IDEM

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. James F. Tolen
Peabody Midwest Mining, LLC
7100 Eagle Crest Boulevard, Suite 100
Evansville, Indiana 47715

Dear Mr. Tolen:

Re: Modification Request for
NPDES General Permit No. ING040062
IDNR Permit Nos. S-287
Peabody Midwest Mining, LLC- Farmersburg Mine
5526 East French Drive
Pimento, Indiana
Sullivan County

Your NPDES permit Notice of Intent application received December 21, 2009 requesting modification of the above-referenced permit has been reviewed. The submittal requested that coverage be granted for new Outfalls 052 (latitude 39°, 15', 10.3", longitude 87°, 24', 35.3"); 053 (latitude 39°, 15', 3.2", longitude 87°, 21', 53"); 098 (latitude 39°, 12', 29.6", longitude 87°, 20', 51.9"); and 099 (latitude 39°, 12', 40.8", longitude 87°, 21', 0.4"), all discharging to West Fork Busseron Creek; and 081 (latitude 39°, 12', 24.5", longitude 87°, 21', 55") discharging to an unnamed tributary to West Fork Busseron Creek. The request has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. Our office has determined that the addition of the new outfalls will not affect Peabody Midwest Mining, LLC's Farmersburg Mine'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, nor will the additional outfall points affect the site's ability to meet the reporting requirements. Therefore your petition to add the new outfalls has been approved in accordance with Indiana Rules promulgated under 327 IAC15-7. Coverage for the facility will now include all outfalls listed on the first table of Attachment 1 to this correspondence.

The NPDES general permit identification number assigned to this facility in the previous approval will continue to apply, as will all other testing and reporting that are required under 327 IAC 15-7 using the forms that were sent to you previously. Additional forms are attached to this letter for use with these new outfalls. You should duplicate them as needed. Should you need additional copies of this form it is also available on the internet at the following web site:

http://www.in.gov/idem/5104.htm

327 IAC 15-7 is also available on the internet at the following website:

http://www.in.gov/idem/4087.htm

Additionally, you will continue to receive the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317-232-8670.

These modifications shall become effective on **March 1, 2010**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on **November 30, 2014**. 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 any person who is adversely affected or aggrieved by approval under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this approval 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. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,

Catherine Hess

Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Slj/
Attachments
cc: Sullivan County Health Department

ATTACHMENT 1

**Peabody Midwest Mining, LLC- Farmersburg Mine**

NPDES PERMIT NO. **ING040062**

EFFECTIVE DATE: **March 1, 2010**

IDNR PERMIT NUMBERS **S- 287**

OUTFALLS PERMITTED FOR THIS FACILITY

| OUTFALL | DNR BASIN | LATITUDE | LONGITUDE | MINE DRAINAGE STATUS | RECEIVING WATER |
|---|---|---|---|---|---|
| 005 | S-287 005 | 39°, 17', 58" | 87°, 21', 41" | Alkaline | Turman Creek |
| 009 | S-287 009 | 39°, 16', 43" | 87°, 21', 03" | Alkaline | West Fork Busseron Creek |
| 012 | S-287 012 | 39°, 16', 28" | 87°, 21', 00" | Alkaline | Unnamed trib. to West Fork Busseron Creek |
| 014 | S-287 014 | 39°, 17', 53" | 87°, 21', 41" | Alkaline | Turman Creek |
| 015R | S-287 015 | 39°, 17', 53" | 87°, 21', 41" | Alkaline | Turman Creek |
| 017 | S-287 017 | 39°, 16', 26.2" | 87°, 22', 15.4" | Alkaline | West Fork Busseron Creek |
| 021 | S-287 021 | 39°, 15', 25" | 87°, 19', 31" | RECLAMATION | Busseron Creek |
| 024 | S-287 024 | 39°, 14', 57" | 87°, 19', 57" | RECLAMATION | Unnamed trib. to Busseron Creek |
| 044 | S-287 044 | 39°, 16', 57.8" | 87°, 22', 21.9" | Alkaline | Turman Creek |
| 047 | S-287 047 | 39°, 15', 28.6" | 87°, 21', 04" | Alkaline | West Fork Busseron Creek |
| 049 | S-287 049 | 39°, 15', 33" | 87°, 21', 48" | Alkaline | West Fork Busseron Creek |
| 050 | S-287 050 | 39°, 13', 09" | 87°, 21', 52.7" | Alkaline | West Fork Busseron Creek |
| **052** | S-287 052 | 39°, 15', 10.3" | 87°, 24', 35.3" | Alkaline | West Fork Busseron Creek |
| **053** | S-287 053 | 39°, 15', 3.2" | 87°, 21', 53" | Alkaline | West Fork Busseron Creek |
| 080 | S-287 080 | 39°, 15', 07.7" | 87°, 24', 32" | Alkaline | West Fork Busseron Creek |
| **081** | S-287 081 | 39°, 12', 24.5" | 87°, 21', 55" | Alkaline | Unnamed trib. to West Fork Busseron Creek |
| 091 | S-287 091 | 39°, 13', 00" | 87°, 21', 06" | Alkaline | West Fork Busseron Creek |

| | | | | | |
|---|---|---|---|---|---|
| 092 | S-287 092 | 39°, 12', 43" | 87°, 21', 07" | Alkaline | West Fork Busseron Creek |
| 093R | S-287 093 | 39°, 12', 40" | 87°, 21', 09" | Alkaline | West Fork Busseron Creek |
| 094 | S-287 094 | 39°, 12', 24.6" | 87°, 21', 9.8" | Alkaline | Unnamed trib. to West Fork Busseron Creek |
| 097 | S-287 097 | 39°, 12', 27.5" | 87°, 21', 53.4" | Alkaline | Unnamed trib. to West Fork Busseron Creek |
| **098** | S-287 098 | 39°, 12', 29.6" | 87°, 20', 51.9" | Alkaline | West Fork Busseron Creek |
| **099** | S-287 099 | 39°, 12', 40.8" | 87°, 21', 04" | Alkaline | West Fork Busseron Creek |

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

| | | | | | |
|---|---|---|---|---|---|
| 001 | S-287 | 39°, 18', 35" | 87°, 19', 29" | Outfall removed | Busseron Creek |
| 003 | S-287 | 39°, 18', 47" | 87°, 19', 31" | Outfall removed | Busseron Creek |
| 004 | S-287 | 39°, 18', 10" | 87°, 21', 26" | Outfall removed | Busseron Creek |
| 006 | S-287 | 39°, 17', 28" | 87°, 20', 25" | Outfall removed | Busseron Creek |
| 007 | S-287 007 | 39°, 17', 13" | 87°, 21', 54" | Undetermined | Turman Creek |
| 008 | S-287 | 39°, 16', 54" | 87°, 20', 59" | Outfall removed | Busseron Creek |
| 010 | S-287 | 39°, 16', 54" | 87°, 19', 39" | Outfall removed | Busseron Creek |
| 011 | S-287 | 39°, 16', 40" | 87°, 19', 40" | Outfall removed | Busseron Creek |
| 013 | S-287 | 39°, 18', 9" | 87°, 19', 5" | Outfall removed | Busseron Creek |
| 015 | S-287 | 39°, 17', 53" | 87°, 21', 41" | Outfall removed | Turman Creek |
| 016 | S-287 | 39°, 17', 15.7" | 87°, 22', 4.7" | Outfall removed | Busseron Creek |
| 019 | S-287 | 39°, 16', 8" | 87°, 18', 57" | Outfall removed | West Fork Busseron Creek |
| 020 | S-287 | 39°, 15', 25" | 87°, 18', 56" | Outfall removed | West Fork Busseron Creek |
| 025 | S-287 | 39°, 15', 23" | 87°, 20', 30" | Outfall removed | West Fork Busseron Creek |
| 026 | S-287 | 39°, 15', 41" | 87°, 20', 32" | Outfall removed | West Fork Busseron Creek |
| 027 | S-287 | 39°, 13', 10" | 87°, 20', 34" | Outfall removed | West Fork Busseron Creek |
| 028 | S-287 | 39°, 13', 14" | 87°, 21', 19" | Outfall removed | West Fork Busseron Creek |
| 029 | S-287 | 39°, 13', 42" | 87°, 21', 35" | Outfall removed | West Fork Busseron Creek |
| 032 | S-287 | 39°, 15', 11" | 87°, 21', 30" | Outfall removed | West Fork Busseron Creek |
| 033 | S-287 | 39°, 13', 53" | 87°, 19', 48" | Outfall removed | Busseron Creek |
| 036 | S-287 | 39°, 13', 7" | 87°, 20', 38" | Outfall removed | West Fork Busseron Creek |
| 037 | S-287 | 39°, 13', 9" | 87°, 20', 31" | Outfall removed | West Fork Busseron Creek |
| 038 | S-287 | 39°, 14', 4" | 87°, 19, 54" | Outfall removed | Busseron Creek |

| | | | | | |
|---|---|---|---|---|---|
| 039 | S-287 | 39°, 14', 15" | 87°, 19', 45" | Outfall removed | Busseron Creek |
| 040 | S-287 | 39°, 15', 28.4" | 87°, 21', 29.9" | Outfall removed | West Fork Busseron Creek |
| 041 | S-287 | 39°, 15', 48.3" | 87°, 21', 37.5" | Outfall removed | West Fork Busseron Creek |
| 042 | S-287 | 39°, 15', 55.3" | 87°, 21', 34.6" | Outfall removed | West Fork Busseron Creek |
| 045 | S-287 | 39°, 16', 57.8" | 87°, 21', 4" | Outfall removed | West Fork Busseron Creek |
| 046 | S-287 | 39°, 16', 19.2" | 87°, 21', 52.2" | Outfall removed | West Fork Busseron Creek |
| 071 | S-287 | 39°, 14', 20" | 87°, 19', 12" | Outfall removed | Busseron Creek |
| 072 | S-287 | 39°, 14', 47.3" | 87°, 20', 6.3" | Outfall removed | Busseron Creek |
| | | | | | |

**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.**

**MODIFICATION**

**PEABODY MIDWEST MINING, LLC – FARMERSBURG MINE,** Permit No. ING040062, SULLIVAN COUNTY, Pimento, IN. This facility will discharge non-process wastewater from a coal mining, processing and reclamation site to the West Fork of Busseron Creek and an unnamed tributary to West Fork of Busseron Creek. This modification is being issued because the facility is adding 5 outfalls. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. 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.

# 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

IDEM OFFICE OF WATER QUALITY
2009 DEC 21 P 3:07

## I. PURPOSE OF SUBMITTAL:

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 | ING040062 | Add outfalls 052, 053, 081, 098, 099 as Alkaline Status 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.**<br>**Attn: James F. Tolen** | **1211** | **Vigo/Sullivan** | **S-00287**<br>**S-00042** |

| b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS | | | h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER | | | | | |
|---|---|---|---|---|---|---|---|---|
| COMPANY NAME<br>**Peabody Midwest Mining, LLC.** | | | Latitude | | | Longitude | | |
| STREET ADDRESS<br>**7100 Eagle Crest Boulevard, Suite 100** | | | Degrees | minutes | seconds | degrees | minutes | seconds |
| CITY<br>**Evansville,** | STATE<br>**IN** | ZIPCODE<br>**47715** | **39°** | **15'** | **36.4"** | **87°** | **20'** | **28"** |

| c. FACILITY NAME | i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION | | | |
|---|---|---|---|---|
| | Township | Range | Section | Quartersection |
| **Peabody Midwest Mining, LLC. – Farmersburg Mine** | **10N** | **9W** | **12,13,23-25** | |
| | **10N** | **8W** | **31** | |
| | **9N** | **9W** | **1,12,13,24** | |
| | **9N** | **8W** | **5-8,17-19** | |

| d. FACILITY MAILING ADDRESS | | | j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId | | |
|---|---|---|---|---|---|
| **5526 East French Drive,** | | | STREET ADDRESS | | |
| CITY,<br>**Pimento** | STATE<br>**IN** | ZIP CODE<br>**47866** | CITY<br>**N/A** | STATE<br>**N/A** | ZIP CODE<br>**N/A** |

## 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 F. Tolen, Authorized Representative** | **N/A** |
| b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE | e. ALTERNATE PERSON'S TELEPHONE |
| **(812) 434-8573** | **N/A** |
| c. APPLICANT EMAIL ADDRESS | f. ALTERNATE PERSON'S EMAIL ADDRESS |
| **jftolen@peabodyenergy.com** | **N/A** |

IDEM - DEA RECEIVABLES
2009 DEC 21 P 3:56

IDEM - AR PAID

## IV. CONTACT INFORMATION OTHER:

| | | | |
|---|---|---|---|
| **DISCHARGE MONITORING REPORTS** CONTACT AND MAILING INFORMATION | c. CONTACT AND COMPANY NAME<br>**James F. Tolen**<br>**Peabody Midwest Mining, LLC.** | | |
| a. CONTACT TELEPHONE NUMBER<br>**(812) 434-8573** | d. STREET ADDRESS<br>**7100 Eagle Crest Boulevard, Suite 100** | | |
| b. CONTACT EMAIL ADDRESS<br>jftolen@peabodyenergy.com | e. CITY<br>**Evansville** | f. STATE<br>**IN** | g. ZIP CODE<br>**47715** |
| **ANNUAL FEE AND FINANCIAL** CONTACT AND BILLING ADDRESS | j. COMPANY AND CONTACT PERSON NAME<br>**James F. Tolen** | | |
| h. CONTACT TELEPHONE NUMBER<br>**(812) 434-8573** | k. STREET ADDRESS<br>**7100 Eagle Crest Boulevard, Suite 100** | | |
| i. CONTACT EMAIL ADDRESS<br>jftolen@peabodyenergy.com | l. CITY<br>**Evansville** | m. STATE<br>**IN** | n. ZIP CODE<br>**47715** |
| **OTHER** CONTACT AND MAILING INFORMATION (SPECIFY BELOW)<br>**N/A** | q. COMPANY AND CONTACT PERSON NAME<br>**N/A** | | |
| o. CONTACT TELEPHONE NUMBER<br>**N/A** | r. STREET ADDRESS<br>**N/A** | | |
| p. CONTACT EMAIL ADDRESS<br>**N/A** | s. CITY<br>**N/A** | t. STATE<br>**N/A** | u. ZIP CODE<br>**N/A** |

## 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 ___X___ NO _____

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 10year-24hour 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 VI** | | | | | | | | | | 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. |
|---|---|---|---|---|
| See Attachment VII | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

## 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 attach this completed map to the application and submit both together.

## 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.

**Please note: The public notice for this area was published with the original Notice of Intent. This modification is to add outfalls in the area that was previously already public noticed.**

## 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.

**Please note: No additional persons are potentially affected by the addition of these outfalls. The original permit application included all potentially affected persons within, and adjacent to the permit area, unless noted herein.**

## 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.

**A check payable to IDEM in the amount of $ 50.00 is attached to 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.

**I have forwarded a copy of this application as is required to Mr. Keith Swihart, Indiana Department of Natural Resources, Division of Reclamation, R. R. 2, Box 129, Jasonville, IN 47438-9517 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 F. Tolen,** ***Authorized Representative*** | **(812) 434-8573** |
| Name and official title (type or print) | Area Code and phone No. |
| James F. Tolen | 12/17/09 |
| 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**

# Attachment VI

**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. | | | | |
| 005 | 005 | 39 | 17 | 58 | 87 | 21 | 41 | 0 | Alkaline | N | Turman Creek |
| 009 | 009 | 39 | 16 | 43 | 87 | 21 | 03 | 0 | Alkaline | N | West Fk. Busseron Creek |
| 012 | 009 | 39 | 16 | 28 | 87 | 21 | 00 | 0 | Alkaline | N | Un. Trib to West Fk. Busseron Creek |
| 014 | 014 | 39 | 17 | 53 | 87 | 21 | 41 | 0 | Alkaline | N | Turman Creek |
| 015R | 015 | 39 | 17 | 23 | 87 | 22 | 05 | 0 | Alkaline | N | Turman Creek |
| 017 | 017 | 39 | 16 | 26.2 | 87 | 22 | 15.4 | 0 | Alkaline | N | West Fk. Busseron Creek |
| 021 | 021 | 39 | 15 | 25 | 87 | 19 | 31 | 0 | Reclamation | N | Busseron Creek |
| 024 | 024 | 39 | 14 | 57 | 87 | 19 | 57 | 0 | Reclamation | N | Un. Trib to West Fk. Busseron Creek |
| 044 | 044 | 39 | 16 | 57.8 | 87 | 22 | 21.9 | 0 | Alkaline | N | Turman Creek |
| 047 | 047 | 39 | 15 | 28.6 | 87 | 21 | 04 | 0 | Alkaline | N | West Fk. Busseron Creek |
| 049 | 049 | 39 | 15 | 33 | 87 | 21 | 48 | 0 | Alkaline | N | West Fk. Busseron Creek |
| 050 | 050 | 39 | 13 | 09 | 87 | 21 | 52.7 | 0 | Alkaline | N | West Fk. Busseron Creek |
| 052 | 052 | 39 | 15 | 10.3 | 87 | 24 | 35.3 | 0 | Alkaline | N | West Fk. Busseron Creek |
| 053 | 053 | 39 | 15 | 3.2 | 87 | 21 | 53 | 0 | Alkaline | N | West Fk. Busseron Creek |
| 080 | 080 | 39 | 15 | 07.7 | 87 | 24 | 32 | 0 | Alkaline | N | West Fk. Busseron Creek |
| 081 | 081 | 39 | 12 | 24.5 | 87 | 21 | 55 | 0 | Alkaline | N | Un. Trib to West Fk. Busseron Creek |
| 091 | 091 | 39 | 13 | 00 | 87 | 21 | 06 | 0 | Alkaline | N | West Fk. Busseron Creek |
| 092 | 092 | 39 | 12 | 43 | 87 | 21 | 07 | 0 | Alkaline | N | West Fk. Busseron Creek |
| 093R | 093 | 39 | 12 | 40 | 87 | 21 | 09 | 0 | Alkaline | N | West Fk. Busseron Creek |
| 094 | 094 | 39 | 12 | 24.6 | 87 | 21 | 09.8 | 0 | Alkaline | N | Un. Trib to West Fk. Busseron Creek |
| 097 | 097 | 39 | 12 | 27.5 | 87 | 21 | 53.4 | 0 | Alkaline | N | Un. Trib to West Fk. Busseron Creek |
| 098 | 098 | 39 | 12 | 29.6 | 87 | 20 | 51.9 | 0 | Alkaline | N | West Fk. Busseron Creek |
| 099 | 099 | 39 | 12 | 40.8 | 87 | 21 | 00.4 | 0 | Alkaline | N | West Fk. Busseron Creek |
| | | | | | | | | | | | |
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*DWBF – Dry Weather Base Flow ** unconstructed

# Attachment VII

**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. |
|---|---|---|---|---|
| 052 | 052 | Add | 01/01/2010 | Additional outfall created for mining and reclamation process |
| 053 | 053 | Add | 01/01/2010 | Additional outfall created for mining and reclamation process |
| 081 | 081 | Add | 01/01/2010 | Additional outfall created for mining and reclamation process |
| 098 | 098 | Add | 01/01/2010 | Additional outfall created for mining and reclamation process |
| 099 | 099 | Add | 01/01/2010 | Additional outfall created for mining and reclamation process |
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