

## Mississippi Sand – Ottawa Mine (ILG840203) Public Comment Fact Sheet

### Request for an individual NPDES permit.

**AGENCY RESPONSE:** The Agency has reviewed the application and has determined that the site is eligible for coverage under the ILG84 general permit, which contains all necessary conditions and requirements to ensure that the proposed site and mine discharges are in compliance with applicable regulations. There is no information that indicates that the receiving stream may be of particular biological significance. The receiving stream is not listed as biologically significant and is not given an integrity rating in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*. The receiving stream has not been identified as being impaired pursuant to the Agency's 303(d) listing. Therefore, the proposed discharge can not be a potential contributing source of any parameter identified as a cause of impairment. The mine size and proximity of the receiving stream are typical of mine sites and it has been determined that nothing about the size or proximity of the mine to the stream would require an individual permit or warrant additional conditions beyond what is required by the ILG84 general permit. Therefore, the Agency has determined that additional requirements beyond what is required by the ILG84 general permit are not necessary.

### Concerns due to increased flows and how mine pumpage, sediment and chemicals used by the mine will affect Horseshoe Creek.

**AGENCY RESPONSE:** The applicant provided on-site water quality data and other site characterization information that the Agency used to estimate the quality of the proposed discharge. The applicant also provided data on the receiving stream. The Agency reviewed this data and information and determined that the proposed discharge can meet applicable water quality standards. The Agency is also aware of what chemicals the applicant will use at the site. The applicant is required to operate the mine in accordance with the plans submitted in their permit application which includes details and a dosage rate for the possible use of a flocculant. The applicant must adhere to the flocculant dosage rate proposed in their application and not exceed it. This dosage rate has been reviewed by Agency staff and it has been determined that use of this flocculant as proposed would not cause a violation of any water quality standards. The applicant will be using a riprap lined level spreader at the discharge point to minimize erosion and impacts from increased flows. Further, the discharge must meet permit limits including total suspended solids.

### Concerns for mines location near a state park.

**AGENCY RESPONSE:** The Agency has reviewed the mining NPDES application and has determined that the discharge can meet 35 Ill. Adm. Code Subtitle C and D regulations and standards designed to provide water quality protection of aquatic resources, including water flowing through Starved Rock Park. The NPDES permit issued will require compliance with all applicable effluent and water quality regulations.

### Concerns for fracking.

**AGENCY RESPONSE:** Fracking is neither proposed by the NPDES application nor approved by NPDES permit ILG840203. The Agency is aware of what chemicals will be used at the site for the proposed activity and has determined their proposed use will not cause a violation of any water quality standards.

### Concerns about the benefits of the mine versus impacts, including to tourism, caused by the mine and alternatives to the discharge.

**AGENCY RESPONSE:** The NPDES application was reviewed in accordance with the antidegradation standard in 35 Ill. Adm. Code 302.105(f)(1)(C). The Agency does not expect that discharges from the mine will impact tourism and recreational uses of Starved Rock Park.

### Alternative sources and need of sand material.

**AGENCY RESPONSE:** The applicant has determined that it has an adequate market to develop and operate a mine at this location. The Agency had determined that using this location for mining sand is consistent with applicable regulations, including antidegradation regulations.

Concerns about human health and impacts to wildlife.

**AGENCY RESPONSE:** The NPDES mine application was reviewed and it was determined that the proposed discharge can meet permit limits that provide protection of aquatic resources and the use of those resources. An ECOCAT consultation was completed with the Illinois Department of Natural Resources (IDNR) regarding threatened and endangered species and natural areas. Consultation was terminated on June 8, 2012 indicating that IDNR does not anticipate any impacts to threatened and endangered species or natural areas. The Agency also sent a notice letter to the U.S. Fish and Wildlife Service (USFWS) providing an opportunity to comment regarding threatened and endangered species. No comments were received from USFWS. The Agency Bureau of Air issued a construction permit on September 27, 2012. The applicable Illinois EPA air regulations and conditions of the Bureau of Air permit combined with proper installation and operation of pollution control equipment will result in adequate control of emissions of particulate matter from the site.

The general permit does not provide special consideration of pollutant impacts to be considered.

**AGENCY RESPONSE:** The Agency reviewed the proposed discharge information and data and determined that the general permit contains all the necessary requirements to ensure that the proposed discharge can meet applicable water pollution control and water quality regulations.

Additional treatment systems to treat the discharge to meet water quality standards.

**AGENCY RESPONSE:** The Agency has reviewed the NPDES application and available on-site water quality data and has determined that the proposed discharge can meet applicable permit limits and water quality regulations without additional treatment.

Additional consideration of alternative energy sources other than fossil fuels.

**AGENCY RESPONSE:** Consideration of development of alternative energy sources that do not need sand for fracking is not under the purview of the Agency's review of this NPDES mining application.

Concerns for light pollution.

**AGENCY RESPONSE:** Light pollution is not under the jurisdiction of the Agency in review of NPDES applications.

Concerns for increased flooding.

**AGENCY RESPONSE:** Flooding issues are not under the jurisdiction of the Agency.

Concerns for noise and aesthetics.

**AGENCY RESPONSE:** Noise issues from the mine and aesthetics of the mine are not under the Agency's jurisdiction in review of an NPDES mining permit application.

Concerns for increased traffic.

**AGENCY RESPONSE:** Traffic issues are not under the jurisdiction of the Agency.

Concerns for stability of sandstone cliffs during blasting.

**AGENCY RESPONSE:** This issue is not under the jurisdiction of the Agency. Blasting issues are regulated under the authority of the Illinois Department of Natural Resources Office of Mines and Minerals.

The discharge should be done in accordance with in 62 Ill. Adm. Code 240.

**AGENCY RESPONSE:** The regulations at 62 Ill. Adm. Code 240 are administered by the Illinois Department of Natural Resources under the Illinois Oil and Gas Act.

Concerns regarding long-term effects which could damage the park for many years to come.

**AGENCY RESPONSE:** The Agency is not aware of any damage that will occur to the park or harm that will be caused to humans in the park by this discharge.

This should be unconstitutional! Why isn't the IEPA protecting the water??

**AGENCY RESPONSE:** The Agency reviewed the NPDES application in accordance with applicable water quality regulations including state regulations under 35 Ill. Adm. Code Subtitle C and D and federal regulations adopted under the federal Clean Water Act. The NPDES permit contains conditions and limits to ensure that the applicant is required to meet applicable state and federal regulations and also provide protection of aquatic resources and water quality.

A public hearing is needed so citizens can share their concerns and get answers to their questions about the mine's potential impact on the creek.

**AGENCY RESPONSE:** The Agency received and reviewed numerous comments including citizens' concerns. The Agency also held a public availability session on May 23, 2012 in Oglesby regarding the proposed construction site activity phase of the project and its proposed coverage under a general NPDES permit for stormwater discharges from construction site activities. The proposed construction site activity stormwater discharge was to the same creek location as the discharge proposed in the NPDES mine permit application. After review of the comments and NPDES application, the Agency has determined that the issues raised do not warrant a public hearing.

If there is nothing to fear, why not require a more detailed study to determine the possible threat to the natural integrity of a beautiful state park? What harm could there possibly be in that?

**AGENCY RESPONSE:** The Agency reviewed the NPDES application which included studies of the receiving stream segment upstream of the state park with regards to the proposed discharge's effect on water quality. Based on this information, the Agency has determined that at this time no additional studies are necessary.

The mining in LaSalle County is destroying our irreplaceable natural lands. While Mississippi Sand mine is a threat to Starved Rock, two mines on the other side of the river, Illinois Sand and Unimin both threaten the I&M Canal.

**AGENCY RESPONSE:** The Agency reviewed the proposed NPDES mining permit application for this site and determined that the activity can comply with applicable state and federal regulations. Land use is under the jurisdiction of local zoning.

Tougher regulations on the mining industry are necessary.

**AGENCY RESPONSE:** The proposal under consideration is an application for a mining discharge permit. The development or modification of mining regulations is outside the Agency's review of this permit application.

The farmland in the area must be saved for the future of LaSalle County and the entire country.

**AGENCY RESPONSE:** Land use is under the jurisdiction of local zoning.

I think the company should be required to establish an escrow fund for possible clean-up or damages.

**AGENCY RESPONSE:** The Agency does not have authority to require an escrow fund.

Concerns regarding putting I-66 right through Shawnee National Park, the land swap with Peabody energy to allow open pit coal mining, and Asian carp.

**AGENCY RESPONSE:** None of the issues raised are relevant to the subject NPDES mining permit application.

Concerns regarding increased flow of water into the park violating water drainage laws.

**AGENCY RESPONSE:** Drainage laws are not under the jurisdiction of the Agency. Drainage issues may be under the authority of the Illinois Department of Natural Resources, local drainage districts or local courts.