



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

February 22, 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 Modification of NPDES
General Permit Coverage No. ING040190
IDNR Permit No. S-322
Peabody Midwest Mining, LLC
Somerville Central Mine
6280 S CR 1025 E
Oakland City, IN
Gibson County

Our office has received your NPDES Notice of Intent (NOI) submittal, dated November 1, 2023, requesting modification of your NPDES general permit coverage for the above-referenced facility. We are pleased to inform you that the submittal is sufficient to comply with the NOI requirements for 327 IAC 15-7 and that general permit coverage for this mine will be modified as follows:

- The mine drainage status of Outfall 037 is being reclassified from acid to alkaline,
- The mine drainage status of Outfall 041 is being reclassified from acid to reclamation/post-mining,
- Outfall 138 is being removed from permit coverage. The majority of the area has already received Phase II and Phase III bond release.

The NOI confirms that these changes have been discussed with the DNR inspector and no objections have been raised. My staff has reviewed the DNR site inspection report for November of 2023 which confirms this information.

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 IAC15-7 and 327 IAC 2-1.3.

The NPDES general permit identification number assigned to this facility is referenced above. Coverage for the facility will include all outfalls listed on the first table of Attachment 1 to this correspondence.

Since your permit coverage includes an outfall/basin with a Mine Drainage Status of "Reclamation" (Post-Mining), which is subject to quarterly monitoring and reporting requirements, it is necessary to set the effective date of permit coverage on the first day of a calendar quarter. Therefore, this **modified coverage is deemed effective on January 1, 2024.** This coverage will remain in effect until it expires on March 31, 2027. You are required to follow all terms and conditions of 327 IAC 15-7. In order to receive authorization to discharge beyond the date of expiration, you shall submit a renewal NOI to IDEM no later than ninety (90) days prior to the expiration date.

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 the IDEM website at <https://www.in.gov/idem/cleanwater/resources/netdmr/>. All current agency rules, including the general NPDES permits-by-rule, 327 IAC 15, are posted at <https://www.in.gov/idem/legal/environmental-laws-and-rules/>.

IDEM is required to serve notice of its decision to modify your facility's 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 N1301
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 C. Anne Burget of my staff at (317) 234-8745 or via email at owqwwper@idem.IN.gov.

Sincerely,

Catherine Hess

Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Attachments

cc: Ms. Jayne Peltier, DNR, Division of Reclamation (Jpeltier1@dnr.in.gov)
U.S. EPA, Region 5, NPDES Permits Branch (R5NPDES@epa.gov)
Ms. Karen Risner, Peabody Midwest Mining, LLC (Krisner@peabodyenergy.com)

ATTACHMENT 1

PEABODY MIDWEST MINING, LLC- SOMERVILLE CENTRAL MINE

NPDES PERMIT # **ING040190**

DNR PERMIT NUMBER: **S-322**

MODIFICATION EFFECTIVE DATE: **January 1, 2024**

OUTFALLS PERMITTED FOR THIS FACILITY

Outfall	DNR Basin	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
006	006	38°, 15', 41.3"	-87°, 21', 49.4"	Alkaline	Donohue Creek
037	037A	38°, 15', 40.8"	-87°, 22', 09.7"	Alkaline	Donohue Creek
041	041	38°, 16', 01.2"	-87°, 22', 26.0"	Post-Mining	Donohue Creek
044	044	38°, 15', 30.3"	-87°, 20', 56.1"	Alkaline	Unnamed Tributary to Smith Fork

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

Outfall	DNR Basin	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
001	001	38°, 16', 34"	-87°, 22', 22"	Outfall removed	Donohue Creek
031	031E	38°, 15', 21"	-87°, 20', 47"	Outfall removed	Unnamed tributary to Smith Fork
032	032	38°, 14', 24"	-87°, 20', 36"	Outfall removed	Smith Fork
033	033	38°, 16', 16"	-87°, 19', 11"	Outfall removed	Unnamed tributary to Smith Fork
034	034	38°, 16', 47"	-87°, 18', 47"	Outfall removed	Unnamed tributary to Wheeler Creek
035	035	38°, 15', 58"	-87°, 22', 11"	Outfall removed	Donohue Creek
038	038	38°, 14', 27"	-87°, 20', 25.4"	Outfall removed	Smith Fork
039	039	38°, 15', 27"	-87°, 21', 11"	Outfall removed	Smith Fork
040	040	38°, 15', 36"	-87°, 21', 18"	Outfall removed	Donohue Creek
043	043	38°, 15', 59"	-87°, 19', 55"	Outfall removed	Unnamed tributary to Smith Fork
138	038	38°, 14', 21.4"	-87°, 20', 20.0"	Outfall removed	Smith Fork

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 20240222-ING040190-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 CENTRAL MINE, General NPDES Permit Coverage No. ING040190. The mine location is at 6280 S CR 1025 E, Oakland City, IN (GIBSON COUNTY). The permittee requested modification of current coverage under 327 IAC 15-7, the NPDES general permit-by-rule for Facilities Engaged of the Mining of Coal, Coal Processing, and Reclamation Activities. (This facility also operates under IDNR Permit No. S-322). The purpose of this modification is to reclassify the mine drainage status for two (2) outfalls, one from acid to alkaline and one from acid to reclamation/post-mining. Also Outfall 138 is being removed from coverage due to Phase II and Phase III bond release. As of this modification, this facility has four (4) remaining active outfalls, three of which discharge to Donohue Creek, and one (1) which discharges to an unnamed tributary of Smith Fork. For more information regarding this permit action, please contact Ms. C. Anne Burget at (317) 234-8745 or via email at cburget@idem.IN.gov.

Outfall	DNR Basin	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
006	006	38°, 15', 41.3"	-87°, 21', 49.4"	Alkaline	Donohue Creek
037	037A	38°, 15', 40.8"	-87°, 22', 09.7"	Alkaline	Donohue Creek
041	041	38°, 16', 01.2"	-87°, 22', 26.0"	Post-Mining	Donohue Creek
044	044	38°, 15', 30.3"	-87°, 20', 56.1"	Alkaline	Unnamed Tributary to Smith Fork

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 1, 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: Notice of Intent to Comply with 327 IAC 15-7
Peabody Midwest Mining, LLC – Somerville Central Mine
NPDES General Permit ING040190 Modification**

Dear Sir or Madam:

On behalf of Peabody Midwest Mining, LLC, I am submitting the attached modification request to the Somerville Central Mine NPDES Permit 040190. The modification requests are summarized in the following table:

Outfall	Requested Change
037	Reclassify from acid / ferruginous to alkaline mine drainage. The preparation plant and coal storage piles that were within this watershed have been removed and reclaimed. The area was topsoiled and seeded in 2023.
041	Reclassify from acid to reclamation drainage. The preparation plant and coal storage piles that were within this watershed have been removed and reclaimed. The area was topsoiled and seeded in 2023 and the remainder of this large watershed area has received Phase II and Phase III bond release.
138	Terminate this outfall from the NPDES permit. The watershed is densely vegetated, stable, and the majority of the area has received Phase II and Phase III bond release.

These modifications were discussed with the DNR inspector and no concerns were raised. 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. Jane Peltier – DNR
Robert Pendleton – Somerville Central Mine
Somerville Central 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:				10/25/2023
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	ING040190	Reclassification of outfalls

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-322	
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°	15'	52"	87°	21'	48"
c. FACILITY NAME				i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION					
Peabody Midwest Mining, LLC Somerville Central Mine				Township	Range	Section		Quartersection	
				2S	8W	29-32			
				2S	9W	25, 35, 36			
				3S	8W	4-9, 18-20, 30			
				3S	9W	1, 2, 11, 12, 13, 24			
d. FACILITY MAILING ADDRESS				j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId					
STREET ADDRESS 566 Dickeyville Rd.				STREET ADDRESS 6280 S CR 1025E					
CITY Lynnville	STATE IN	ZIP CODE 47619		CITY Oakland City	STATE IN	ZIP CODE 47660			

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 Road	
b. <u>CONTACT EMAIL ADDRESS</u> krisner@peabodyenergy.com		e. <u>CITY</u> Lynnville	f. <u>STATE</u> IN
		g. <u>ZIP CODE</u> 47619	
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		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 Road	
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 Road	
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:
<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) YES <input checked="" type="checkbox"/> NO <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>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.</p>

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.											

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.
037	SB037A	Change	12/01/2023	Reclassify from Acid Mine Drainage to Alkaline Mine Drainage
041	SB041	Change	12/01/2023	Reclassify from Acid Mine Drainage to Reclamation
138	SB038	Delete	12/01/2023	Terminate from the NPDES permit

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.



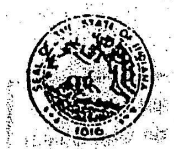
Signature

11/1/2023

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.

Name: American Land Holdings of Indiana, LLC
Street: 566 Dickeyville Road
City/State/Zip: Lynnville, IN 47619

Name: Stephen Hemmer
Street: 8480 S 950 E
City/State/Zip: Elberfeld, IN 47613

Name: Perry and Stephanie Ireland
Street: 7360 S 1100 E
City/State/Zip: Lynnville, IN 47619

Name: Marlin and Margie Loehr Trust
Street: 2668 S 950 E
City/State/Zip: Oakland City, IN 47660

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: **11/1/2023**

Facility Name: **Somerville Central 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. DWBF ¹	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER <u>OR if a is YES</u> name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
001	001	38	16	34	87	22	22	0	Dropped	N	Donohue Creek
006*	006	38	15	41.3	87	21	49.4	0	Alkaline	N	Donohue Creek
031	031E	38	15	21	87	20	47	0	Dropped	N	Unnamed tributary to Smith Fork
032	032	38	14	24	87	20	36	0	Dropped	N	Smith Fork
033	033	38	16	16	87	19	11	0	Dropped	N	Unnamed tributary to Smith Fork
034	034	38	16	47	87	18	47	0	Dropped	N	Unnamed tributary to Wheeler Creek
035	035	38	15	58	87	22	11	0	Dropped	N	Donohue Creek
037*	037A	38	15	40.8	87	22	09.7	0	Alkaline**	N	Donohue Creek
038	038	38	14	27.1	87	20	25.4	0	Dropped	N	Smith Fork
039	039	38	15	27	87	21	11	0	Dropped	N	Smith Fork
040	040	38	15	36	87	21	18	0	Dropped	N	Donohue Creek
041*	041	38	16	1.2	87	22	26.0	0	Reclamation**	N	Donohue Creek
043	043	38	15	59	87	19	55	0	Dropped	N	Unnamed tributary to Smith Fork
044*	044	38	15	30.3	87	20	56.1	0	Alkaline	N	Unnamed tributary to Smith Fork
138*	038	38	14	21.4	87	20	20.0	0	Dropped**	N	Smith Fork

1: DWBF: Dry Weather Base Flow

*: Coordinates updated with as-built location.

** Modification requests in **bold highlighted type**

