



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Pat Quinn, Governor
Marc Miller, Director

October 7, 2011

Mr. Michael Beyer
Hillsboro Energy, LLC
211 N. Broadway, Suite 2600
St. Louis, Missouri 63102

RE: Emergency Permit 2011-1 - Emergency dam authorization
Deer Creek Mine
Disposal Facility Dam No. 1

Dear Mr. Beyer:

In accordance with the Department's Rules at Section 3702.140, your application dated February 3, 2010 and the previous discussions on this issue between the Department and your consulting engineer, you are hereby authorized, under Emergency Permit 2011-1, to construct the referenced dam in accordance with the plan and specifications submitted to this office. This authorization is limited by the following conditions:

1. The applicant agrees to make all modification, at the applicant's expense, which are reasonably required by OWR, upon completion of a detailed review and expiration of the public notice period. (17 IAC 1,3702.140).
2. Prior to commencing filling operations, the applicant shall request OWR inspection of the dam, and must receive authority from OWR before commencing filling. (17 IAC 1, 3702.40b)7D).
3. The engineer's construction inspection documentation for all construction completed prior to the issuance of this Emergency Permit shall be immediately submitted to OWR. The engineer's construction inspection documentation for all construction completed under this Emergency Permit shall be submitted on a weekly basis to OWR. (See 17 IAC 1, 3702.40b)7C).
4. This Emergency Permit does not relieve the permittee of the responsibility to obtain other federal, State or local authorizations required for the construction of the permitted activity; and if the permittee is required by law to obtain approval from any federal or other State agency to do the work, this permit is not effective until the federal or State approvals are obtained. (17 IAC 3702.200a)4)

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Please indicate your acceptance of the permit, including the conditions listed above, by execution of the attached acceptance form.

The issuance of this Emergency Permit does not represent an approval of business practices that may contribute to the need for an Emergency Permit. If you have any question regarding this authorization, please contact Paul Mauer at 217/782-4427.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arlan R. Juhl".

Arlan R. Juhl, P.E.
Director
Office of Water Resources

AJ:PM:cw
Attachment