are necessary for UIC #1 well.
 - c) Conduct the following internal and external mechanical integrity compliance tests on UIC #1 well:
 - i. Annulus Pressure Test (APT).
 - ii. Mechanical Integrity Test (MIT).

- iii. Fall-Off Test (FOT) also known as ambient pressure monitoring test.
- d) The Respondent shall submit results and request authorization to operate UIC #1 well.

By October 31, 2022, the Respondent shall evaluate if additional repairs are necessary for UIC #2 well. In addition, conduct internal and external mechanical integrity compliance tests on UIC #2 well, including APT, MIT, and FOT.

These provisions supersede Section III(5)(d)-(f) of the December 6, 2021 CCA and Section III(6) of the May 16, 2022 CCA.

The Illinois EPA will conduct a follow-up inspection to verify that Respondent has returned to compliance with the alleged violations identified in Section II of this CCA.

IV. Terms and Conditions

- 7. Respondent shall comply with all provisions of this CCA, including, but not limited to, any appendices to this CCA and all documents incorporated by reference into this CCA. Pursuant to Section 31(a)(10) of the Act, if Respondent complies with the terms of this CCA, the Illinois EPA shall not refer the alleged violations that are the subject of this CCA, as described in Section II above, to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violations occurred. Pursuant to Section 31(a)(7.6) of the Act, successful completion of the Compliance Activities identified in Section III of this CCA or an amended CCA shall be a factor to be weighed in favor of the Respondent by the Office of the Illinois Attorney General in determining whether to file a complaint on its own motion for the violations alleged in the VN.
- 8. This CCA is solely intended to address the violations alleged in the VN. The Illinois EPA reserves, and this CCA is without prejudice to, all rights of the Illinois EPA against Respondent with respect to noncompliance with any term of this CCA, as well as to all other matters. Nothing in this CCA is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the Illinois EPA may have against Respondent, or any other person as defined by Section 3.315 of the Act. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, the Board Regulations, and the Underground Injection Control Permit No.UIC-016-SCM.
- 9. Pursuant to Section 42(k) of the Act, Respondent shall be liable for an additional civil penalty of \$2,000 for violation of any of the terms or conditions of this CCA, in addition to any other remedy or penalty that may apply, whether civil or criminal.
- 10. This CCA shall apply to and be binding upon the Illinois EPA and on Respondent and Respondent's officers, directors, employees, agents, successors, assigns, heirs, trustees,

receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondent, as well as upon subsequent purchasers of Respondent's property.

11. In any action by the Illinois EPA to enforce the terms of this CCA, Respondent consents to and agrees not to contest the authority or jurisdiction of the Illinois EPA to enter into or enforce this CCA, and agrees not to contest the validity of this CCA or its terms and conditions.

12. This CCA shall only become effective:

a) If, within 30 days of receipt, Respondent executes this CCA and submits it, via certified mail, to:

James Jennings
Manager, Materials Management and Compliance Section
Illinois EPA
1021 North Grand Ave. East
Springfield, Illinois 62794

and

b) Upon execution by all Parties.

If Respondent fails to execute and submit this CCA to the Illinois EPA by certified mail within 30 days of receipt, this CCA shall be deemed rejected by operation of law.

13. Pursuant to Section 31(a)(7.5) of the Act, this CCA shall not be amended or modified prior to execution by the Parties. Any amendment or modification to this CCA by Respondent prior to execution by all Parties shall be considered a rejection of the CCA by operation of law. This CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent's signatory to this CCA, Respondent's legal representative, or Respondent's agent.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

AGREED:

FOR RESPONDENT:

BY: James Miller
Signature of Respondent or
Authorized Representative

DATE: 7/20/2022

James Miller
Print or Type Name of Respondent
or Authorized Representative and Title

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

BY: _____
James Jennings, Manager
Materials Management and Compliance Section
Bureau of Land

DATE: _____



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217-524-3300

August 2, 2022

CERTIFIED MAIL # 7011 1150 0001 0858 1667
RETURN RECEIPT REQUESTED

Sugar Camp Energy, LLC
Attn: James Miller
11351 N. Thompsonville Road
Macedonia, Illinois 62860

Re: **Executed Compliance Commitment Agreement**
Violation Notice: L-2022-00131 & L-2022-00132
LPC# 0554645002 – Franklin County
Macedonia/Sugar Camp Energy, LLC
Compliance File

Dear James Miller:

Attached to this letter is a signed and fully executed copy of the Compliance Commitment Agreement (“CCA”) for your records. The CCA between Sugar Camp Energy, LLC and the Illinois Environmental Protection Agency became effective on August 2, 2022. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, and the Board Regulations.

If you should have any questions regarding this matter, please contact me at the number above or email me at james.m.jennings@illinois.gov.

Sincerely,

James Jennings, Manager
Waste Reduction and Compliance Section
Bureau of Land

cc: Bureau File

4302 N. Main Street, Rockford, IL 61103 (815) 987-7760
595 S. State Street, Elgin, IL 60123 (847) 608-3131
2125 S. First Street, Champaign, IL 61820 (217) 278-5800
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2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
100 W. Randolph Street, Suite 4-500, Chicago, IL 60601

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

RECEIVED

AUG 01 2022

EPA/BOL/NRCS

IN THE MATTER OF:)	
)	
Sugar Camp Energy)	
Macedonia / Franklin County)	ILLINOIS EPA VN L-2021-00131 and
BOL #0554645002)	VN L-2021-00132
)	BUREAU OF LAND

COMPLIANCE COMMITMENT AGREEMENT

I. Jurisdiction

1. This Compliance Commitment Agreement (“CCA”) is entered into voluntarily by the Illinois Environmental Protection Agency (“Illinois EPA”) and, Sugar Camp Energy (“Respondent”) (collectively, the “Parties”) under the authority vested in the Illinois EPA pursuant to Section 31(a)(7)(i) of the Illinois Environmental Protection Act. 415 ILCS 5/31(a)(7)(i).

II. Alleged Violations

2. Respondent owns and operates the subject property located at 11351 North Thompsonville Road in Macedonia, Illinois (“the subject property”). Pursuant to Violation Notice L-2021-00131 and VN L-2021-00132 (“the VN”), issued on June 23, 2021, the Illinois EPA contends that Respondent has violated the following provisions of the Act, Illinois Pollution Control Board (“Board”) Regulations, and the Underground Injection Control Permit No.UIC-016-SCM (the “Permit”):
 - a) 415 ILCS 5/12(g);
 - b) 415 ILCS 5/21(d)(1);
 - c) 415 ILCS 5/21(d)(2);
 - d) 35 Ill. Adm. Code 702.141;
 - e) 35 Ill. Adm. Code 704.150(c)(2)(D);
 - f) Permit Condition A.12.a;
 - g) Permit Condition B.4.d;
 - h) Permit Condition B.7;

- i) Permit Condition B.8;
- j) Permit Condition H.1;
- k) Permit Condition H.5;
- l) Permit Condition H.12.b;
- m) Permit Condition H.26.c; and
- n) Permit Condition H.26.g.

III. Compliance Activities

- 3. The Illinois EPA received Respondent's response to the VN, which included proposed terms for a CCA. The Illinois EPA has reviewed Respondent's proposed CCA terms and considered whether any additional terms and conditions are necessary to address the alleged violations set forth in the VN.
- 4. On December 6, 2021, the Illinois EPA executed a CCA with Respondent. On April 5, 2022, the Illinois EPA received a request from Respondent to amend the December 6, 2021 CCA. On June 27/July 7, 2022, the Illinois EPA executed an amended CCA with the Respondent. On July 5, 2022, the Illinois EPA received a request from Respondent to further amend the June 27/July 7, 2022 amended CCA. The Illinois EPA has reviewed Respondent's proposed amended terms and considered whether any additional terms and conditions are necessary to address the alleged violations set forth in the VN.
- 5. Unless expressly stated otherwise, this CCA incorporates all Compliance Activities and Terms and Conditions from the CCAs executed on December 6, 2021 and May 16, 2022.
- 6. Respondent agrees to recommission the injection well systems at the subject property, which the Illinois EPA has determined is necessary to address the alleged violations set forth in the VNs, **by August 31, 2022**, the Respondent shall:
 - a) Perform startup operations to confirm safe/proper Annulus Pressure System (APS) operation for UIC #1 well.
 - b) Evaluate if additional repairs are necessary for UIC #1 well.
 - c) Conduct the following internal and external mechanical integrity compliance tests on UIC #1 well:
 - i. Annulus Pressure Test (APT).
 - ii. Mechanical Integrity Test (MIT).

- iii. Fall-Off Test (FOT) also known as ambient pressure monitoring test.
- d) The Respondent shall submit results and request authorization to operate UIC #1 well.

By October 31, 2022, the Respondent shall evaluate if additional repairs are necessary for UIC #2 well. In addition, conduct internal and external mechanical integrity compliance tests on UIC #2 well, including APT, MIT, and FOT.

These provisions supersede Section III(5)(d)-(f) of the December 6, 2021 CCA and Section III(6) of the May 16, 2022 CCA.

The Illinois EPA will conduct a follow-up inspection to verify that Respondent has returned to compliance with the alleged violations identified in Section II of this CCA.

IV. Terms and Conditions

- 7. Respondent shall comply with all provisions of this CCA, including, but not limited to, any appendices to this CCA and all documents incorporated by reference into this CCA. Pursuant to Section 31(a)(10) of the Act, if Respondent complies with the terms of this CCA, the Illinois EPA shall not refer the alleged violations that are the subject of this CCA, as described in Section II above, to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violations occurred. Pursuant to Section 31(a)(7.6) of the Act, successful completion of the Compliance Activities identified in Section III of this CCA or an amended CCA shall be a factor to be weighed in favor of the Respondent by the Office of the Illinois Attorney General in determining whether to file a complaint on its own motion for the violations alleged in the VN.
- 8. This CCA is solely intended to address the violations alleged in the VN. The Illinois EPA reserves, and this CCA is without prejudice to, all rights of the Illinois EPA against Respondent with respect to noncompliance with any term of this CCA, as well as to all other matters. Nothing in this CCA is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the Illinois EPA may have against Respondent, or any other person as defined by Section 3.315 of the Act. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, the Board Regulations, and the Underground Injection Control Permit No.UIC-016-SCM.
- 9. Pursuant to Section 42(k) of the Act, Respondent shall be liable for an additional civil penalty of \$2,000 for violation of any of the terms or conditions of this CCA, in addition to any other remedy or penalty that may apply, whether civil or criminal.
- 10. This CCA shall apply to and be binding upon the Illinois EPA and on Respondent and Respondent's officers, directors, employees, agents, successors, assigns, heirs, trustees,

receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondent, as well as upon subsequent purchasers of Respondent's property.

11. In any action by the Illinois EPA to enforce the terms of this CCA, Respondent consents to and agrees not to contest the authority or jurisdiction of the Illinois EPA to enter into or enforce this CCA, and agrees not to contest the validity of this CCA or its terms and conditions.

12. This CCA shall only become effective:

a) If, within 30 days of receipt, Respondent executes this CCA and submits it, via certified mail, to:

James Jennings
Manager, Materials Management and Compliance Section
Illinois EPA
1021 North Grand Ave. East
Springfield, Illinois 62794

and

b) Upon execution by all Parties.

If Respondent fails to execute and submit this CCA to the Illinois EPA by certified mail within 30 days of receipt, this CCA shall be deemed rejected by operation of law.

13. Pursuant to Section 31(a)(7.5) of the Act, this CCA shall not be amended or modified prior to execution by the Parties. Any amendment or modification to this CCA by Respondent prior to execution by all Parties shall be considered a rejection of the CCA by operation of law. This CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent's signatory to this CCA, Respondent's legal representative, or Respondent's agent.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

AGREED:

FOR RESPONDENT:

BY: James Miller
Signature of Respondent or
Authorized Representative

DATE: 7/20/2022

James Miller
Print or Type Name of Respondent
or Authorized Representative and Title

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

BY: [Signature]
James Jennings, Manager
Materials Management and Compliance Section
Bureau of Land

DATE: 7/16/22



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/785-0561

September 14, 2021

CERTIFIED MAIL # 7020 0090 0000 7313 4103
RETURN RECEIPT REQUESTED

The American Coal Company
c/o Kim Betcher
46226 National Road
St. Clairsville, OH 43950

**Re: Identification No.: 6383, AMERICAN COAL COMPANY-GALATIA MINE
Meeting Scheduled
Violation Notice No.: W-2021-00030**

Dear Ms. Betcher:

The Illinois Environmental Protection Agency ("Illinois EPA") acknowledges your request for a meeting, which is currently scheduled for September 22, 2021, at 10:00 am, via WebEx. A party that meets with the Illinois EPA is given 21 days after the meeting to submit proposed terms for a Compliance Commitment Agreement ("CCA") pursuant to Section 31(a)(5) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(a)(5).

The Illinois EPA also acknowledges receiving a response dated August 18, 2021. Section 31(a)(5) requires you to submit a written response within 21 days following the meeting. Because you have requested a meeting, the Illinois EPA will make its decision regarding issuance of a proposed CCA within 30 days of receipt of the meeting response. See Section 31(a)(7).

Questions regarding this matter should be directed to Andrea Rhodes at 217/785-0561. Written communications should be directed to Andrea Rhodes at the Illinois Environmental Protection Agency, Bureau of Water, CAS #19, P.O. Box 19276, Springfield, Illinois 62794-9726 and all communications shall include reference to your Violation Notice number, W-2021-00030.

Sincerely,

Mary F. Reed
Manager, Compliance Assurance Section
Division of Public Water Supplies
Bureau of Water

BOW ID: W1658090003

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760



46226 NATIONAL ROAD ST. CLAIRSVILLE, OHIO 43950

August 18, 2021

Illinois Environmental Protection Agency
Division of Public Water Supplies
Attn: Andrea Rhodes, CAS #19
P.O. Box 19276
Springfield, IL 62794-9276

Re: Violation Notice: The American Coal Company – Galatia Mine
Identification No.: 6383
Violation Notice No.: W-2021-00030

Dear Ms. Rhodes:

Please find the following information in response to Violation Notice (“VN”) W-2021-00030 issued to The American Coal Company (“TACC”) on August 3, 2021. Pursuant to Section 31(a)(2)(C) of the Act (415 ILCS 5/31), Illinois Land Resources, Inc. (“ILRI”), on behalf of TACC, would like to request a meeting with representatives of the Illinois Environmental Protection Agency (“IEPA”).

ILRI, on behalf of TACC, requests to enter into a Compliance Commitment Agreement (“CCA”). The proposed terms of a CCA will be developed concurrently with the ongoing discussions regarding the long-term reclamation plan of the site that are currently underway with IEPA and IDNR. These discussions cover both reclamation and a proposed GMZ/CAP for Permits 002/306. The terms of the comprehensive plan will evolve as the discussions with IEPA and IDNR continue.

If you have any questions or if you wish to discuss this matter, please do not hesitate to contact me.

Respectfully,

James R. Turner, Jr.
President

BAILEY GLASSER LP

1055 Thomas Jefferson St NW
Suite 540
Washington, DC 20007
Telephone: 202.463.2101
Fax: 202.463.2103

Nicholas S. Johnson
njohnson@baileyglasser.com

August 18, 2021

Via Certified Mail/Return Receipt Requested

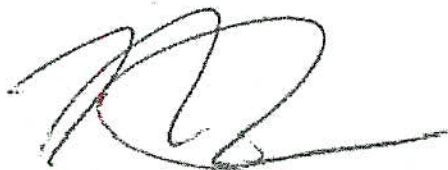
Amanda S. Kimmel, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
Email: Amanda.Kimmel@illinois.gov

Re: Williamson Energy – Pond Creek

Dear Ms. Kimmel:

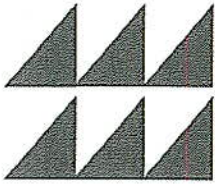
Pursuant to Section 31(a)(11) of the Act (415 ILCS 5/31), my client consents to waiver of the procedural requirements of subsections (a) and (b) of Section 31 of the Act related to the allegations set forth in Violation Notice No. W-2021-50080 (Williamson Energy – Pond Creek).

Very truly yours,



Nicholas S. Johnson

NSJ/les



Williamson Energy, LLC

PO Box 99

Johnston City, IL 62951

Office: 618-983-3020 Fax: 618-983-3017

October 31, 2022

Mrs. Cathy Siders
Illinois Environmental Protection Agency
Division of Water Pollution Control
Post Office Box 19276
Springfield, IL 62794-9276

Re: Williamson Energy LLC NPDES Permit No. IL0077666

As you know, Williamson Energy LLC (“Williamson”) has engaged Illinois Environmental Protection Agency (“IEPA”) in discussions involving the handling of water with elevated chloride concentrations under the above-referenced permit since August 2015. Discussions beginning in August 2015 have involved transporting the elevated chloride water through a pipeline for discharge into a mixing zone. In 2016, Williamson submitted an anti-degradation analysis along with its permit renewal application, both of which contemplate a long-term compliance strategy of a mixing zone along the Big Muddy River.

In October 2019, IEPA published a draft permit renewal document for the above-referenced permit. The draft renewal document includes Outfall 011, which contemplates a mixing zone along the Big Muddy River for discharge of Williamson’s water. In December 2019, IEPA held a public hearing on the renewal. Between December 2019 and April 2022, IEPA was engaged in preparing a responsiveness summary and other final work on the permit.

While IEPA’s work progressed, Williamson has taken all known feasible actions to prevent discharges of chloride water, including constructing large water-holding cells, disposal underground where permissible, and retention and recirculation through the mine processes, including storage in the Refuse Disposal Areas (“RDAs”), where available. There are no feasible alternative treatment facilities available, and, given the long period of time in which Williamson has been forced to retain water without issuance of the permit renewal, Williamson no longer has the ability to completely retain all elevated chloride water.

On April 15, 2022, IEPA reissued Williamson’s NPDES Permit with an Effective Date of May 1, 2022. The Reissued Permit includes Outfall 011 which allows compliant discharge of elevated chloride concentration into a stream sufficient in volume to receive the discharge according to Special Condition No. 15 of the Permit. Outfall 011 is a remote discharge located at the Big Muddy River more than 12 miles from the mining facility. Remote discharge requires extensive construction of a water management pipeline with appropriate monitoring and safeguard instrumentation. Until a reasonable timeline for construction and installation of the water management

pipeline is achieved, Williamson remains without feasible alternatives to totally prevent discharges of water with chloride levels in excess of the water quality standard.

Williamson's key limiting factor in its ability to hold water is the amount of freeboard required in its RDAs. Other agencies regulate the safety of the RDAs, and they require that Williamson maintain a minimum amount of freeboard space in the RDAs. While Williamson's RDAs are regularly tested and confirmed to be safe, allowing water to build inside the RDAs above the freeboard limit can lead to imminent danger to life, safety, and property.

Accordingly, under 40 C.F.R. § 122.41(m)(4)(i)(A)-(B) and the standard conditions in the above-referenced permit, this letter is to notify you that Williamson expects to incur an unavoidable bypass of its outfall structure at Pond 006 on the above-referenced permit because it can no longer retain water in its RDA and meet the freeboard safety requirements. The bypass noted herein is unavoidable to ensure the continued safe operation of Williamson's RDAs. There are no feasible alternatives to the bypass, such as the use of alternative treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime.

Williamson has made its best efforts to estimate dates on which it must bypass. These estimates are driven by certain assumptions. As such the company may need to adjust dates to ensure the continued safe operation of its RDAs. Having said that, Williamson will diligently work to minimize and/or delay the need for bypass to the extent possible. Any deviation from the schedule that would result in more bypass than projected will be communicated to the agency within 24 hours of the event. The company anticipates that bypass will occur on the following dates:

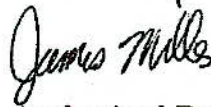
11/7/2022	11/8/2022
11/9/2022	11/10/2022
11/11/2022	11/12/2022
11/13/2022	11/14/2022
11/15/2022	11/16/2022
11/17/2022	11/18/2022
11/19/2022	11/20/2022
11/21/2022	11/22/2022

¹ (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

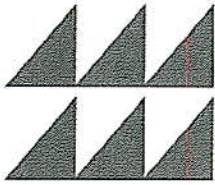
(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.

Williamson will collect in-stream samples above and below Outfall 006 on each day that a bypass occurs and make the data available to you upon request. Please let us know if you have any questions or require any more information.

Sincerely,

A handwritten signature in cursive script that reads "James Mills".

Authorized Person



Williamson Energy, LLC

PO Box 99

Johnston City, IL 62951

Office: 618-983-3020 Fax: 618-983-3017

September 2, 2022

Mrs. Cathy Siders
Illinois Environmental Protection Agency
Division of Water Pollution Control
Post Office Box 19276
Springfield, IL 62794-9276

Re: Williamson Energy LLC NPDES Permit No. IL0077666

As you know, Williamson Energy LLC ("Williamson") has engaged Illinois Environmental Protection Agency ("IEPA") in discussions involving the handling of water with elevated chloride concentrations under the above-referenced permit since August 2015. Discussions beginning in August 2015 have involved transporting the elevated chloride water through a pipeline for discharge into a mixing zone. In 2016, Williamson submitted an anti-degradation analysis along with its permit renewal application, both of which contemplate a long-term compliance strategy of a mixing zone along the Big Muddy River.

In October 2019, IEPA published a draft permit renewal document for the above-referenced permit. The draft renewal document includes Outfall 011, which contemplates a mixing zone along the Big Muddy River for discharge of Williamson's water. In December 2019, IEPA held a public hearing on the renewal. Between December 2019 and April 2022, IEPA was engaged in preparing a responsiveness summary and other final work on the permit.

While IEPA's work progressed, Williamson has taken all known feasible actions to prevent discharges of chloride water, including constructing large water-holding cells, disposal underground where permissible, and retention and recirculation through the mine processes, including storage in the Refuse Disposal Areas ("RDAs"), where available. There are no feasible alternative treatment facilities available, and, given the long period of time in which Williamson has been forced to retain water without issuance of the permit renewal, Williamson no longer has the ability to completely retain all elevated chloride water.

On April 15, 2022, IEPA reissued Williamson's NPDES Permit with an Effective Date of May 1, 2022. The Reissued Permit includes Outfall 011 which allows compliant discharge of elevated chloride concentration into a stream sufficient in volume to receive the discharge according to Special Condition No. 15 of the Permit. Outfall 011 is a remote discharge located at the Big Muddy River more than 12 miles from the mining facility. Remote discharge requires extensive construction of a water management pipeline with appropriate monitoring and safeguard instrumentation. Until a reasonable timeline for construction and installation of the water management

pipeline is achieved, Williamson remains without feasible alternatives to totally prevent discharges of water with chloride levels in excess of the water quality standard.

Williamson's key limiting factor in its ability to hold water is the amount of freeboard required in its RDAs. Other agencies regulate the safety of the RDAs, and they require that Williamson maintain a minimum amount of freeboard space in the RDAs. While Williamson's RDAs are regularly tested and confirmed to be safe, allowing water to build inside the RDAs above the freeboard limit can lead to imminent danger to life, safety, and property.

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Williamson has made its best efforts to estimate dates on which it must bypass. These estimates are driven by certain assumptions. As such the company may need to adjust dates to ensure the continued safe operation of its RDAs. Having said that, Williamson will diligently work to minimize and/or delay the need for bypass to the extent possible. Any deviation from the schedule that would result in more bypass than projected will be communicated to the agency within 24 hours of the event. The company anticipates that bypass will occur on the following dates:

9/12/2022	9/13/2022
9/14/2022	9/15/2022
9/16/2022	9/17/2022
9/18/2022	9/19/2022
9/20/2022	9/21/2022
9/22/2022	9/23/2022
9/24/2022	9/25/2022
9/26/2022	9/27/2022
9/28/2022	9/29/2022
9/30/2022	10/1/2022

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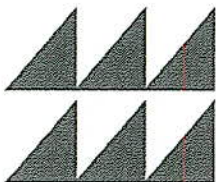
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Sincerely,

A handwritten signature in cursive script that reads "Jane Mills".

Authorized Person



Williamson Energy, LLC

PO Box 99

Johnston City, IL 62951

Office: 618-983-3020 Fax: 618-983-3017

July 1, 2022

Mrs. Cathy Siders
Illinois Environmental Protection Agency
Division of Water Pollution Control
Post Office Box 19276
Springfield, IL 62794-9276

Re: Williamson Energy LLC NPDES Permit No. IL0077666

As you know, Williamson Energy LLC (“Williamson”) has engaged Illinois Environmental Protection Agency (“IEPA”) in discussions involving the handling of water with elevated chloride concentrations under the above-referenced permit since August 2015. Discussions beginning in August 2015 have involved transporting the elevated chloride water through a pipeline for discharge into a mixing zone. In 2016, Williamson submitted an anti-degradation analysis along with its permit renewal application, both of which contemplate a long-term compliance strategy of a mixing zone along the Big Muddy River.

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7/17/2022	7/18/2022
7/19/2022	7/20/2022
7/21/2022	7/22/2022
7/23/2022	7/24/2022
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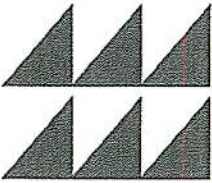
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Sincerely,

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Authorized Person



Williamson Energy, LLC

PO Box 99

Johnston City, IL 62951

Office: 618-983-3020 Fax: 618-983-3017

May 10, 2022

Mrs. Cathy Siders
Illinois Environmental Protection Agency
Division of Water Pollution Control
Post Office Box 19276
Springfield, IL 62794-9276

Re: Williamson Energy LLC NPDES Permit No. IL0077666

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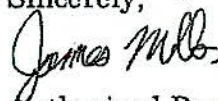
5/17/2022	5/18/2022
5/19/2022	5/20/2022
5/21/2022	5/22/2022
5/23/2022	5/24/2022
5/25/2022	5/26/2022
5/27/2022	5/28/2022
5/29/2022	5/30/2022
5/31/2022	6/1/2022
6/2/2022	6/3/2022
6/4/2022	6/5/2022

¹ (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

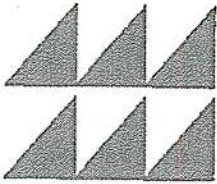
(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.

Williamson will collect in-stream samples above and below Outfall 006 on each day that a bypass occurs and make the data available to you upon request. Please let us know if you have any questions or require any more information.

Sincerely,

A handwritten signature in cursive script that reads "James Mills".

Authorized Person



Williamson Energy, LLC

PO Box 99

Johnston City, IL 62951

Office: 618-983-3020 Fax: 618-983-3017

March 14, 2022

Mrs. Cathy Siders
Illinois Environmental Protection Agency
Division of Water Pollution Control
Post Office Box 19276
Springfield, IL 62794-9276

Re: Williamson Energy LLC NPDES Permit No. IL0077666

As you know, Williamson Energy LLC ("Williamson") has engaged Illinois Environmental Protection Agency ("IEPA") in discussions involving the handling of water with elevated chloride concentrations under the above-referenced permit since August 2015. Discussions beginning in August 2015 have involved transporting the elevated chloride water through a pipeline for discharge into a mixing zone. In 2016, Williamson submitted an anti-degradation analysis along with its permit renewal application, both of which contemplate a long-term compliance strategy of a mixing zone along the Big Muddy River.

In October 2019, IEPA published a draft permit renewal document for the above-referenced permit. The draft renewal document includes Outfall 011, which contemplates a mixing zone along the Big Muddy River for discharge of Williamson's water. In December 2019, IEPA held a public hearing on the renewal. Since December 2019, IEPA has been engaged in preparing a responsiveness summary and other final work on the permit.

While IEPA's work has progressed, Williamson Energy has taken all known feasible actions to prevent discharges of chloride water, including constructing large water-holding cells, disposal underground where permissible, and retention and recirculation through the mine processes, including storage in the Refuse Disposal Areas ("RDAs"), where available.

Now, however, Williamson is without feasible alternatives to totally prevent discharges of water with chloride levels in excess of the water quality standard. There are no feasible alternative treatment facilities available, and, given the long period of time in which Williamson has been forced to retain water without issuance of the permit renewal, Williamson no longer has the ability to completely retain all elevated chloride water.

Williamson's key limiting factor in its ability to hold water is the amount of freeboard required in its RDAs. Other agencies regulate the safety of the RDAs, and they require that Williamson maintain a minimum amount of freeboard space

in the RDAs. While Williamson's RDAs are regularly tested and confirmed to be safe, allowing water to build inside the RDAs above the freeboard limit can lead to imminent danger to life, safety, and property.

Accordingly, under 40 C.F.R. § 122.41(m)(4)(i)(A)-(B) and the standard conditions in the above-referenced permit, this letter is to notify you that Williamson expects to incur an unavoidable bypass of its outfall structure at Pond 006 on the above-referenced permit because it can no longer retain water in its RDA and meet the freeboard safety requirements. The bypass noted herein is unavoidable to ensure the continued safe operation of Williamson's RDAs. There are no feasible alternatives to the bypass, such as the use of alternative treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime.

Williamson has made its best efforts to estimate dates on which it must bypass. These estimates are driven by certain assumptions. As such the company may need to adjust dates to ensure the continued safe operation of its RDAs. Having said that, Williamson will diligently work to minimize and/or delay the need for bypass to the extent possible. Any deviation from the schedule that would result in more bypass than projected will be communicated to the agency within 24 hours of the event. The company anticipates that bypass will occur on the following dates:

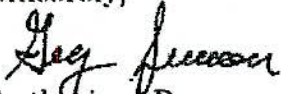
3/21/2022	3/22/2022
3/23/2022	3/24/2022
3/25/2022	3/26/2022
3/27/2022	3/28/2022
3/29/2022	3/30/2022
3/31/2022	4/1/2022
4/2/2022	4/3/2022
4/4/2022	4/5/2022
4/6/2022	4/7/2022
4/8/2022	4/9/2022

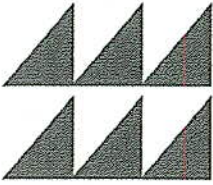
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Sincerely,


Authorized Person



Williamson Energy, LLC

PO Box 99

Johnston City, IL 62951

Office: 618-983-3020 Fax: 618-983-3017

January 24, 2022

Mrs. Cathy Siders
Illinois Environmental Protection Agency
Division of Water Pollution Control
Post Office Box 19276
Springfield, IL 62794-9276

Re: Williamson Energy LLC NPDES Permit No. IL0077666

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in the RDAs. While Williamson's RDAs are regularly tested and confirmed to be safe, allowing water to build inside the RDAs above the freeboard limit can lead to imminent danger to life, safety, and property.

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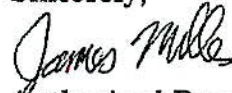
1/31/2022	2/01/2022
2/02/2022	2/03/2022
2/04/2022	2/05/2022
2/06/2022	2/07/2022
2/08/2022	2/09/2022
2/10/2022	2/11/2022
2/12/2022	2/13/2022
2/14/2022	2/15/2022
2/16/2022	2/17/2022
2/18/2022	2/19/2022

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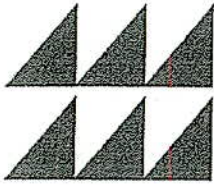
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Sincerely,

A handwritten signature in cursive script that reads "James Mills".

Authorized Person



Williamson Energy, LLC

PO Box 99

Johnston City, IL 62951

Office: 618-983-3020 Fax: 618-983-3017

December 02, 2021

Mrs. Cathy Siders
Illinois Environmental Protection Agency
Division of Water Pollution Control
Post Office Box 19276
Springfield, IL 62794-9276

Re: Williamson Energy LLC NPDES Permit No. IL0077666
Revised Discharge Dates to add 12/09/2021

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12/06/2021	12/07/2021
12/08/2021	12/09/2021
12/10/2021	12/11/2021
12/12/2021	12/13/2021
12/14/2021	12/15/2021
12/16/2021	12/17/2021
12/18/2021	12/19/2021
12/20/2021	12/21/2021
12/22/2021	

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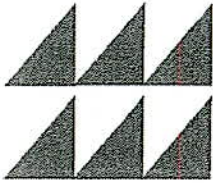
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Sincerely,



A handwritten signature in black ink, appearing to read "Paul Johnson". The signature is fluid and cursive, with a large initial "P".

Authorized Person



Williamson Energy, LLC

PO Box 99

Johnston City, IL 62951

Office: 618-983-3020 Fax: 618-983-3017

September 21, 2021

Mrs. Cathy Siders
Illinois Environmental Protection Agency
Division of Water Pollution Control
Post Office Box 19276
Springfield, IL 62794-9276

Re: Williamson Energy LLC NPDES Permit No. IL0077666

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9/27/2021	9/28/2021
9/29/2021	9/30/2021
10/01/2021	10/02/2021
10/03/2021	10/04/2021
10/05/2021	10/06/2021
10/07/2021	10/08/2021
10/09/2021	10/10/2021
10/11/2021	10/12/2021
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10/15/2021	10/16/2021

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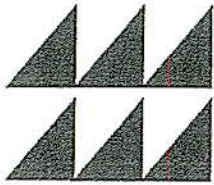
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Sincerely,



Chad Hudson

Authorized Person



Williamson Energy, LLC

PO Box 99

Johnston City, IL 62951

Office: 618-983-3020 Fax: 618-983-3017

July 21, 2021

Mrs. Cathy Siders
Illinois Environmental Protection Agency
Division of Water Pollution Control
Post Office Box 19276
Springfield, IL 62794-9276

Re: Williamson Energy LLC NPDES Permit No. IL0077666

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7/26/2021	7/27/2021
7/28/2021	7/29/2021
7/30/2021	7/31/2021
8/1/2021	8/2/2021
8/3/2021	8/4/2021
8/5/2021	8/6/2021
8/7/2021	8/8/2021
8/9/2021	8/10/2021
8/11/2021	8/12/2021
8/13/2021	8/14/2021

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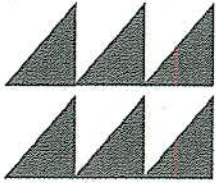
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Sincerely,



A handwritten signature in black ink that reads "C. Drew Hudson". The signature is written in a cursive style with a large initial "C".

Authorized Person



Williamson Energy, LLC

PO Box 99

Johnston City, IL 62951

Office: 618-983-3020 Fax: 618-983-3017

May 27, 2021

Mrs. Cathy Sider
Illinois Environmental Protection Agency
Division of Water Pollution Control
Post Office Box 19276
Springfield, IL 62794-9276

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6/1/2021	6/2/2021
6/3/2021	6/4/2021
6/5/2021	6/6/2021
6/7/2021	6/8/2021
6/9/2021	6/10/2021
6/11/2021	6/12/2021
6/13/2021	6/14/2021
6/15/2021	6/16/2021
6/17/2021	6/18/2021
6/19/2021	6/20/2021

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Sincerely,

Authorized Person

ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
U102591	12/07/2020	12:30	6 (rev 4/20)		2700	63	07/05/2022	13:58

PERMITTEE NAME THE OHIO COUNTY COAL COMPANY

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted
 Extended to _____ at _____ NOV modified to CO # _____ CO modified to NOV # _____

Action taken to abate.

Per the WV Surface Mine Board Final Order for Appeal No. 21-02-SMB, NOV #63 is hereby withdrawn.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8

Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No

Comments:

AUTH. COMPANY REPRESENTATIVE Ernie Banks

DELIVERY METHOD / DATE TIME Mail 7/5/2022 16:00:00

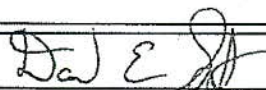
CERTIFIED MAIL NUMBER _____

ADDRESS 46226 NATIONAL ROAD, SAINT CLAIRSVILLE, OH 43950

WV DEP REP. David E Smith

Harold D. Ward

[Secretary, Department of Environmental Protection]



[WV DEP Representative]

7-5-2022

Date

Names of individuals at informal Conference:

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

APPENDIX F

THREATENED AND ENDANGERED SPECIES Endangered Species Act of 1973, 16 USC 1531, et seq. 62 Ill. Adm. Code 1773.15(c)(10)

The Department reviewed Permit Application No. 460 for potential effects of coal mining operations and reclamation activities on federally listed threatened and endangered species. The following factors were considered for all species that could potentially be adversely affected: status of species in the proposed permit area and adjacent area, site specific resource information, direct and indirect effects, and cumulative effects.

Five primary sources were utilized to identify state and federally listed threatened and endangered species that could potentially be affected by the proposed coal mining operations and reclamation activities. These sources include threatened and endangered species review information submitted by the applicant, public comments, the U.S. Fish and Wildlife Service (USFWS), the Illinois Department of Natural Resources/Division of Real Estate Services and Consultation/Office of Realty and Capital Planning (ORCP), and Department records.

Information Submitted by the Applicant

The threatened and endangered species review submitted by the applicant as a requirement of the Department's permit application addressed state listed species known to occur in Franklin County and applicable adjacent counties using records obtained from the Illinois Natural Heritage Database. Records for twenty eight state listed threatened or endangered species, the bewick's wren (*Thryomanes bewickii*), the chuck-will's widow (*Caprimulgus carolinensis*), the osprey (*Pandion haliaetus*), the king rail (*Rallus elegans*), the short-eared owl (*Asio flammeus*), the northern harrier (*Circus cyaneus*), the cerulean warbler (*Dendroica cerulea*), the loggerhead shrike (*Lanius ludovicianus*), the american bittern (*Botaurus lentiginosus*), the least bittern (*Ixobrychus exilis*), the little blue heron (*Egretta caerulea*), the yellow-crowned night heron (*Nyctanassa violacea*), the river cooter (*Pseudemys concinna*), the ornate box turtle (*Terrapene ornata*), the river redhorse (*Moxostoma carinatum*), false bugbane (*Cimicifuga racemose*), eryngo (*Eryngium prostratum*), climbing milkweed (*Matelea decipiens*), spotted pondweed (*Potamogeton pulcher*), dull meadow beauty (*Rhexia mariana*), green trillium (*Trillium viride*), southern grape fern (*Botrychium biternatum*), winged sedge (*Carex alata*), arkansas sedge (*Carex arkansana*), mana grass (*Glyceria arkanaana*), Squinting Cucumber (*Melothria pendula*), tubercled orchid (*Platanthera flava* var. *herbiola*), and storax (*Styrax americanus*) were deemed by the applicant as possible to occur on the proposed project area. The applicant provided Site Specific Resource Information and Protection and Enhancement Plan for each of these species. None of these species are currently listed as federally threatened or endangered.

The application also addressed known occurrences of state and federally endangered Indiana bat (*Myotis sodalist*) and the threatened northern long-eared bat (*Myotis septentrionalis*). Information in the permit application indicates probable absence of the Indiana bat and northern long-eared bat was documented in a mist net survey conducted in 2018, thus a Protection and Enhancement Plan

(PEP) was not necessary in accordance with the USFWS revised 2013 edition of the “2009 Range-wide Indiana Bat Protection and Enhancement Plan Guidelines” (Guidelines).

Information in the permit application indicates that known occurrences of the Indiana bats have been documented adjacent to the project area, the applicant has committed to bore under all forested areas within previously established 2.5-mile protective buffers. Therefore, no known habitat for the Indiana bat will be affected by this operation.

Public Comments

No Public comments were received regarding this application.

U.S. Fish and Wildlife Service

The USFWS provided comments and concurrence on this application in a letter dated August 4, 2021. The USFWS identified three federally listed species and one candidate species for the proposed permit area, the endangered Indiana bat, the endangered piping plover, the threatened northern long-eared bat, and the candidate monarch butterfly. The USFWS concluded that there is “no designated critical habitat in the project area at this time.”

The USFWS stated that “based on the location of the permit area, the Service concurs that the proposed project is not likely to adversely affect the piping plover.”

Additionally, the USFWS stated “Information in the permit application indicates that a survey of the project area resulted in the capture of no Indiana or northern long-eared bats. In addition, the applicant is proposing to bore under all forested areas within the project area. Based on this information, the Service concurs that the proposed project is not likely to adversely affect the Indiana bat and northern long-eared bat and that a Protection and Enhancement Plan in accordance with the 2013 Range-wide Indiana Bat PEP Guidelines is not necessary.”

Regarding the monarch butterfly candidate species, the USFWS stated, “the Service concurs with the use of pollinator species in wetland and grassland see mixes. Should this project be modified, or new information indicate listed or proposed species may be affected, consultation or additional coordination with this office, as appropriate, should be initiated.”

Illinois Office of Realty and Capital Planning

Pursuant 17 Ill. Adm. Code Section 1075 the Department consulted with ORCP (previously the Office of Realty and Environmental Planning) via the online EcoCAT (Ecological Compliance Assessment Tool) system regarding state listed species within the permit boundary and adjacent area. The initial consultation was conducted on January 4, 2019, and an initial termination letter was provided on January 15, 2019, deeming the consultation closed. Given the action had not been implemented within two years of the initial consultation, a new consultation was deemed necessary. The additional consultation was conducted, and a termination letter was issued on September 13, 2022, which concluded that impacts to the protected resources identified are

unlikely. Taking into account the consultation termination issued by ORCP, the Department concurs that the operations as approved are unlikely to adversely affect any species protected under the Illinois Endangered Species Protection Act (520 ILCS 10/1 *et seq.*).

Department Records and Determination

The Department utilized the Illinois Department of Natural Resources DIRT (Detailed Impact Review Tool) mapping system to review whether or not the project lies within the buffer zone of documented occurrences of any state or federally listed threatened or endangered species.

The applicant submitted the required information to the Department regarding the Indiana bat and the northern long-eared bat including summer survey data documenting probable absence of the Indiana bat. Although known occurrences of the Indiana bats have been documented adjacent to the project area, the applicant has committed to bore under all forested areas within previously established 2.5-mile protective buffers. Therefore, no known habitat for the Indiana bat will be affected by this operation. The Department has determined that the applicant correctly and diligently followed the protocol specified in the Guidelines (USFWS, 2013); by following these guidelines the applicant is in compliance with the USFWS and Office of Surface Mining Reclamation and Enforcement (OSMRE) 2020 Biological Opinion on the implementation of the Surface Mining Control and Reclamation Act of 1977 (PL 98-87) with regard to assuring compliance with the Endangered Species Act.

The Department considered site specific resource information, information provided by the applicant, concurrence by the USFWS that adverse effects to federally listed species are not likely, termination of the ORCP Section 1075 consultation, and Department records. The Department has determined the proposed mining operations and reclamation activities will not affect the continued existence of threatened or endangered species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 USC 1531 *et seq.*).

Site Specific Resource Information

A survey was conducted to assess the presence or probable absence of the Indiana bat and northern long-eared bat within the proposed permit area. The survey was conducted by a qualified wildlife biologist from July 14, 2018, through July 24, 2018. The survey was conducted in accordance with the USFWS's 2018 Range-Wide Indiana Bat Summer Survey Guidelines (USFWS 2018). During this survey, no Indiana bats or northern long-eared bats were capture and therefore probable absence of these species can be assumed for the project area in accordance with the USFWS Guidelines. The applicant has committed to bore under all forested areas within the proposed permit area which overlaps previously established 2.5-mile protective buffers for protected bat species. The Department determined that a PEP was not necessary for the proposed permit area.

Conclusion

The Department has considered, site specific resource information, termination of consultation with ORCP and coordination with the USFWS to determine that adverse effects to state or federally listed threatened and endangered species are unlikely. The Department finds that the operation will not affect the continued existence of endangered or threatened species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 USC 1531 *et seq.*).

Literature Cited

U.S. Fish and Wildlife Service. (2020). Endangered Species Act Section 7 Consultation Final Programmatic Biological Opinion and Conference Opinion, U.S. Dept. Interior, Office of Surface Mining Reclamation and Enforcement's Surface Mining Control and Reclamation Act Title V Regulatory Program, issued October 16, 2020.

U.S. Fish and Wildlife Service. (2013). (2009 revised) Range-wide Indiana bat protection and enhancement plan guidelines.

U.S. Fish and Wildlife Service. (2018). 2018 Range-Wide Indiana Bat Summer Survey Guidelines.

APPENDIX G

FINDING OF THE OPERATOR'S TECHNOLOGICAL CAPABILITY TO RESTORE PRIME FARMLAND

The original permit application and subsequent modification of the application addressed the requirements of Section 1785.17. Pursuant to Section 1785.17(c), the applicant submitted detailed plans for the mining and restoration of the prime farmlands affected by surface mining activities.

1785.17(c)(1): The applicant has submitted a soil survey of the permit area which meets the standards of the National Cooperative Soil Survey. Itemized prime farmland soil map units and soil descriptions can be obtained from the Custom Soil Survey Report provided in the application. Additional reference documents include the NRCS Web Soil Survey and the University of Illinois Agricultural Experiment Station - Bulletin 811, which were used as references to evaluate the pre-mining data.

1785.17(c)(2): The proposed method and type of equipment to be used for removal, storage, and replacement of the soils were described pursuant to Sections 1823.12 and 1823.14. The A, B and C horizons will be removed by conventional equipment used for pipeline installation. Replacement will be with the same equipment.

1785.17(c)(2): Soil will be temporarily stockpiled adjacent to the excavation and redistribution will occur concurrent with installation of the pipeline. Plans for identifying prime soils were submitted in conformance with 1823.13 and plans for soil stabilization when redistribution cannot occur concurrent with pipeline installation were also submitted in conformance with 1823.13. Stockpile stabilization, when required, will occur by establishment of a vegetative cover and mulch; these measures will minimize erosion.

1785.17(c)(3): Documents were reviewed supporting the use of B/C horizon mixtures in place of the original B horizon. This information supports the belief that the proposed methods of reclamation will achieve, within a reasonable time, equivalent or higher levels of yield than those of non-mined prime farmland in the surrounding area.

McCormack, Donald, 1974 "Soil Reconstruction: For the Best Results After Mining" Proc. Second Res. and Appl. Tech. Symp. on Mined Land Recl., NCA, Louisville, KY, October 22-24, 1974.

Snarski, R. R., J. B. Fehrenbacher, I. Jansen, 1981, "Physical and Chemical Characteristics of Pre-mine Soils and Post-mine Soil Mixtures in Illinois", SSSA Jour., V45:806-812.

McSweeney, I. Jansen and W. S. Dancer, 1981, "Subsurface Horizon Blending: An Alternative Strategy to B Horizon Replacement for Construction of Post-Mine Soils", SSSA, Jour., V45:784-799.

Jansen, Ivan, 1981. "Reconstruction Soils After Surface Mining of Prime Agricultural Land", Mining Eng., March SME Rpt.78-F-375.

McSweeney, I. Jansen, 1984. "Soil Structure and Associated Rooting Behavior in Minesoils", SSSA Jour 48:607-612.

Christ, Richard, 1980, "The Effect of Soil from B and C Horizons on Yield Potential of Soybeans", Unpublished Thesis, Dept. of Plant and Soil Sci., Southern Ill. Univ. Carbondale, Il.

Spindler, D. and J. Bauer, 1986 Prime Farmland Restoration Plans - Planning and Information Needs" Proc. Nat. Assoc. State Land Recl., Sept 1986, Columbia, S.C.

In addition to relying on the above data, the Department has relied on the expertise of its Land Reclamation Division and the fact that thousands of acres of prime farmland and high capability land have met the cropland productivity performance standards using a B/C soil horizon mix. Pipeline and drainage tile installation type activities have a minimum impact on farmland due to the small area of disturbance. The applicant will be following the Illinois Department of Agriculture guidelines for pipeline installation. Based on this evidence, the Department considers it quite probable that the applicant will meet bond release requirements on the prime farmland areas which will be mined and reclaimed.

1785.17(c)(4): Yield data was not available for the fields within the permit area. The operator will be required to lime and fertilize the reclaimed prime farmland and cropland fields as needed to bring them to levels required under an optimum level of management. In addition, to satisfy the requirements of Section 1785.17(c)(4), the Department consulted the productivity indexes for each of the soil types on the permit area in "Optimum Crop Productivity Ratings for Illinois Soil", University of Illinois, Bulletin 811.

The Department has determined the soil productivity after mining will be returned to equivalent levels of yield as non-mined prime farmlands of the same soil type in the surrounding area under equivalent management practices, as discussed hereafter.

The Federal Act specifically requires in Section 510(d)(1) that two findings be made by the Regulatory Authority in granting a permit to mine on prime farmland; the Department regulations at Section 1785.17 also require a prime farmland finding. Section 510(d)(1) states:

“In addition to finding the application in compliance with subsection (6) of this section, if the area proposed to be mined contains prime farmland pursuant to Section 507(b)(16), the Regulatory Authority shall, after consultation with the Secretary of Agriculture, and pursuant to regulations issued hereunder by the Secretary of Interior with the concurrence of the Secretary of Agriculture, grant a permit to mine on prime farmland if the Regulatory Authority finds in writing that the operator has the technological capability to restore such mined area, within a reasonable time, to equivalent or higher levels of yield as non-mined

prime farmland in the surrounding area under equivalent levels of management and can meet the soil reconstruction standards in Section 515(b)(7). Except for compliance with subsection (b), requirements of this paragraph (1) shall apply to all permits issued after the date of enactment of this Act."

The first requirement concerns the operator's technological capability to restore the mined area, within a reasonable time, to equivalent or higher levels of yield as non-mined farmland in the surrounding area under equivalent levels of management. The Department, or the Regulatory Authority has reviewed other data not submitted by the operator which supports the Regulatory Authority's finding:

Dancer, W. S. and I. Jansen. 1981 "Greenhouse evaluation of solum and substratum materials in the southern Illinois coal field: I Forage crops", Jour. Environ. Qual. 10:396-400.

Powell, J., et al., 1985, "Reclamation of Prime Farmland in Kentucky", Pres Nat. Mtg. of Am. Soc. Surf. Min. and Recl. Oct, Denver, Co.

Spindler, Dean, 1981, "Three Case Studies on Rowcrop Production on Mined Land" prepared for the Symposium on Surface Mining Hydrology, Sedimentation and Reclamation, University of Kentucky, Lexington, KY, December 7-11.

The Regulatory Authority has also reviewed the information from its testing program and notes that thousands of acres of prime farmland and high capability land have met the cropland productivity performance standards. These documents are available for inspection at the Land Reclamation Division Office in Springfield.

The second requirement of Section 510(d)(1) concerns soil reconstruction standards in Section 515(b)(7). The Regulatory Authority has reviewed the application concerning the operator's plan to comply with these requirements and find it complies with Section 515(b)(7) of the Federal Act and Sections 1785.17 and 1823 of the Department's regulations. In addition, the Regulatory Authority has considered the method and equipment to be utilized and has found that the planned method is appropriate to successfully comply with the requirements of 510(d)(1) and Section 1823 of the Department's regulations.

1785.17(d): The Regulatory Authority has consulted with the USDA, Natural Resource Conservation Service (NRCS), designated representative of the Secretary of Agriculture. The Department's consideration of the NRCS comments are addressed in Appendix B.

1785.17(e)(1): The approved post-mine land use of the reclaimed prime farmlands will be cropland.

1785.17(e)(2): The Department has considered the comments of the representative of the U.S. Secretary of Agriculture (NRCS).

1785.17(e)(3): As previously discussed, the Department believes the applicant has the technological capability to restore prime farmland, within a reasonable time, to equivalent or higher levels of yields as non-mined prime farmland.

1785.17(e)(4): The special requirements for prime farmland restoration of Section 1823 have been addressed below in accordance with Section 1785.17(e)(4). Some of the subsections in Section 1823 have been previously addressed by Section 1785.17 discussions. Only those items not previously discussed will be below.

1823.14(a)(1): The minimum depth of the reconstructed prime farmland soil will be 60 inches.

1823.14(a)(2) This section is applicable to the Ava series identified within the permit area. The proposed B/C mix for root media will meet or exceed high capability standards.

1823.14(b): Topsoil will be replaced to its premining thickness after the root medium replacement and the area is returned to final grade.

1823.14(c): Compaction will be minimized by handling the soil during dry weather and/or the Department will require a compaction alleviation plan if it is determined that excessive compaction is causing low yields.

1823.14 (d): The permittee will be excavating and temporally stockpiling the B and C horizons together and placing the B/C mixture back into the trench immediately upon installation of the pipeline. Pipeline and drainage tile installation type activities have a minimum impact on farmland due to the small area of disturbance. The applicant will be following the Illinois Department of Agriculture guidelines for pipeline installation. The subsoil will be returned to its required thickness.

1823.14 (e): The original A horizon will be replaced. Topsoil will be returned to the required thickness and suitably protected from erosion.

1823.14(f): The applicant has made a commitment for fertilization based on soil tests.

1823.15: The applicant will comply with the seeding and mulching requirements pursuant to Sections 1823.15, 1816.113 and 1816.114. In making this finding, the Regulatory Authority has relied on available data and opinions of experts, as found relevant to this application. In addition, the Regulatory Authority has relied on the expert technical opinion of its staff. Such reliance was intended by Congress as is apparent in the legislative history of the Federal Act. At page 105 of the House Conference Report No. 95-493, the Conferees state:

“It is the intention of the Conferees that the written finding that the regulatory authority is required to make before a permit is granted to mine on prime farmland can be based in part on the expert opinion of the regulatory authority, the operator has the technological capability to perform the soil reconstruction standards of Section 515(b)(7) and the performance of those standards will result in the restoration of the mined area to equivalent

or higher levels of agricultural yield as non-mined prime farmland in the surrounding area under equivalent levels of management. This does not mean that mining and restoration must have taken place in the surrounding area, but simply that the operator can show by agricultural school studies, or other data for comparable areas that equivalent yields can be obtained after mining."

This finding is based on significant and substantial evidence and is in keeping with the standards for prime farmland review approved by the Office of Surface Mining. (See letter from Acting Director Reeves to Illinois Director Evilsizer, dated April 7, 1980, which is incorporated by reference.)

This finding is based solely upon characteristics peculiar to this particular operator and the prime farmland soil types involved.

All materials supporting this finding are a part of the public record and are hereby incorporated by reference.

Based upon the foregoing analysis of the probable impact of the proposed operations and a review of the application and Interagency and public comments thereon, the Department finds that there is a reasonable basis on which to issue the permit as requested by the applicant.

Enter on behalf of the Illinois Department of Natural Resources, Office of Mines and Minerals, Land Reclamation Division, as the Regulatory Authority.