INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

February 15, 2010

VIA EMAIL

Mr. Mark Stacy, CEP
Environmental Specialist
Indiana Department of Natural Resources
Division of Reclamation
Abandoned Mine Lands Program
Rural Route 2 Box 129
Jasonville, Indiana 47438

Dear Mr. Stacy:

Re: NPDES Permit No. ING040229
Indiana AML Site 985
T.2S, R.7W, Section 6
Ayrshire, Indiana
Pike County

This agency has reviewed your request dated October 21, 2009, for voidance of the above-referenced permit. In this correspondence you stated that all work at the site had been completed and that no further discharge was anticipated. You also stated that the permit applicant, JR Wilson Contracting, Inc., had gone out of business and as such would not be requesting a termination of the permit themselves. Our office concurs that in this case a discharge permit is no longer needed.

Therefore, National Pollutant Discharge Elimination System Permit No. ING040229, issued on July 15, 2008, is hereby revoked effective 18 days from the mailing date of this letter.

Any party adversely affected or aggrieved by this decision may appeal by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within eighteen (18) days after the date of mailing of this letter. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant, a person aggrieved or adversely affected by this voidance or otherwise entitled to review by law. Pursuant to IC 13-15-7-3, this decision shall remain in effect pending a decision on any appeal that has been timely requested under the provisions of IC 4-21.5. The address is:

Office of Environmental Adjudication
Indiana Government Center North
100 North Senate Avenue, Room 501
Indianapolis, IN 46204

You are reminded that any future discharge to waters of the state must be preceded by the submission of an NPDES application at least 180 days prior to the commencement of such discharge.

If you have any questions regarding this matter, please contact Ms. Sheri L. Jordan of my staff at 317/ 232-8703.

Sincerely,

Paul Higginbotham, Chief
Permits Branch
Office of Water Quality

Slj/
cc: Pike County Health Department

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 – 2D -GP

DATE OF NOTICE: February 15, 2010

The Office of Water Quality issues the following **NPDES GENERAL PERMIT.**

TERMINATION

AML SITE 985, Permit No. ING040229, PIKE COUNTY, Ayrshire, IN. This permit is being terminated because there is no longer a discharge. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication **within** eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) **within** 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed **within** eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.

JORDAN, SHERI

From: Stacy, Mark A
Sent: Tuesday, January 19, 2010 10:50 AM
To: JORDAN, SHERI
Cc: Ellis, Marvin D
Subject: RE: Voidance of NPDES permit ING040229

That sounds great...thanks.

Mark Stacy, CEP
Environmental Specialist
Indiana Department of Natural Resources
Division of Reclamation
Abandoned Mine Lands Program
RR 2 Box 129, Jasonville, IN 47438

From: JORDAN, SHERI
Sent: Tuesday, January 19, 2010 10:43 AM
To: Stacy, Mark A
Cc: Ellis, Marvin D; JORDAN, SHERI
Subject: Voidance of NPDES permit ING040229

Hi Mark,

I talked to Catherine about this regarding how to proceed with the voidance. This is the permit you emailed me about, AML Site 985 in Pike County, that was held by JR Wilson Contracting until they went out of business. Per Catherine, she wants to do a standard voidance, but send the letter to you, in response to the emailed voidance request. SO… I need your mailing address. You wont' need to do anything at your end with the letter when you get, it will just be an FYI.

Thanks Mark…

Sheri

Sheri L. Jordan

Indiana Department of Environmental Management

Office of Water Quality

Permits Branch

(317) 232-8703

JORDAN, SHERI

From: Stacy, Mark A
Sent: Wednesday, October 21, 2009 12:55 PM
To: JORDAN, SHERI
Cc: Ellis, Marvin D
Subject: ING040229

Sheri,

As per our discussion earlier today, I wanted to inform you that the reclamation project at AML Site 985 was completed on 07/02/08 and therefore the NPDES permit (IN040229) may be terminated. The reason this information had not been communicated to you earlier is that our contractor for that project, JR Wilson Contracting, Inc., has gone out of business and therefore did not send you a permit termination request as usual. Please let me know if you have any additional questions. Thanks - Mark

Mark Stacy, CEP
Environmental Specialist
Indiana Department of Natural Resources
Division of Reclamation
Abandoned Mine Lands Program
812-665-2207

NO REQUEST
IN HOUSE
FROM APPLICANT -
IS THIS SUFFICIENT?