



## 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](http://www.idem.IN.gov)

Eric J. Holcomb  
*Governor*

Brian C. Rockensuess  
*Commissioner*

February 22, 2024

VIA ELECTRONIC MAIL : [JBoswell@peabodyenergy.com](mailto:JBoswell@peabodyenergy.com)

Mr. James Boswell, Authorized Representative  
Peabody Midwest Mining, LLC  
566 Dickeyville Road  
Lynnville, IN 47715

Dear Mr. Boswell:

Re: IDEM Approval of Modification of NPDES  
General Permit Coverage No. ING040038  
DNR Permit Nos. S-0150, S-0159,  
S-0322, and S-0335  
Peabody Midwest Mining, LLC  
Somerville South Mine  
8278 South C.R. 850 E  
Elberfeld, IN - Gibson County

Our office received your Notice of Intent (NOI) submittal on November 9, 2023 for the above-referenced facility. We are pleased to inform you that it is sufficient to comply with the NOI requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities. The following changes to your facility's general permit coverage have been approved:

- **Outfalls 004, 041, 072, 018N, and 084 are being removed from permit coverage.**
- **Coordinates for several outfalls have been updated to reflect more accurate as-built locations.**
- **The activity (Active/Inactive) status of some outfalls been updated in Attachment 1.**

We have reviewed the NOI and have determined that the mining activities associated with the request are not the result of any new or expanded permitted mining operations. Mining activity is a process of sequential coal removal and reclamation and as mining progresses and reclamation follows these activities will not result in any anticipated discharges to a receiving stream. We have determined that there will not be a new or increased loading of pollutants into the receiving stream(s), therefore the approval of this renewal of coverage is in compliance with the antidegradation standards at 327 IAC 2-1.3.

The NPDES general permit coverage number assigned to this facility in the previous approval will continue to apply.

Modification of coverage for this facility will include all outfalls listed on Attachment 1 to this correspondence, and shall be deemed effective as of **January 1, 2024**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under this general permit rule will expire on June 30, 2024. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that IDEM shall serve notice of its decision to accept your facility's modification 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. A copy must also be served upon IDEM. The addresses are as follows:

Director  
Office of Environmental Adjudication  
Indiana Government Center North  
Room 103  
100 North Senate Ave.  
Indianapolis, IN 46204

Commissioner  
Indiana Department of Environmental Management  
Indiana Government Center North  
Room 1301  
100 North Senate Ave.  
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. Please note that in accordance with 327 IAC 15-7-5(c) IDEM shall public notice its decision to accept your facility for coverage under the general permit rule.

Questions regarding this matter may be directed to Ms. C. Anne Burget of my staff at (317) 234-8745 or [owqwwper@idem.IN.gov](mailto:owqwwper@idem.IN.gov).

Sincerely,

*Catherine Hess*

Catherine Hess, Chief  
Permits Administration Section  
Office of Water Quality

Attachment

cc: Gibson County Health Department  
Ms. Karen Risner, Peabody Midwest Mining, LLC (Krisner@peabodyenergy.com)  
Ms. Jayne Peltier, DNR Division of Reclamation (JPeltier1@dnr.IN.gov)  
U.S. EPA, Region 5

## ATTACHMENT 1

### Peabody Midwest Mining, LLC- Somerville South Mine

NPDES PERMIT NO. ING040038

MODIFICATION EFFECTIVE DATE: JANUARY 1, 2024

DNR PERMIT No(s). S-0150, S-0159, S-0322, & S-0335

### OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
022	S-335 022	38°, 14', 35.4"	-87°, 21', 48.3"	Alkaline	Unnamed Tributary to Smith Fork
039	S-322 039	38°, 14', 14.0"	-87°, 20', 37.8"	Alkaline	Unnamed Tributary to Smith Fork
060	S-335 060	38°, 14', 7.7"	-87°, 19', 53.4"	Post-Mining	Smith Fork of Pigeon Creek
062	S-335 062	38°, 13', 01"	-87°, 20', 23"	Alkaline	Unnamed Tributary to Big Creek
066	S-335 066	38°, 12', 22.7"	-87°, 19', 53.6"	Alkaline	Unnamed Tributary to Big Creek
<b>067**</b>	<b>S-335 067</b>	<b>38°, 12', 6.34"</b>	<b>-87°, 20', 59.6"</b>	<b>Alkaline</b>	<b>Unnamed Tributary to Big Creek</b>
068	S-335 068	38°, 13', 48.5"	-87°, 20', 31.0"	Alkaline	Unnamed Tributary to Smith Fork
070	S-335 070	38°, 14', 14.1"	-87°, 20', 15.8"	Alkaline	Smith Fork of Pigeon Creek
085*	S-335 085	38°, 12', 13.91"	-87°, 20', 41.04"	Alkaline / Unconstructed	Unnamed Tributary to Big Creek
088*	S-335 088	38°, 12', 20.34"	-87°, 21', 0.31"	Alkaline / Unconstructed	Unnamed Tributary to Big Creek
136	S-322 036	38°, 14', 7.1"	-87°, 21', 33.1"	Alkaline	Smith Fork of Pigeon Creek

\* Unconstructed Outfall \*\* Coordinates have been updated to reflect as-built location

**Bold** font is used to denote the outfall(s) whose outfall status or as-built location GPS coordinates have changed since the last Notice of Coverage was issued by IDEM.

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

OUT-FALL	DNR BASIN	LATITUDE	LONGITUDE	REASON for REMOVAL	RECEIVING WATER
001	S-150 001	38°, 14', 10.3"	-87°, 24', 16.5"	Area Fully Reclaimed	Smith Fork of Pigeon Creek
002	S-150 002	38°, 13', 40"	-87°, 24', 24"	Area Fully Reclaimed	Big Creek
003	S-150 003	38°, 13', 30"	-87°, 24', 39"	Outfall Removed	Smith Fork of Pigeon Creek
03a	S-159 03a	38°, 57', 31.3"	-87°, 24', 38.4"	Outfall Removed	Big Creek
<b>004</b>	<b>S-159 SP4 DC-P2</b>	<b>38°, 12', 32"</b>	<b>-87°, 23', 43"</b>	<b>Outfall Removed</b>	<b>Big Creek</b>
04A	S-335 004	38°, 12', 45"	-87°, 22', 20"	Area Fully Reclaimed	Big Creek

005	S-159 005	38°, 13', 22"	-87°, 24', 31"	Outfall Removed	Big Creek
05A	S-335 05a	38°, 12', 28"	-87°, 22', 37"	Post-Mining	Big Creek
006	S-159 006	38°, 56', 33.5"	-87°, 17', 10.5"	Outfall Removed	Big Creek
07R	S-150 007	38°, 13', 34"	-87°, 24', 24"	Area Fully Reclaimed	Big Creek
008	S-150 008	38°, 00', 28"	-87°, 18', 43.7"	Outfall Removed	Big Creek
009	S-159 009	38°, 00', 41.6"	-87°, 15', 20.5"	Outfall Removed	Big Creek
010	S-159 010	38°, 01', 52.7"	-87°, 17', 8.6"	Outfall Removed	Big Creek
011	S-335 001	38°, 13', 49.9"	-87°, 21', 43.6"	Outfall Removed	Smith Fork of Pigeon Creek
012	S-335 002	38°, 13', 50.6"	-87°, 21', 16.9"	Outfall Removed	Smith Fork of Pigeon Creek
013	S-335 003	38°, 13', 50"	-87°, 22', 37"	Outfall Removed	Smith Fork of Pigeon Creek
014	S-335 014	38°, 13', 55"	-87°, 22', 35"	Outfall Removed	Smith Fork of Pigeon Creek
015	S-335 015	38°, 13', 49"	-87°, 23', 01"	Outfall Removed	Smith Fork of Pigeon Creek
016	S-335 016	38°, 13', 53"	-87°, 23', 12"	Outfall Removed	Smith Fork of Pigeon Creek
017	S-322 017	38°, 14', 7.1"	-87°, 21', 44.8"	Outfall Removed	Smith Fork of Pigeon Creek
018	S-322 018	38°, 14', 8"	-87°, 21', 49"	Outfall Never Constructed	Smith Fork of Pigeon Creek
<b>18N</b>	<b>S-322 018N</b>	<b>38°, 14', 8"</b>	<b>-87°, 21', 49"</b>	<b>Outfall Removed</b>	<b>Smith Fork of Pigeon Creek</b>
18S	S-335 018s	38°, 14', 7.1"	-87°, 21', 48.6"	Outfall Never Constructed	Smith Fork of Pigeon Creek
019	S-322 019	38°, 14', 9.4"	-87°, 20', 40.6"	Outfall Never Constructed	Unnamed Tributary to Smith Fork
020	S-335 020	38°, 14', 00"	-87°, 21', 51"	Outfall Never Constructed	Unnamed Tributary to Smith Fork
20A	S-335 020	38°, 13', 58"	-87°, 22', 3"	Outfall Removed	Unnamed Tributary to Smith Fork
021	S-335 021	38°, 14', 23.5"	-87°, 21', 49"	Outfall Never Constructed	Unnamed Tributary to Smith Fork
023	S-322 023	38°, 14', 52.5"	-87°, 21', 26"	Outfall Never Constructed	Unnamed Tributary to Smith Fork
024	S-335 024	38°, 13', 55"	-87°, 22', 03"	Outfall Removed	Smith Fork of Pigeon Creek
025	S-335 024	38°, 13', 58"	-87°, 21', 22.6"	Outfall Removed	Smith Fork of Pigeon Creek
026	S-335 024	38°, 14', 12"	-87°, 21', 17"	Outfall Removed	Smith Fork of Pigeon Creek
027	S-335 027	38°, 13', 45"	-87°, 21', 14"	Area Fully Reclaimed	Smith Fork of Pigeon Creek
028	S-322 028	38°, 13', 54"	-87°, 21', 3"	Area Fully Reclaimed	Smith Fork of Pigeon Creek

029	S-335 029	38°, 14', 7.5"	-87°, 21', 51"	Different Outfall Constructed This Location	Smith Fork of Pigeon Creek
29N	S-335 29N	38°, 14', 7.9"	-87°, 21', 50.3"	Different Outfall Constructed This Location	Smith Fork of Pigeon Creek
29S	S-335 29S	38°, 14', 6.9"	-87°, 21', 50.2"	Different Outfall Constructed This Location	Smith Fork of Pigeon Creek
030	S-335 010	38°, 14', 00"	-87°, 21', 57"	Outfall Removed	Smith Fork of Pigeon Creek
031	S-335 011	38°, 14', 5.9"	-87°, 22', 40.6"	Outfall Removed	Smith Fork of Pigeon Creek
032	S-335 012	38°, 14', 2"	-87°, 23', 29"	Outfall Removed	Smith Fork of Pigeon Creek
033	S-335 033	38°, 14', 14.7"	-87°, 22', 7"	Outfall Never Constructed	Smith Fork of Pigeon Creek
034	S-335 034	38°, 14', 20.9"	-87°, 20', 39.9"	Outfall Removed	Smith Fork of Pigeon Creek
035	S-335 035	38°, 14', 31"	-87°, 21', 13"	Outfall Mined Through	Smith Fork of Pigeon Creek
036	S-322 036	38°, 14', 4"	-87°, 21', 30"	Outfall Removed	Smith Fork of Pigeon Creek
037	S-335 007	38°, 13', 20"	-87°, 21', 50"	Outfall Never Constructed	Big Creek
038	S-335 038	38°, 14', 13"	-87°, 20', 51"	Outfall Removed	Unnamed Tributary to Smith Fork
040	S-322 040	38°, 14', 23"	-87°, 20', 34"	Outfall Removed	Smith Fork of Pigeon Creek
<b>041</b>	<b>S-335 041</b>	<b>38°, 14', 23"</b>	<b>-87°, 20', 41"</b>	<b>Outfall Removed</b>	<b>Smith Fork of Pigeon Creek</b>
042	S-335 042	38°, 14', 40"	-87°, 21', 30"	Outfall Never Constructed	Smith Fork of Pigeon Creek
063	S-335 063	38°, 12', 47"	-87°, 19', 51"	Outfall Removed	Unnamed Tributary to Big Creek
064	S-335 064	38°, 12', 44"	-87°, 19', 32	Outfall Removed	Unnamed Tributary to Big Creek
065	S-335 065	38°, 12', 38"	-87°, 20', 23	Outfall Removed	Unnamed Tributary to Big Creek
<b>072</b>	<b>S-335 072</b>	<b>38°, 13', 33"</b>	<b>-87°, 19', 19"</b>	<b>Outfall Removed</b>	<b>Smith Fork of Pigeon Creek</b>
073	S-322 073	38°, 14', 0.6"	-87°, 20', 43.7"	Outfall Removed	Smith Fork of Pigeon Creek
074	S-335 074	38°, 13', 10"	-87°, 20', 23"	Outfall Removed	Smith Fork of Pigeon Creek
075	S-335 075	38°, 12', 33"	-87°, 19', 50"	Outfall Removed	Smith Fork of Pigeon Creek
<b>084</b>	<b>S-335 084</b>	<b>38°, 12', 26"</b>	<b>-87°, 20', 43"</b>	<b>Outfall Removed</b>	Unnamed Tributary to Big Creek
086	S-335 085	38°, 12', 30.53"	-87°, 20', 22.91"	Outfall Removed	Unnamed Tributary to Big Creek
130	S-322 130	38°, 13', 59.7"	-87°, 22', 3.3"	Outfall Removed	Smith Fork of Pigeon Creek

**STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**PUBLIC NOTICE NO. 20240222 – ING040038–GP**

**DATE OF NOTICE: February 22, 2024**

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

**MODIFICATION of COVERAGE under 327 IAC 15-7**

**PEABODY MIDWEST MINING SOMERVILLE SOUTH MINE**, General NPDES Permit Coverage No. ING040038. This coal mine is located at 8278 South CR 850 E, near Elberfeld, IN (GIBSON COUNTY). The permittee requested modification of General NPDES permit coverage under 327 IAC 15-7 to remove five (5) outfalls and to update the locational coordinates of one outfall. This facility operates under the following DNR Permit Nos. S-0150, S-0159, S-0322, and S-0335. This modification of coverage is deemed effective on January 1, 2024. For more information regarding this modification of coverage please contact Ms. C. Anne Burget at (317) 234-8745 or cburget@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

November 8, 2023

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

**RE: Permit Modification to Comply with 327 IAC 15-7  
Peabody Midwest Mining, LLC – Somerville South Mine  
Modification to NPDES General Permit ING040038**

Dear Sir or Madam:

On behalf of Peabody Midwest Mining, LLC (Peabody), I am submitting the attached Notice of Intent to modify Somerville South Mine NPDES permit ING040038. This NPDES modification addresses removal of Outfalls 004, 041, 072, 018N, and 084. There have been no exceedances at any of the outfalls in the past 3 years. The modifications are supported by Division of Reclamation staff.

Outfall 004: The drainage area of this outfall is stable and free from erosion. This pond receives no drainage from any bonded area.

Outfall 041: Drainage modifications in the watershed have eliminated the portion that flowed to sediment basin 041. The majority of the watershed was routed through a mitigation stream that flows into Smith Fork Creek.

Outfall 072: The drainage area of this outfall was seeded in 2017 and 2018. The watershed is stable and free from erosion.

Outfall 018N: The drainage area of this outfall is stable and free from erosion. The majority of its watershed has either received or is eligible for Phase III bond release with the exception of the permanent impoundment.

Outfall 084: This outfall has been mined through and should be removed from the permit.

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

Sincerely,

James Boswell,  
Authorized Representative

Enclosure

cc: Mr. Luke Sweet - DNR  
Ms. Jayne Peltier – DNR  
Robert Pendleton, Somerville South Mine  
Somerville South Mine NPDES File





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:					11/08/2023	
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	ING040038	Delete Outfalls 004, 041, 072, 018N, and 084 from the permit.		

  

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-150, S-159, S-322, S-335	
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS			h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER					
COMPANY NAME Peabody Midwest Mining, LLC			Latitude			Longitude		
STREET ADDRESS 566 Dickeyville Road			Degrees	minutes	seconds	degrees	Minutes	seconds
CITY Lynnville	STATE IN	ZIP CODE 47619	38°	13'	04"	87°	24'	43"
c. FACILITY NAME			i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION					
Peabody Midwest Mining, LLC Somerville South Mine			Township	Range	Section			Quartersection
			3S	8W	3, 10, 11, 14-17, 20-24, 26-29, 32-35			
			6N	8W	2-5, 8-11, 14-17, 21-24, 26-27			
d. FACILITY MAILING ADDRESS			j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId					
STREET ADDRESS 566 Dickeyville Rd			STREET ADDRESS 8278 South C.R. 850E					
CITY Lynnville	STATE IN	ZIP CODE 47619	CITY Elberfeld			STATE IN		ZIP CODE 47613

  

III. CONTACT INFORMATION AUTHORIZED SIGNATORY	
This section applies to the <u>responsible corporate officer</u> and/or alternate person who is authorized in writing by the <u>responsible corporate officer</u> 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. <u>If the signatory is not a corporate officer please also submit the letter from the responsible corporate officer granting him/her this authority.</u>	
a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE	d. ALTERNATE PERSON TO ANSWER QUESTIONS
James Boswell, <i>Authorized Representative</i>	Karen Risner, <i>Authorized Representative</i>
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
jboswell@peabodyenergy.com	krisner@peabodyenergy.com

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

V. RULE QUALIFICATION:
<p>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.</p> <p>Does this facility meet these requirements? (please check one) <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/></p> <p>Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.</p> <p><b>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.</b></p>

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

**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.
004	SP4 DC-42	DELETE	1/1/2024	Terminate Outfall 004. The drainage area is stable and free from erosion.
041	S-335 041	DELETE	1/1/2024	Terminate Outfall 041. The majority of the watershed has been routed to a mitigation stream.
072	S-335 072	DELETE	1/1/2024	Terminate Outfall 072. The drainage area is stable and free from erosion.
018N	S-322 018N	DELETE	1/1/2024	Terminate Outfall 018N. The drainage area is stable and free from erosion.
084	S-335 084	DELETE	1/1/2024	Terminate Outfall 084. This Outfall has been mined through.

**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 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"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

**The public notice for this area was published with a previous notice of intent and subsequent renewals. The outfalls being modified in this NOI were authorized by the previous notice of intent and permit issuance.**

**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.

**No additional persons are potentially affected by the modification(s) contained herein. The original permit application and subsequent renewals included all potentially affected persons within, and adjacent to the permit area.**

**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 \$ 50.00 was submitted for this application.**

**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 will be provided to Mr. Luke Sweet, Indiana Department of Natural Resources, Division of Reclamation, 14619 West State Road 48, Jasonville, IN 47438.**

**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*

Name and official title (type or print)

(812) 922-1044

Area Code and phone No.



Signature

11/8/23

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.

**No additional persons are potentially affected by the modification(s) contained herein. The original permit application and subsequent renewals included all potentially affected persons within, and adjacent to the permit area.**

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: **11/8/23**

Facility Name: **Somerville South Mine**

Facility Address: **Peabody Midwest Mining, LLC., 566 Dickeyville Road, Lynnville, IN 47619**

## III. Type of Action (check one)

- ☒ NPDES PERMIT – 327 IAC 5  
☐ PRETREATMENT PERMIT – 327 IAC 5  
☐ SEWER BAN WAIVER REQUEST – 327 IAC 4  
☐ 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

**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. DRY WEATHER BASE FLOW <sup>1</sup>	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER <b>OR</b> <b>if g is YES</b> name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
001	S-150-001	38	14	10.3	87	24	16.5	0	Dropped	N	Smith Fork of Pigeon Creek
002	S-150-002	38	13	39.9	87	24	24.2	0	Dropped	N	Big Creek
<b>004*</b>	<b>SP4 DC-P2</b>	<b>38</b>	<b>12</b>	<b>31.9</b>	<b>87</b>	<b>23</b>	<b>43.0</b>	<b>0</b>	<b>Dropped</b>	<b>N</b>	<b>Big Creek</b>
003	S-150-003	38	13	30	87	24	39	0	Dropped	N	Smith Fork of Pigeon Creek
03A	S-159-03A	38	57	31.3	87	24	38.4	0	Dropped	N	Big Creek
04A	S-335-004	38	12	45	87	22	20	0	Dropped	N	Big Creek
005	S-159-005	38	13	22	87	24	31	0	Dropped	N	Big Creek
05A	S-335-05A	38	12	28	87	22	37	0	Dropped	N	Big Creek
006	S-159-006	38	56	33.5	87	17	10.5	0	Dropped	N	Big Creek
07R	S-150-007	38	13	33.6	87	24	23.9	0	Dropped	N	Big Creek
008	S-150-008	38	00	28	87	18	43.7	0	Dropped	N	Big Creek
009	S-159-009	38	00	41.6	87	15	20.5	0	Dropped	N	Big Creek
010	S-159-010	38	01	52.7	87	17	8.6	0	Dropped	N	Big Creek
011	S-335-001	38	13	49.9	87	21	43.6	0	Dropped	N	Smith Fork of Pigeon Creek
012	S-335-002	38	13	50.6	87	21	16.9	0	Dropped	N	Smith Fork of Pigeon Creek
013	S-335-003	38	13	50	87	22	37	0	Dropped	N	Smith Fork of Pigeon Creek
014	S-335-014	38	13	55	87	22	35	0	Dropped	N	Smith Fork of Pigeon Creek
015	S-335-015	38	13	49	87	23	01	0	Dropped	N	Smith Fork of Pigeon Creek
016	S-335-016	38	13	53	87	23	12	0	Dropped	N	Smith Fork of Pigeon Creek
017	S-322-017	38	14	07.1	87	21	44.8	0	Dropped	N	Smith Fork of Pigeon Creek
<b>18N*</b>	<b>S-322-018N</b>	<b>38</b>	<b>14</b>	<b>08.7</b>	<b>87</b>	<b>21</b>	<b>47.9</b>	<b>0</b>	<b>Dropped</b>	<b>N</b>	<b>Smith Fork of Pigeon Creek</b>
018	S-322-018	38	14	07.7	87	21	49.0	0	Dropped	N	Smith Fork of Pigeon Creek
18S	S-335-018S	38	14	07.1	87	21	48.6	0	Dropped	N	Smith Fork of Pigeon Creek
019	S-322-019	38	14	09.4	87	20	40.6	0	Dropped	N	Unnamed tributary to Smith Fork

## Attachment A

**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. DRY WEATHER BASE FLOW <sup>1</sup>	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER <b>OR</b> <b>if g is YES</b> name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
020	S-335-020	38	13	59.8	87	21	51.2	0	Dropped	N	Unnamed tributary to Smith Fork
20A	S-335-020	38	13	58.3	87	22	03.4	0	Dropped	N	Unnamed tributary to Smith Fork
021	S-335-021	38	14	23.5	87	21	48.8	0	Dropped	N	Unnamed tributary to Smith Fork
022*	S-335-022	38	14	35.4	87	21	48.3	0	Alkaline	N	Unnamed tributary to Smith Fork
023	S-322-023	38	14	52.5	87	21	26.1	0	Dropped	N	Unnamed tributary to Smith Fork
024	S-335-024	38	13	55	87	22	03	0	Dropped	N	Smith Fork of Pigeon Creek
025	S-335-025	38	13	58	87	21	22.6	0	Dropped	N	Smith Fork of Pigeon Creek
026	S-335-026	38	14	12	87	21	17	0	Dropped	N	Smith Fork of Pigeon Creek
027	S-335-027	38	13	45.4	87	21	14.4	0	Dropped	N	Smith Fork of Pigeon Creek
028	S-322-028	38	13	53.8	87	21	03.1	0	Dropped	N	Smith Fork of Pigeon Creek
29N	S-335-29N	38	14	07.9	87	21	50.3	0	Dropped	N	Smith Fork of Pigeon Creek
029	S-335-029	38	14	07.5	87	21	51	0	Dropped	N	Smith Fork of Pigeon Creek
29S	S-335-29S	38	14	06.9	87	21	50.2	0	Dropped	N	Smith Fork of Pigeon Creek
030	S-335-010	38	13	59.7	87	22	03.3	0	Dropped	N	Smith Fork of Pigeon Creek
031	S-335-011	38	14	05.9	87	22	40.6	0	Dropped	N	Smith Fork of Pigeon Creek
032	S-335-012	38	14	02.0	87	23	29.0	0	Dropped	N	Smith Fork of Pigeon Creek
033	S-335-033	38	14	14.7	87	22	07	0	Dropped	N	Smith Fork of Pigeon Creek
034	S-335-034	38	14	20.9	87	20	39.9	0	Dropped	N	Smith Fork of Pigeon Creek
035	S-335-035	38	14	31.1	87	21	13.2	0	Dropped	N	Smith Fork of Pigeon Creek
036	S-322-036	38	14	04	87	21	30	0	Dropped	N	Smith Fork of Pigeon Creek
037	S-335-007	38	13	20	87	21	50	0	Dropped	N	Big Creek
038	S-335-038	38	14	13	87	20	51	0	Dropped	N	Unnamed tributary to Smith Fork
039*	S-322-039	38	14	14.0	87	20	37.8	0	Alkaline	N	Unnamed tributary to Smith Fork
040	S-322-040	38	14	23	87	20	34	0	Dropped	N	Smith Fork of Pigeon Creek



## Attachment A

**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. DRY WEATHER BASE FLOW <sup>1</sup>	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER <b>OR</b> <b>if g is YES</b> name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
<b>041*</b>	<b>S-335-041</b>	<b>38</b>	<b>14</b>	<b>23.3</b>	<b>87</b>	<b>20</b>	<b>40.5</b>	<b>0</b>	<b>Dropped</b>	<b>N</b>	<b>Smith Fork of Pigeon Creek</b>
042	S-335-042	38	14	40	87	21	30	0	Dropped	N	Smith Fork of Pigeon Creek
060*	S-335-060	38	14	7.7	87	19	53.4	0	Reclamation	N	Smith Fork of Pigeon Creek
062	S-335-062	38	13	1	87	20	23	0	Alkaline	N	Unnamed tributary to Big Creek
063	S-335-063	38	12	47	87	19	51	0	Dropped	N	Unnamed tributary to Big Creek
064**	S-335-064	38	12	44	87	19	32	0	Dropped	N	Unnamed tributary to Big Creek
065*	S-335-065	38	12	38.39	87	20	22.97	0	Dropped	N	Unnamed tributary to Big Creek
066*	S-335-066	38	12	22.7	87	19	53.6	0	Alkaline	N	Unnamed tributary to Big Creek
<b>067*</b>	<b>S-335-067</b>	<b>38</b>	<b>12</b>	<b>06.34</b>	<b>87</b>	<b>20</b>	<b>59.60</b>	0	Alkaline	N	Unnamed tributary to Big Creek
068*	S-335-068	38	13	48.5	87	20	31.0	0	Alkaline	N	Unnamed tributary to Smith Fork
070*	S-335-070	38	14	14.1	87	20	15.8	0	Alkaline	N	Smith Fork of Pigeon Creek
<b>072*</b>	<b>S-335-072</b>	<b>38</b>	<b>13</b>	<b>34.6</b>	<b>87</b>	<b>19</b>	<b>18.8</b>	<b>0</b>	<b>Dropped</b>	<b>N</b>	<b>Smith Fork of Pigeon Creek</b>
073	S-322-073	38	14	00.6	87	20	43.7	0	Dropped	N	Smith Fork of Pigeon Creek
074	S-335-074	38	13	10	87	20	23	0	Dropped	N	Unnamed tributary to Big Creek
075	S-335-075	38	12	33	87	19	50	0	Dropped	N	Unnamed tributary to Big Creek
<b>084*</b>	<b>S-335-084</b>	<b>38</b>	<b>12</b>	<b>29.7</b>	<b>87</b>	<b>20</b>	<b>36.5</b>	<b>0</b>	<b>Dropped</b>	<b>N</b>	<b>Unnamed tributary to Big Creek</b>
085**	S-335-085	38	12	13.91	87	20	41.04	0	Alkaline	N	Unnamed tributary to Big Creek
086**	S-335-086	38	12	30.53	87	20	22.91	0	Dropped	N	Unnamed tributary to Big Creek
087**	S-335-087	38	12	41.25	87	19	19.54	0	Dropped	N	Unnamed tributary to Big Creek
088**	S-335-088	38	12	20.34	87	21	0.31	0	Alkaline	N	Unnamed tributary to Big Creek
130	010	38	13	59.7	87	22	3.3	0	Dropped	N	Smith Fork of Pigeon Creek
136*	S-322-036	38	14	7.1	87	21	33.1	0	Alkaline	N	Smith Fork of Pigeon Creek

1: DWBF Dry Weather Base Flow

\* Coordinates have been updated since original permit coverage was issued

\*\* Outfall is unconstructed

Proposed modifications are **highlighted in bold type**.



