



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

March 27, 2024

VIA ELECTRONIC MAIL: JBoswell@peabodyenergy.com

Mr. James Boswell, Authorized Representative
Peabody Midwest Mining, LLC
566 Dickeyville Rd.
Lynnville, IN 47619

Dear Mr. Boswell:

Re: IDEM Approval of Renewal of NPDES
General Permit Coverage # ING040037
DNR Permit # S-00301
Peabody Midwest Mining, LLC Francisco Mine
SR 64 and CR 850 E
Francisco, IN - Gibson County

Our office received your NPDES Notice of Intent (NOI) submittals on December 13, 2023 and January 2, 2024, regarding the above-referenced facility. We are pleased to inform you that the submittals are sufficient to comply with the NOI requirements for 327 IAC 15-7 and that general permit coverage for this mine will be renewed.

We have reviewed your request and have determined that the activities associated with it will not violate the antidegradation rules as set forth in 327 IAC 2-1.3. Our office has further determined that the request will not affect this facility's eligibility for coverage under the general permit rules outlined in 327 IAC 15-1 through 15-4 and 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities. Therefore, your petition to obtain permit coverage as is described in your NOI has been approved in accordance with Indiana rules promulgated under 327 IAC 15-7 and 327 IAC 2-1.3. Coverage for the facility will include all outfalls listed on the first table of Attachment 1 to this correspondence.

The NPDES general permit identification number assigned to this facility is referenced above. This renewal of general permit coverage will become **effective on April 1, 2024**. The new expiration date is **March 31, 2029**. You are required to continue following all terms and conditions of 327 IAC 15-7. In order to receive authorization to discharge beyond the date of expiration, you must submit a renewal NOI to IDEM no later than ninety (90) days prior to the date of expiration.

One condition of your permit requires periodic reporting of several effluent parameters. You are required to submit both federal discharge monitoring reports (DMRs) and state Monthly Monitoring Reports (MMRs) on a routine basis.

The MMR form can be found on IDEM's website at <https://www.in.gov/idem/cleanwater/wastewater-compliance/wastewater-reporting-forms-notice-and-instructions/>.

All NPDES permit holders are required to submit their monitoring data to IDEM using NetDMR. Please contact Helen Demmings (317) 232-8815 if you would like more information on NetDMR or see IDEM's website at <https://www.in.gov/idem/cleanwater/resources/netdmr/>. Please note that all current agency rules, including the NPDES general permits-by-rule 327 IAC 15, are posted at <https://www.in.gov/idem/legal/environmental-laws-and-rules/>.

Please note that IDEM is required to serve notice of its decision to accept your facility for renewal of coverage under the general permit in accordance with the requirements of 327 IAC 5-3-14. It should also be noted that any appeal must be filed under procedures outlined in IC 13-15-6, IC 4-21.5, and the enclosed Public Notice. The appeal must be initiated by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the emailing of an electronic copy of this letter or within eighteen (18) days of the mailing of this letter. Addresses are as follows:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room N103
100 North Senate Avenue
Indianapolis, IN 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, IN 46204

The Office of Environmental Adjudication will provide parties who request review of this acceptance for coverage with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. C. Anne Burget of my staff at (317) 234-8745 or via email at owqwwper@idem.IN.gov.

Sincerely,

Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Attachments

cc: Ms. Jayne Peltier, DNR, Division of Reclamation
U.S. EPA, Region 5, NPDES Permits
Ms. Karen Risner, Peabody Midwest Mining, LLC (Krisner@peabodyenergy.com)

ATTACHMENT 1

PEABODY MIDWEST MINING, LLC - FRANCISCO MINE

DNR PERMIT # S-00301

NPDES GENERAL PERMIT APPROVAL # ING040037

EFFECTIVE DATE: APRIL 1, 2024

AUTHORIZED OUTFALLS

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
001	S-0301 001	38° 20' 27"	-87° 24' 12.3"	Acid	Keg Creek
006	S-0301 006	38° 20' 55.2"	-87° 24' 39"	Acid	Unnamed tributary to Keg Creek
014	S-0301 014	38° 21' 46.8"	-87° 24' 43.2"	Alkaline	Keg Creek
062	S-0301 022	38° 21' 29.4"	-87° 26' 47"	Post-Mining	Unnamed tributary to Lost Creek
072	S-0301 007C	38° 21' 15"	-87° 26' 25"	Post-Mining	Lost Creek
074	S-0301 07R	38° 20' 09"	-87° 26' 7.7"	Alkaline	Lost Creek
075	S-0301 075R	38° 21' 49"	-87° 26' 21.5"	Alkaline	Lost Creek
077	S-0301 077	38° 22' 19"	-87° 27' 17"	Alkaline	Unnamed tributary to Lost Creek
078**	S-0301 078	38° 20' 29.77"	-87° 28' 43.71"	Alkaline	Unnamed tributary to Lost Creek
079**	S-0301 079	38° 20' 37.16"	-87° 28' 13.12"	Alkaline	Unnamed tributary to Lost Creek

** These coordinates have been updated based on as-built spillway locations

The following outfalls have been removed and are **no longer covered under this permit**:

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
011	S-0301-011	38° 20' 16.8"	-87° 26' 44.0"	Outfall Removed	Lost Creek
023	S-0301 023	38° 21' 35.8"	-87° 26' 44.6"	Outfall Removed	Lost Creek
024	S-0301 024	38° 22' 33.3"	-87° 25' 34.5"	Outfall Removed	Unnamed tributary to Patoka River
028R	S-0301 028	38° 21' 12.3"	-87° 27' 29.1"	Outfall removed	Unnamed tributary to Lost Creek
029	S-0301 029	38° 22' 24.2"	-87° 26' 44.5"	Outfall Removed	Lost Creek
032	S-0301 031N	38° 21' 12"	-87° 27' 31.6"	Outfall Removed	Unnamed tributary to Lost Creek
033	S-0301 031R	38° 21' 9.0"	-87° 27' 37.2"	Outfall Removed	Unnamed tributary to Lost Creek
040	S-0301 050	38° 20' 34"	-87° 28' 16.9"	Outfall removed	Unnamed tributary to Lost Creek
041	S-0301 051	38° 20' 34"	-87° 28' 41.2"	Outfall removed	Unnamed tributary to Lost Creek
042	S-0301 042	38° 20' 10.8"	-87° 27' 53.8"	Outfall removed	Unnamed tributary to Lost Creek
045	S-0301 045	38° 20' 54.5"	-87° 27' 40.5"	Outfall removed	Unnamed tributary to Lost Creek
050	S-0301 040	38° 20' 34"	-87° 28' 16.9"	Outfall removed	Unnamed tributary to Lost Creek
052	S-0301 052	38° 21' 35"	-87° 26' 44.5"	Outfall removed	Lost Creek
053	S-0301 029	38° 22' 17"	-87° 27' 17.6"	Outfall removed	Lost Creek
129	S-0301 029R	38° 22' 02"	-87° 27' 38"	Outfall Removed	Lost Creek

**STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

PUBLIC NOTICE NO. 20240327 –ING040037 – GP

DATE OF NOTICE: MARCH 27, 2024

The Office of Water Quality approves the following NPDES GENERAL PERMIT coverage:

RENEWAL of COVERAGE under 327 IAC 15-7

PEABODY MIDWEST MINING, LLC, FRANCISCO MINE, Permit Coverage No. ING040037, located near the intersection of SR 64 & CR 850 E, Francisco, IN (**GIBSON COUNTY**). This facility is an active surface coal mine (DNR Permit # S-00301). The permittee submitted a Notice of Intent to renew the mine's NPDES general permit coverage under 327 IAC 15-7 for Facilities Engaged in the Mining of Coal, Coal Processing, and Reclamation Activities. Additionally the permittee has notified IDEM of the updated GPS coordinates for Outfalls 078 and 079 based on their as-built locations. Both of these outfalls discharge into unnamed tributaries to Lost Creek. The effective date for the renewal of this general permit coverage is April 1, 2024. For more information, please contact Ms. C. Anne Burget at (317) 234-8745 or via email at owqwwper@idem.IN.gov.

Notice of Right to Administrative Review

If you wish to challenge this permit, you must file a Petition for Administrative Review with the Office of Environmental Adjudication (OEA) and serve a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the issuance of this notice (eighteen (18) days if you received this notice by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room N103
100 North Senate Avenue
Indianapolis, Indiana 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, Indiana 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. A description of each petitioner's interest in the permit.
3. A statement of facts demonstrating that each petitioner is:
 - a. a person to whom the order is directed,
 - b. aggrieved or adversely affected by the permit, or
 - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The alleged environmental concerns or technical deficiencies of the permit.
7. The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the permit that is the basis of the petition.
11. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review of the permit. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If you seek to have a permit stayed during the administrative review, you may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OEA will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. If you are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to OEA at the address above.

If you have procedural or scheduling questions regarding your Petition for Administrative Review, please refer to OEA's website at <https://www.in.gov/oea/>.



PEABODY MIDWEST MINING, LLC
566 Dickeyville Road
Lynnville, IN 47619
812.922.1044

December 12, 2023

Indiana Dept. of Environmental Management
Office of Water Management
Permits Section
P.O. Box 6015
100 North Senate Avenue
Indianapolis, IN 46206-6015

**RE: Notice of Intent to Comply with 327 IAC 15-7
Peabody Midwest Mining, LLC – Francisco Mine
NPDES General Permit ING040037 - RENEWAL**

Dear Sir or Madam:

On behalf of Peabody Midwest Mining, LLC, I am submitting this attached renewal for Francisco Mine NPDES Permit ING040037. The following minor update is also provided in this renewal:

- Latitude / Longitude coordinate update of Outfalls 078 and 079 based on the as-built spillway locations.

Should you have any questions or comments regarding this submittal, please contact me at (812) 922-1044.

Sincerely,

A handwritten signature in blue ink that reads "James Boswell". The signature is written in a cursive style with a large, looping "B" at the end.

James Boswell
Authorized Representative

cc: Jayne Peltier - DNR
Clay Dayson - DNR

Enclosures



Indiana Department of Environmental Management
 NPDES General Permit Notice of Intent (NOI) Letter Submittal Application
 327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

I. PURPOSE OF SUBMITTAL:				12/12/2023
Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.				
NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
	X		ING040037	

II. GENERAL INFORMATION						
Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.						
a. APPLICANT NAME (TO THE ATTENTION OF)			e. FACILITY SIC CODE	f. FACILITY COUNTY	g. DNR FACILITY NUMBER	
Peabody Midwest Mining, LLC Attn: James Boswell			1221	Gibson	S-00301	
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS			h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER			
COMPANY NAME Peabody Midwest Mining, LLC			<u>Latitude</u>		<u>Longitude</u>	
STREET ADDRESS 566 Dickeyville Rd.			<u>Degrees</u>	<u>minutes</u>	<u>seconds</u>	<u>degrees</u>
CITY Lynnville,	STATE IN	ZIP CODE 47619	38°	21'	21"	87°
c. FACILITY NAME			i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION			
Peabody Midwest Mining, LLC - Francisco Mine			Township	Range	Section	Quartersection
			2S	9W	4-9, 15-18	
d. FACILITY MAILING ADDRESS			j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM Iid			
STREET ADDRESS 566 Dickeyville Rd			STREET ADDRESS CR 850E			
CITY Lynnville	STATE IN	ZIP CODE 47619	CITY Francisco	STATE IN	ZIP CODE 47649	

III. CONTACT INFORMATION AUTHORIZED SIGNATORY	
This section applies to the responsible corporate officer and/or alternate person who is authorized in writing by the responsible corporate officer to carry signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable. If the signatory is not a corporate officer please also submit the letter from the responsible corporate officer granting him/her this authority.	
a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE	d. ALTERNATE PERSON TO ANSWER QUESTIONS
James Boswell, Authorized Representative	Karen Risner, Authorized Representative
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE	e. ALTERNATE PERSON'S TELEPHONE
(812) 922-1044	(812) 922-1048
c. APPLICANT EMAIL ADDRESS	f. ALTERNATE PERSON'S EMAIL ADDRESS
<u>jboswell@peabodyenergy.com</u>	<u>krisner@peabodyenergy.com</u>

IV. CONTACT INFORMATION OTHER:			
DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. <u>CONTACT AND COMPANY NAME</u> Karen Risner Peabody Midwest Mining, LLC.	
a. <u>CONTACT TELEPHONE NUMBER</u> (812) 922-1048		d. <u>STREET ADDRESS</u> 566 Dickeyville Rd.	
b. <u>CONTACT EMAIL ADDRESS</u> krisner@peabodyenergy.com		e. <u>CITY</u> Lynnville	f. <u>STATE</u> IN
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		g. <u>ZIP CODE</u> 47619	
		j. <u>COMPANY AND CONTACT PERSON NAME</u> Karen Risner Peabody Midwest Mining, LLC.	
h. <u>CONTACT TELEPHONE NUMBER</u> (812) 922-1048		k. <u>STREET ADDRESS</u> 566 Dickeyville Rd	
i. <u>CONTACT EMAIL ADDRESS</u> krisner@peabodyenergy.com		l. <u>CITY</u> Lynnville	m. <u>STATE</u> IN
		n. <u>ZIP CODE</u> 47619	
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. <u>COMPANY AND CONTACT PERSON NAME</u> James Boswell Peabody Midwest Mining, LLC	
o. <u>CONTACT TELEPHONE NUMBER</u> (812) 922-1044		r. <u>STREET ADDRESS</u> 566 Dickeyville Rd	
p. <u>CONTACT EMAIL ADDRESS</u> jboswell@peabodyenergy.com		s. <u>CITY</u> Lynnville	t. <u>STATE</u> IN
		u. <u>ZIP CODE</u> 47619	

V. RULE QUALIFICATION:
The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off. Does this facility meet these requirements? (please check one) YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets. This facility is a surface coal mine. Stormwater is collected and passed through sediment treatment structures designed by professional engineers to detain a 10-year 24-hour storm event.

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS											
a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE			d. LONGITUDE			e. DWBF*	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER OR if g is YES name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
See Attachment A										Y / N	
										Y / N	
										Y / N	
										Y / N	
										Y / N	
										Y / N	

* DWBF – Dry Weather Base Flow

VII. OUTFALL INFORMATION FOR MODIFICATIONS: Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e REASON FOR THE CHANGE: EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.

VIII. TOPOGRAPHICAL MAP

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please see the attached Map.

IX. PROOF OF PUBLICATION

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) “is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:
 Office of Environmental Adjudication
 Indiana Government Center – North
 100 North Senate Avenue, Room N501
 Indianapolis, Indiana 46204”

The public notice request has been submitted to the local newspaper. The affidavit showing proof of publication will be submitted under separate cover upon receipt from the newspaper.

X. POTENTIALLY AFFECTED PERSONS FORM

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

The potentially affected persons form is completed and attached. Mailing labels are included with the application.

XI. REQUIRED FEES:

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

An online payment to IDEM in the amount of \$100.00 was submitted through the IDEM online payment system.

XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

A copy of this application has been forwarded to Mr. Clay Dayson, Indiana Department of Natural Resources, Division of Reclamation, 14619 West State Road 48, Jasonville, IN 47438 on this date.

XIII. CERTIFICATION STATEMENT

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

James Boswell, Authorized Representative

(812) 922-1044

Name and official title (type or print)

Area Code and phone No.



12/12/2023

Signature

Date signed

Submit completed form and attachments to the following address:

**Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
NPDES Permits Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251**



Identification of Potentially Affected Parties

State Form 49456 (7-99)

Indiana Department of Environmental Management
Office of Water Management, Permits Section

The Administrative Orders and Procedures Act (AOPA) IC 4-21.5-3-5(b), requires that the Indiana Department of Environmental Management (IDEM) give notice of its decision on your application to the following persons:

- (a) each person to whom the decision is specifically directed;
- (b) each person to whom a law requires notice to be given;
- (c) each competitor who has applied to the IDEM for a mutually exclusive license, if issuance is the subject of the decision and the competitor's application has not been denied in an order for which all rights to judicial review have been waived or exhausted;
- (d) each person who has provided the IDEM with a written request for notification of the decision;
- (e) each person who has a substantial and direct proprietary interest in the issuance of the (permit/variance);
- (f) each person whose absence as a party in the proceeding concerning the (permit/variance) decision would deny another party complete relief in the proceeding or who claims an interest related to the issuance of the (permit/variance) and is so situated that the disposition of the matter, in the person's absence may:
 - (1) as a practical matter impair or impede the person's ability to protect that interest, or
 - (2) leave any other person who is a party to a proceeding concerning the permit subject to a substantial risk of incurring multiple or otherwise inconsistent obligations by reason of the person's claimed interest.

IC 4-21.5-3-5(f) provides that we may request your assistance in identifying these people. Our failure to properly identify and notify these people of the decision could have the result of avoiding any decision which is made.

Additionally, IC 13-15-3-1 requires IDEM to send notice that the permit application has been received by the department to the following:

- (a) the board of county commissioners of a county affected by the permit application and
- (b) the mayor of a city that is affected by the permit application, or
- (c) the president of a town council of a town affected by the permit application

Please provide on the attached form the names of those persons affected by these statutes.

I. Identification of Potentially Affected Persons


Please list here any and all persons who you have reason to believe have a substantial or proprietary interest in this matter, or could otherwise be considered to be potentially affected under the law. Failure to notify any person who is later determined to be potentially affected could result in voiding our decision on procedural grounds. To ensure conformance with AOPA and to avoid reversal of a decision, please list all such parties. The letter attached to this form will further explain the requirements under the AOPA. Attach additional names and addresses on a separate sheet of paper, as needed. Please indicate below the type of action you are requesting.

The potentially affected persons list and mailing labels are attached as Attachment B.

Name: Street: City/State/Zip:	Name: Street: City/State/Zip:
Name: Street: City/State/Zip:	Name: Street: City/State/Zip:
Name: Street: City/State/Zip:	Name: Street: City/State/Zip:
Name: Street: City/State/Zip:	Name: Street: City/State/Zip:
Name: Street: City/State/Zip:	Name: Street: City/State/Zip:

II. Please complete this form by signing the following statement.

I certify to the best of my knowledge I have listed all potentially affected parties, as defined by IC 4-21.5.

Signature: 	Printed Name: James Boswell	Date: 12/12/2023
Facility Name: Francisco Mine		
Facility Address: Peabody Midwest Mining, LLC., 566 Dickeyville Rd., Lynnville, IN 47619		

III. Type of Action (check one)

<input checked="" type="checkbox"/> NPDES PERMIT – 327 IAC 5
<input type="checkbox"/> PRETREATMENT PERMIT – 327 IAC 5
<input type="checkbox"/> SEWER BAN WAIVER REQUEST – 327 IAC 4
<input type="checkbox"/> CONSTRUCTION PERMIT – 327 IAC 3

Return To:

Indiana Department of Environmental Management Office of Water Quality Permits Section 100 North Senate Avenue Indianapolis, IN 46204

Attachment A: Outfall Information

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE			d. LONGITUDE			e. DWBF*	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER OR if g is YES name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
001	001	38	20	27.0	87	24	12.3	0.00	Acid	No	Keg Creek
006	006	38	20	55.2	87	24	39.0	0.00	Acid	No	Un Trib to Keg Creek
014	014	38	21	46.8	87	24	43.2	0.00	Alkaline	No	Keg Creek
062	022	38	21	29.4	87	26	47	0.00	Reclamation	No	Unnamed Trib. To Lost Creek
072	07C	38	21	15	87	26	25	0.00	Reclamation	No	Lost Creek
074	07R	38	20	9.0	87	26	7.7	0.00	Alkaline	No	Lost Creek
075	075R	38	21	49	87	26	21.5	0.00	Alkaline	No	Lost Creek
077	077	38	22	19	87	27	17	0.00	Alkaline	No	Unnamed Trib. To Lost Creek
078*	078	38	20	29.77	87	28	43.71	0.00	Alkaline	No	Unnamed Trib. To Lost Creek
079*	079	38	20	37.16	87	28	13.12	0.00	Alkaline	No	Unnamed Trib. To Lost Creek
011	011	38	20	16.8	87	26	44.0	0.00	Dropped	No	Lost Creek
023	023	38	21	35.8	87	26	44.6	0.00	Dropped	No	Lost Creek
024	024	38	22	33.3	87	25	34.5	0.00	Dropped	No	Un Trib to Patoka River
028R	028	38	21	12.3	87	27	29.1	0.00	Dropped	No	Un Trib to Lost Creek
029	029	38	22	24.2	87	26	44.5	0.00	Dropped	No	Lost Creek
129	029R	38	22	02	87	27	38	0.00	Dropped	No	Lost Creek
032	031N	38	21	12	87	27	31.6	0.00	Dropped	No	Un Trib to Lost Creek
033	031R	38	21	9.0	87	27	37.2	0.00	Dropped	No	Un Trib to Lost Creek
040	050	38	20	34	87	28	16.9	0.00	Dropped	No	Un Trib to Lost Creek
041	051	38	20	34	87	28	41.2	0.00	Dropped	No	Un Trib to Lost Creek
042	042	38	20	10.8	7	27	53.8	0.00	Dropped	No	Un Trib to Lost Creek
045	045	38	20	54.5	87	27	40.5	0.00	Dropped	No	Un Trib to Lost Creek
050	040	38	20	34	87	28	16.9	0.00	Dropped	No	Un Trib to Lost Creek
052	052	38	21	35	87	26	44.5	0.00	Dropped	No	Lost Creek
053	029	38	22	17.0	87	27	17.6	0.00	Dropped	No	Lost Creek

DWBF Dry Weather Base Flow

* Outfall latitude / longitude coordinates updated with as-built location

** Outfall is currently unconstructed

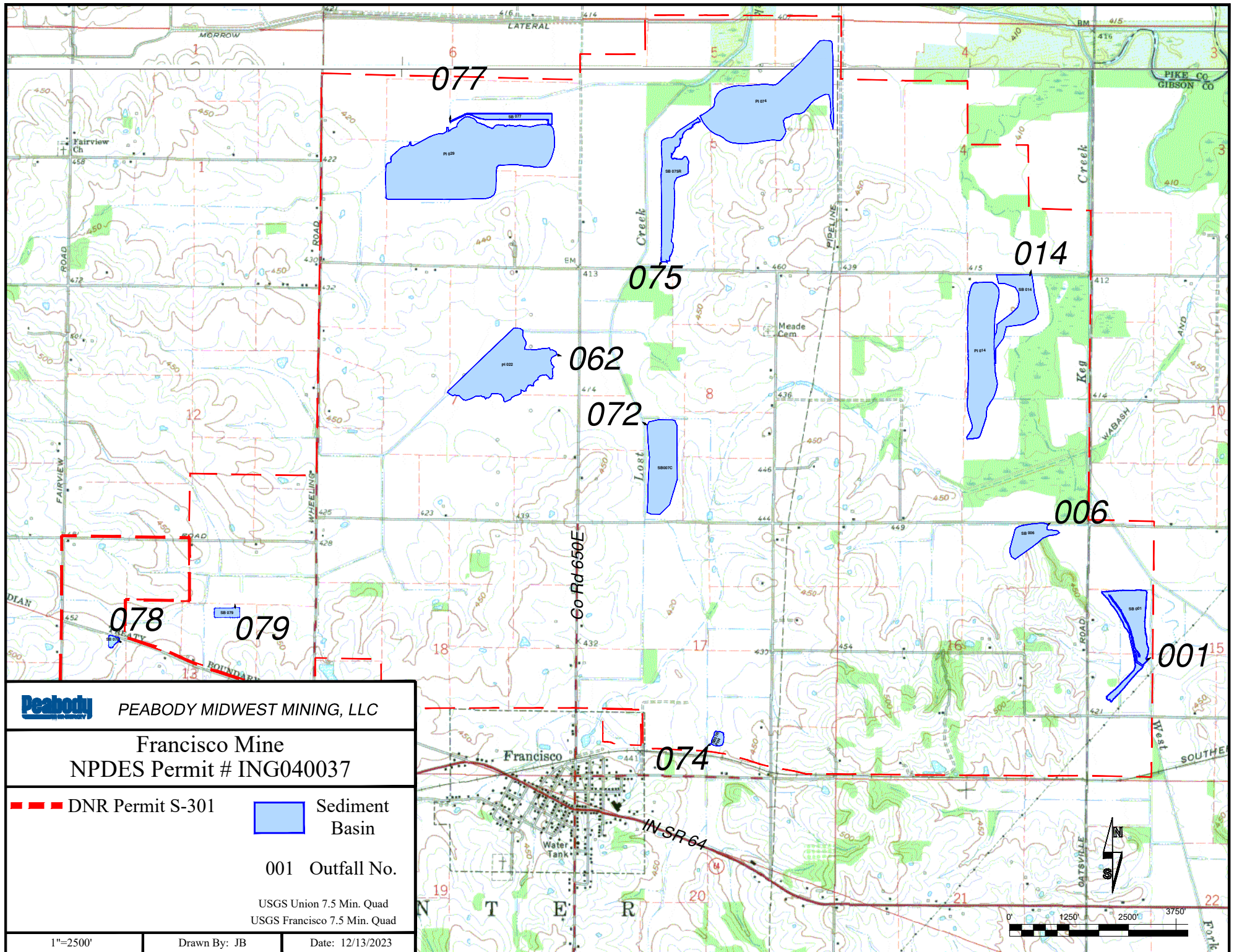
Attachment B: Potentially Affected Persons




Please list here any and all persons who you have reason to believe have a substantial or proprietary interest in this matter, or could otherwise be considered to be potentially affected under the law. Failure to notify any person who is later determined to be potentially affected could result in voiding our decision on procedural grounds. To ensure conformance with AOPA and to avoid reversal of a decision, please list all such parties. The letter attached to this form will further explain the requirements under the AOPA. Attach additional names and addresses on a separate sheet of paper, as needed. Please indicate below the type of action you are requesting.

American Land Holdings of Indiana, LLC 701 Market St., Ste 700 St Louis, MO 63101	Indian Treaty Line Farm LLC 4529 E 50 S Francisco, IN 47649	Cheryl Ann Hollingsworth 2270 E Top Hat Rd Princeton, IN 47670
Joe Muncy/Karen J Trust 5540 E 175 S Francisco, IN 47649	Dennis R & Tamara K Tooley 6587 E 350 N Francisco, IN 47649	Beulah P Bailey Trust 8420 Remington Dr Evansville, IN 47716
Ann V Wade 4601 Mystic Creek Dr Evansville, IN 47715	Robert K Beloat/Vonda M Deal 221 E Pine St Princeton, IN 47670	Jesse R Bruce Trust PO Box 17 Patoka, IN 47666
Wheeler Family Irrev Trust PO Box 1268 Princeton, IN 47670	Mary Alice A Memmer 2720 E 250 S Princeton, IN 47670	James E/Toni R Walden 11 S 450 E Princeton, IN 47670
Douglas K & Carla A Meyer 8222 St Johns Rd Elberfeld, IN 47613	Steve Sevier 8450 S 650 E Fort Branch, IN 47648	Ott. Jean Annette 4428 E 100 N Princeton, IN 47670
Janice A Campbell 1915 N SR 65 Princeton, IN 47670	Merritt/Evla Schlamp Life Est 15820 Carlton Oaks Dr Fort Worth, TX 76177-2158	Cheryl F Thomas Trust 4911 Basswood Ct Newburgh, IN 47630
John H Erdell 8589 E SR 64 Oakland City, IN 47660	Phoenix Land LLC PO Box 308 Princeton, IN	James E/Toni R Walden 11 S 450 E Princeton, IN 47670
Jerry Tooley Revocable Living Trust 304 Hawthorne Dr Princeton, IN 47670	Steven/Kathleen McElhiney 110 W 20 th St Huntingburg, IN 47542	Roy L/ Donna L Lynch 1500 S 350 E Princeton, IN 47670
Denny Ray Tooley 6587 E 350 N Francisco, IN 47649	Barbara Coleman Trustee 4744 E 100 N Princeton, IN 47670	Martha L Johnson Trust 93 N 550 E Francisco, IN 47649

Attachment B: Potentially Affected Persons

Leslie L Dunning Trust etal 1003 Hempstaed Dr Cincinnati, OH 45231	James G Silva 6838 S 500 E Fort Branch, IN 47648	Don/Sally McConnell Trust 3950 E 50 S Princeton, IN 47670
Cory A Hale 616 N 550 E Francisco, IN 47649	Barbara R Wheeler Trust PO Box 1268 Princeton, IN 47670	Silas Arthur Coleman Trustee 4744 E 100 N Princeton, IN 47670
Page Family Farms Inc 3090 E 250 S Princeton, IN 47670	Charles R Farmer Trust 3480 Oakridge Dr Bloomington, IN 47401	Michael & Phyllis Mcconnell 4529 E 50 S Francisco, IN 47649
McElhiney Family Partnership, LLC 911 W. Oak Oakland City, IN 47660	James McElhiney 5670 E 175 S Francisco, IN 47649	Shafer Family Farms LLC 4014 E 100 N Princeton, IN 47670
Muncy Farms Inc. C/O Joe W Muncy 6522 E 350 N Francisco, IN 47649	Joseph & Amy Silva 726 E State Road 68 Haubstadt, IN 47639	William Ross Life Estate / Angelia Denise Hunter 10072 E 125 S Oakland City, IN 47660
Sandra Ross Haines 1307 S 1050 E Oakland City, IN 47660	Reidford Family Trust C/O B. Reidford 106 S Vonna Ln Haubstadt, IN 47639	Sammy Allen Muncy 6522 E 350 N Francisco, IN 47649
Richeson, Becky T 881 S 450 E Francisco, IN 47649	Scott N Therne Trust 4644 E State Road 64 Francisco, IN 47649	Stanley E & Joyce Michel 4161 E 750 S Fort Branch, IN 47648
Ralph & Ann Buck Trust 706 N State St Chandler, IN 47610	Thomas & Jodie Memmer 2279 E 350 S Princeton, IN 47670	Michel, Michael K/Laura N 4672 E State Road 168 Fort Branch, IN 47648
Maier, Melanie L 2620 S 1250 E Oakland City, IN 47660		



 PEABODY MIDWEST MINING, LLC		
Francisco Mine NPDES Permit # ING040037		
 DNR Permit S-301	 Sediment Basin	
		001 Outfall No.
USGS Union 7.5 Min. Quad USGS Francisco 7.5 Min. Quad		
1"=2500'	Drawn By: JB	Date: 12/13/2023



PEABODY MIDWEST MINING, LLC
566 Dickeyville Road
Lynnville, IN 47619
812.922.1044

January 3, 2024

Indiana Dept. of Environmental Management
Office of Water Management
Permits Section
P.O. Box 6015
100 North Senate Avenue
Indianapolis, IN 46206-6015

**RE: Notice of Intent to Comply with 327 IAC 15-7
Peabody Midwest Mining, LLC – Francisco Mine
NPDES General Permit INGO40037 - RENEWAL
Public Notice Publisher's Affidavit**

Dear Sir or Madam:

On behalf of Peabody Midwest Mining, LLC, I am submitting the attached public notice publisher's affidavit required for the Francisco Mine NPDES Permit INGO40037 Renewal. The public notice was run in the Princeton Daily Clarion on December 22, 2023.

Should you have any questions or comments regarding this submittal, please contact me at (812) 922-1044.

Sincerely,

A handwritten signature in blue ink that reads "James Boswell". The signature is written in a cursive style with a large, stylized 'J' and 'B'.

James Boswell
Authorized Representative

cc: Jayne Peltier - DNR
Clay Dayson - DNR

Enclosure

AFFP

Peabody Midwest Mining, LLC, 5

Affidavit of Publication

STATE OF IN }
COUNTY OF GIBSON } SS

Peabody Midwest Mining, LLC, 566 Dickeyville Rd. Lynnville, IN 47619, which operates the Francisco Mine located in sections 4, 5, 6, 7, 8, 9; 15, 16, 17, and 18 of T2S, R9W; and Sections 12 and 13 of T2S, R10W, all in Gibson County, Indiana, and has ponds discharging into Keg Creek, Lost Creek, and tributaries thereof, is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

Melanie Miller, being duly sworn, says:

That she is Accounting Clerk of the Princeton Daily Clarion, a newspaper of general circulation, printed and published in Princeton, Gibson County, IN; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

December 22, 2023

- (A.) state the name and address of the person making the request;
- (B.) identify the interest of the person making the request;
- (C.) identify any persons represented by the person making the request;
- (D.) state with particularity the reasons for the request;
- (E.) state with particularity the issues proposed for consideration at the hearing; and
- (F.) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

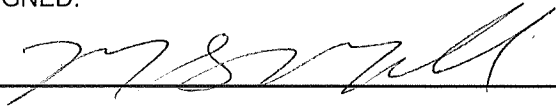
Any such request shall be mailed or delivered to:

Office of Environmental Adjudication
Indiana Government Center – North
100 North Senate Avenue, Room N501
Indianapolis, Indiana 46204”
hspaxlp

Publisher's Fee: \$ 62.00

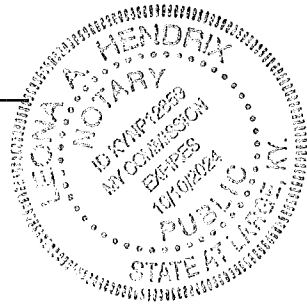
That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Subscribed to and sworn to me this 22nd day of December 2023.





70017649 70847894

Andy Nelson
Peabody Midwest Mining, LLC
566 Dickeyville Road
Lynnville, IN 47619