VIA ELECTRONIC MAIL  
February 19, 2020

Mr. Luke Martin, Authorized Representative  
Peabody Midwest Mining, LLC  
566 Dickeyville Rd.  
Lynnville, IN  47619

Dear Mr. Martin:

Re: IDEM Approval of Termination of General NPDES Permit Coverage under 327 IAC 15-7  
Coverage No. ING040206  
IDNR Permit No. S-00354  
Peabody Midwest Mining, LLC  
Somerville East Mine  
Two Miles South of Arthur, IN on SR 61  
Arthur, IN - Pike County

We have received your letter dated January 22, 2020, in which you request that permit coverage for the above-mentioned site be terminated. You state that “the entire permit area has been fully reclaimed and is under request for Phase 3 bond release”.

Our office has confirmed with the Indiana Department of Natural Resources that the above statements have been verified, and that NPDES permit coverage is no longer required for the site. Therefore, National Pollutant Discharge Elimination System Permit Coverage No. ING040206 is hereby terminated effective January 31, 2020.

Please note that IDEM shall serve notice of its decision to terminate this 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 mailing 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. Addresses are as follows:

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

Commissioner  
Indiana Department of Environmental Management  
Indiana Government Center North  
Room 1301  
100 North Senate Avenue  
Indianapolis, IN  46204
The Office of Environmental Adjudication will provide parties who request review of this acceptance for coverage with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

You are reminded that submission of monitoring data via NetDMR is required for all months up to the termination date of general permit coverage. Also, 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, unless at later date is allowed by rule.

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

Sincerely,

Catherine Hess
Chief
Permits Administration Section
Office of Water Quality

cc: Pike County Health Department
Ms. Jayne Peltier, IDNR Division of Reclamation
Mr. Andrew Nelson, Peabody Midwest Mining, LLC
Ms. Andrea Schaller, US EPA, Region 5
USPS

January 2, 2020

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

RE: Notice of Intent of Comply with 327 IAC 15-7
Peabody Midwest Mining, LLC - Somerville East Mine
NPDES General Permit ING040206 - Termination

Dear Sir or Madam:

On behalf of Peabody Midwest Mining, LLC I am requesting that this NPDES permit be terminated. The entire permit area has been fully reclaimed and has received Phase 3 bond release. With this in mind, we are officially requesting termination of the Somerville East Mine NPDES Permit ING040206.

Should you have any questions or comments regarding this submittal, please contact me at our Lynnville office, (812) 922-1056.

Sincerely,

[Signature]

Luke Martin,
Authorized Representative

cc: Somerville East NPDES File

RECEIVED
JAN 9, 2020
IDEM/OWQ
STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  

PUBLIC NOTICE NO. 2020–2D–GP  

DATE OF NOTICE: February 19, 2020  

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

TERMINATION  

PEABODY MIDWEST MINING SOMERVILLE EAST MINE, General NPDES Permit Coverage No. ING040206. The mine location is two miles south of Arthur, IN on SR 61 in PIKE COUNTY. The permittee requested termination of General NPDES permit coverage under 327 IAC 15-7 because the entire permit area has been fully reclaimed and is under request for Phase 3 bond release (IDNR Permit No. S-00354). This termination of coverage shall be deemed effective on January 31, 2020. For more information regarding this termination of coverage please contact Ms. C. Anne Burget at (317) 234-8745 or via email at 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 http://www.in.gov/oea.