

Illinois Environmental Protection Agency (IEPA)
Notice of Public Hearing for 401 Water Quality Certification

Hillsboro Energy, LLC

Deer Run Mine Refuse Disposal Area No. 2

Public Hearing
Wednesday, June 4, 2014
At approximately 7:30pm following the NPDES Permit Hearing.

Hillsboro High School
522 East Tremont Street
Hillsboro, Illinois

The IEPA Bureau of Water has received an application for a Section 401 water quality certification (Log. No. C-0297-10) for discharge into waters of the United States associated with a Section 404 permit application (COE appl. # 2008-179) received by the United States Army Corps of Engineers. The address of the applicant is Hillsboro Energy, 925 S. Main Street, Hillsboro, IL 62049.

The applicant is applying for a 401 water quality certification for impacts associated with a surface expansion to build a new refuse disposal area (Refuse Impoundment #2) for an existing underground coal mine. The Deer Run Mine #1 is located east of the town of Hillsboro. The mine is located in Montgomery County, Illinois. The 401 water certification is for impacts associated with an expansion of the Deer Run Mine #1. The expansion area is 317.8 acres. The Applicant received authorization under Nationwide Permit #50 for Underground Coal Mining Activities from the United States Army Corps of Engineers (USACE) on July 31, 2012 for this project.

The impoundment was originally proposed to be built in the northwest corner of the permit area (referenced in the application as "Impoundment 2a"). The Applicant recently acquired an additional, larger piece of property that is bordered on 3 sides by the existing mine permit area. The Applicant did not have control over the proposed new location during the original permit application (IEPA Log No. C-0086-08) and therefore is proposing to build the refuse area on the newly acquired property. Impoundment #2a was covered under Department of Army Permit No. P-2664 issued September 2, 2009 including the 401 water quality certification issued August 18, 2009 for log number C-0086-08. This application is for a different impoundment, #2b, as #2a is not to be built.

The IEPA has made a tentative determination to issue the Section 401 water quality certification in accordance with 35 Illinois Administrative Code (IAC) Subtitle C (Water Pollution), the Illinois Environmental Protection Act and the federal Clean Water Act. The 401 certification process is governed by the provisions of 35 IAC Part 395, Procedures and Criteria for Certification of Applications for Federal Permits or Licenses for Discharges into Waters of the State, which can be obtained online at <http://www.ipcb.state.il.us/documents/dsweb/Get/Document-12064/>

Inquiries about the certification should be directed to Engineer Thaddeus Faught, IEPA Division of Water Pollution Control, Permit Section, 1021 North Grand Avenue East, Springfield, Illinois 62794-9276, phone 217-785-3362, or e-mail Thaddeus.Faught@illinois.gov. The water quality certification application is available for examination at the IEPA offices in Springfield. The public notice/fact sheet can be viewed on the IEPA website: <http://www.epa.state.il.us/public-notices/2014/hillsboro-energy/index.pdf>.

The hearing will be conducted in accordance with provisions of Sections 309.115 through 309.119. These documents can be obtained online at <http://www.ipcb.state.il.us/documents/dsweb/Get/Document-33358>. Requests for special needs interpreters must be made to the IEPA hearing officer by **May 12, 2014**.

The hearing record is a file containing the hearing transcript and written comments. **Written comments must be postmarked or e-mailed by midnight, June 30, 2014, when the hearing record closes** (e-mails with written comments **must be** sent to epa.publichearingcom@illinois.gov and should specify Deer Run Mine 401 or C-0297-10 in the subject line). Email comments originating on third party systems or servers intended for submittal of multiple emails of the same or nearly the same content will not be accepted without prior approval from the hearing officer. The IEPA welcomes substantive written comments. Comments need not be notarized and should be sent to:

Hearing Officer Dean Studer, Mail Code #5
Re: Deer Run Mine 401 WQ Certification
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
Phone 217-558-8280 TDD (hearing impaired) 217-782-9143

All other comments not pertaining to this certification can be emailed to the hearing officer at dean.studer@illinois.gov.