



ENVIRONMENTAL LAW & POLICY CENTER
Protecting the Midwest's Environment and Natural Heritage

December 8, 2009

**BY CERTIFIED MAIL -
RETURN RECEIPT REQUESTED**

Bill Richter, Manager
Freeman Coal Industry Mine
1480 E. 1200th St.
P.O. Box 260
Industry, IL 61440

Thomas A. Korman, Illinois Agent
Freeman United Coal Mining Co., LLC
222 N. LaSalle St.
800
Chicago, IL 60601

RE: Notice of Intent to Sue for Violations of the Clean Water Act

To Whom It May Concern:

I am writing on behalf of the Sierra Club, its individual members, the Prairie Rivers Network, its individual members, and Environmental Law & Policy Center (collectively, the "Claimants"), whose members reside and recreate near and around the Freeman Coal United Mine located in McDonough and Schuyler Counties approximately 5 miles southwest of Industry, Illinois ("the Industry Mine") and the waters into which the Industry Mine discharges its wastewater, including Grindstone Creek, Willow Creek, Camp Creek, and their unnamed tributaries ("the Receiving Waters"). These members are adversely affected by pollution from the Mine. This letter constitutes Claimants' notice of intent to sue for violations of the Clean Water Act resulting from the facility's operation in violation of the law. The violations upon which this notice letter is based are more fully set forth below.

Claimants have reason to believe that Freeman United Coal Mining Co., LLC ("Freeman Coal" or "the Company") has repeatedly violated, and will continue to violate (1) Section 301(a) of the federal Clean Water Act, 33 U.S.C. § 1311(a); and (2) the Industry Mine's National Pollutant Discharge Elimination System ("NPDES") Permit No. IL0061247 at the Industry Mine. Among other violations, Freeman Coal has discharged wastewater with illegal levels of several pollutants into the Receiving Waters.

More specifically, Freeman Coal has routinely discharged wastewater from its operations of the Industry Mine containing iron, manganese, sulfates, pH, and total suspended solids at levels in violation of the levels allowed by its NPDES permit. The specific limits for these parameters, and the Industry Mine's repeated violations, are discussed below. Freeman Coal has also violated the reporting and monitoring requirements of its NPDES permit numerous times, and has discharged water containing high levels of sulfates into Grindstone Creek and its

35 East Wacker Drive, Suite 1300 Chicago, Illinois 60601-2110
Phone: (312) 673-6500 Fax: (312) 795-3730 www.elpc.org elpcinfo@elpc.org
Harry Drucker - Chairperson Howard A. Learner - Executive Director



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unnamed tributaries, which are listed by Illinois as having impaired water quality due to sulfates, in violation of Special Condition No. 1 of NPDES Permit No. IL0061247.

PERMIT LIMITS

Iron

The NPDES permit as modified July 21, 2003, contains concentration limits of 3.5 mg/L (30 day average) and 7.0 mg/L (daily maximum) for outfalls 002, 003, 009, 018, 019, 020, 021, 022, 024W, 026, 029, 030, 031, 032, 033, and 035.

Manganese

The NPDES permit as modified July 21, 2003, contains concentration limits of 2.0 mg/L (30 day average) and 4.0 mg/L (daily maximum) for total manganese discharged from outfalls 002, 003, 009, 018, 019, 020, 021, 022, 024W, and 026.

Total Suspended Solids

The NPDES permit as modified July 21, 2003, contains concentration limits of 35.0 mg/L (30 day average) and 70.0 mg/L (daily maximum) for total suspended solids discharged from outfalls 002, 003, 009, 018, 019, 020, 021, 022, 024W, 026, 029, 030, 031, 032, 033, and 035.

pH

The NPDES permit as modified July 21, 2003, contains a pH limit of no lower than 6.0 and no higher than 9.0 for all outfalls.

Sulfates

The NPDES permit as modified July 21, 2003, contains the following limits for sulfates:

<u>Outfall(s)</u>	<u>Concentration Limits (Daily Maximum mg/L)</u>
002	1100
003, 009	1100
018, 019	1800
020, 021, 022, 024W, 026	500
029, 030, 031, 032, 033, 035	1100
004, 008, 027	500
006	1100
005, 007, 010, 011	1800

VIOLATIONS

The violations referred to above include, but are not limited to those listed in the attached Appendix. There have been over 300 exceedances of the Industry Mine NPDES permit since the permit modification date in July 2003, as shown by the U.S. EPA Integrated Compliance Information System – National Pollutant Discharge Elimination System (ICIS-NPDES), based on monitoring data reported by the Industry Mine on its monthly Discharge Monitoring Reports

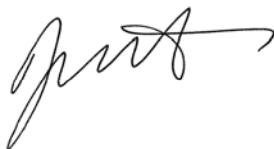
(DMRs). Each of the discharges represents a violation of: (1) the federal Clean Water Act, 33 U.S.C. § 1311(a); and (2) NPDES Permit No. IL00612247. There have also been numerous monitoring and reporting violations since July 2003, as well as violations of Special Condition 1.

This notice letter is based on publicly available information. Additional information, including information in Freeman Coal's possession, may reveal additional violations. This letter covers all such violations occurring within five years immediately preceding the date of this notice letter.

Claimants plan to file suit against Freeman Coal in federal court under the Clean Water Act, 33 U.S.C. § 1365, to secure appropriate relief for these violations. In so doing, Claimants seek to improve the water quality of the Receiving Waters by securing long-term compliance with applicable law.

Should you or your attorney wish to discuss this matter, please feel free to contact me at the address and phone number listed below.

Sincerely,



Jessica Dexter
Staff Attorney, Environmental Law & Policy Center
35 E Wacker Drive Suite 1300
Chicago, IL 60601
312-795-3747

Legal counsel for:

Sierra Club, Illinois Chapter
70 E. Lake St., Ste. 1500
Chicago, IL 60601
312-251-1680

Prairie Rivers Network
1902 Fox Drive Suite G
Champaign, IL 61820
217-344-2371

cc: Lisa Jackson, Administrator, U.S. Environmental Protection Agency
Bharat Mathur, Acting Region V Administrator, U.S. Environmental Protection Agency
Douglas P. Scott, Director, Illinois Environmental Protection Agency
Lisa Madigan, Attorney General, Illinois
Michael W. Toner, President, Freeman United Coal Mining Company, LLC

APPENDIX

The violations referred to in this letter include, but are not limited to those listed below. There have been over 300 exceedances of the Industry Mine NPDES permit since the permit modification date in July 2003, as shown by data gleaned from the U.S. EPA Integrated Compliance Information System – National Pollutant Discharge Elimination System (ICIS-NPDES), based on monitoring data reported by the Industry Mine on its monthly Discharge Monitoring Reports (DMRs), and, where possible, the DMRs themselves. This data also shows numerous monitoring and reporting violations since July 2003. Each of the discharges and monitoring or reporting violations represents a violation of: (1) the federal Clean Water Act, 33 U.S.C. § 1311(a); and (2) NPDES Permit No. IL0061247.

Please note: for all violations from January 2005 – June 2006, the Illinois EPA was able to provide original paper DMRs showing individual violations with dates. From July 2006 to the present, Freeman Coal has filed electronic DMRs, which do not include the exact date of any individual violation. Hence, violations prior to July 1, 2006, are listed with the exact date on which they occurred; violations after July 1, 2006, are listed as having occurred on the final day of the month in which they occurred, regardless of the actual date of occurrence.

Iron

Discharge violations: monthly average concentration

<u>Date</u>	<u>Outfall</u>	<u>Concentration Limit: Monthly Average</u>	<u>Actual Discharge</u>
Jan. 31, 2005	018	3.5 mg/L	4.42 mg/L
Jan. 31, 2005	24W	3.0 mg/L	4.65 mg/L
Jan. 31, 2005	029	3.0 mg/L	4.98 mg/L
Feb. 28, 2005	029	3.0 mg/L	3.08 mg/L

Discharge violations: daily maximum concentration

<u>Date</u>	<u>Outfall</u>	<u>Concentration Limit: Daily Maximum</u>	<u>Actual Discharge</u>
Jan. 17, 2005	018	7.0 mg/L	7.53 mg/L
Jan. 17, 2005	24W	6.0 mg/L	6.37 mg/L
Jan. 17, 2005	029	6.0 mg/L	6.20 mg/L
Feb. 14, 2005	018	7.0 mg/L	13.0 mg/L
Nov. 30, 2006	018	7.0 mg/L	9.04 mg/L
Mar. 31, 2007	003	7.0 mg/L	15.4 mg/L
Mar. 31, 2007	018	7.0 mg/L	47.9 mg/L
Mar. 31, 2007	026	6.0 mg/L	21.1 mg/L
June 30, 2007	003	7.0 mg/L	11.8 mg/L

Manganese

Discharge violations: monthly average concentration

<u>Date</u>	<u>Outfall</u>	<u>Concentration Limit: Monthly Average</u>	<u>Actual Discharge</u>
Jan. 31, 2005	019	2.0 mg/L	7.95 mg/L
Feb. 28, 2005	018	2.0 mg/L	10.3 mg/L
Feb. 28, 2005	019	2.0 mg/L	11.3 mg/L
Mar. 31, 2005	019	2.0 mg/L	6.76 mg/L
Apr. 30, 2005	018	2.0 mg/L	2.32 mg/L
Apr. 30, 2005	019	2.0 mg/L	3.07 mg/L
Apr. 30, 2005	026	2.0 mg/L	7.01 mg/L
June 30, 2005	018	2.0 mg/L	6.66 mg/L
June 30, 2005	019	2.0 mg/L	5.78 mg/L
May 31, 2006	019	2.0 mg/L	4.93 mg/L
June 30, 2006	019	2.0 mg/L	3.38 mg/L
Aug. 31, 2006	018	2.0 mg/L	2.35 mg/L
Jan. 31, 2007	019	2.0 mg/L	7.95 mg/L
Feb. 28, 2007	019	2.0 mg/L	15.2 mg/L
Mar. 31, 2007	018	2.0 mg/L	2.88 mg/L
Mar. 31, 2007	026	2.0 mg/L	3.64 mg/L
May 31, 2007	019	2.0 mg/L	5.66 mg/L
Jan. 31, 2008	019	2.0 mg/L	12.9 mg/L
Feb. 29, 2008	019	2.0 mg/L	7.617 mg/L
Oct. 31, 2008	018	2.0 mg/L	6.957 mg/L
Nov. 30, 2008	018	2.0 mg/L	2.877 mg/L
Nov. 30, 2008	019	2.0 mg/L	34.2 mg/L
Dec. 31, 2008	018	2.0 mg/L	2.2 mg/L
Dec. 31, 2008	019	2.0 mg/L	10.7 mg/L
Jan. 31, 2009	018	2.0 mg/L	2.165 mg/L
Jan. 31, 2009	019	2.0 mg/L	18.5 mg/L
Feb. 28, 2009	009	2.0 mg/L	2.69 mg/L
Feb. 28, 2009	019	2.0 mg/L	18.5 mg/L
Mar. 31, 2009	018	2.0 mg/L	5.493 mg/L
Mar. 31, 2009	026	2.0 mg/L	2.725 mg/L
Mar. 31, 2009	24W	2.0 mg/L	2.213 mg/L
Apr. 30, 2009	009	2.0 mg/L	2.23 mg/L
Apr. 30, 2009	018	2.0 mg/L	2.197 mg/L
Apr. 30, 2009	026	2.0 mg/L	2.306 mg/L
May 31, 2009	009	2.0 mg/L	2.31 mg/L
May 31, 2009	018	2.0 mg/L	5.45 mg/L
May 31, 2009	019	2.0 mg/L	15.48 mg/L
May 31, 2009	026	2.0 mg/L	3.04 mg/L
June 30, 2009	018	2.0 mg/L	7.29 mg/L

June 30, 2009	019	2.0 mg/L	39.27 mg/L
July 31, 2009	018	2.0 mg/L	3.24 mg/L
July 31, 2009	019	2.0 mg/L	59 mg/L
July 31, 2009	026	2.0 mg/L	4.71 mg/L
Aug. 31, 2009	018	2.0 mg/L	2.74 mg/L
Aug. 31, 2009	019	2.0 mg/L	25.8 mg/L
Aug. 31, 2009	24W	2.0 mg/L	2.22 mg/L

Discharge violations: daily maximum concentration

<u>Date</u>	<u>Outfall</u>	<u>Concentration Limit: Daily Maximum</u>	<u>Actual Discharge</u>
Jan. 5, 2005	019	4.0 mg/L	4.69 mg/L
Jan. 17, 2005	019	4.0 mg/L	11.2 mg/L
Jan. 26, 2005	019	4.0 mg/L	11.9 mg/L
Feb. 2, 2005	018	4.0 mg/L	10.3 mg/L
Feb. 2, 2005	019	4.0 mg/L	11.3 mg/L
Mar. 3, 2005	018	4.0 mg/L	11.8 mg/L
Mar. 3, 2005	019	4.0 mg/L	7.83 mg/L
Mar. 11, 2005	018	4.0 mg/L	7.53 mg/L
Mar. 11, 2005	019	4.0 mg/L	5.70 mg/L
Apr. 25, 2005	018	4.0 mg/L	6.08 mg/L
May 2, 2005	018	4.0 mg/L	7.60 mg/L
June 27, 2005	018	4.0 mg/L	7.14 mg/L
June 28, 2005	018	4.0 mg/L	6.18 mg/L
June 29, 2005	019	4.0 mg/L	9.26 mg/L
Mar. 20, 2006	026	4.0 mg/L	6.68 mg/L
Apr. 13, 2006	026	4.0 mg/L	4.63 mg/L
Apr. 19, 2006	019	4.0 mg/L	4.64 mg/L
Apr. 25, 2006	026	4.0 mg/L	7.99 mg/L
Apr. 26, 2006	026	4.0 mg/L	8.42 mg/L
May 22, 2006	019	4.0 mg/L	5.88 mg/L
May 23, 2006	019	4.0 mg/L	5.70 mg/L
July 31, 2006	018	4.0 mg/L	5.65 mg/L
Jan. 31, 2007	019	4.0 mg/L	7 mg/L
Jan. 31, 2007	019	4.0 mg/L	8.89 mg/L
Feb. 28, 2007	019	4.0 mg/L	16.9 mg/L
Feb. 28, 2007	019	4.0 mg/L	13.5 mg/L
Mar. 31, 2007	019	4.0 mg/L	4.35 mg/L
Mar. 31, 2007	026	4.0 mg/L	5.8 mg/L
Apr. 30, 2007	019	4.0 mg/L	4.26 mg/L
May 31, 2007	019	4.0 mg/L	4.37 mg/L
May 31, 2007	019	4.0 mg/l	6.94 mg/L
Jan. 31, 2008	019	4.0 mg/L	12.9 mg/L
Feb. 29, 2008	019	4.0 mg/L	14 mg/L

Oct. 31, 2008	018	4.0 mg/L	9.45 mg/L
Nov. 30, 2008	019	4.0 mg/L	30.6 mg/L
Nov. 30, 2008	019	4.0 mg/L	40.4 mg/L
Dec. 31, 2008	019	4.0 mg/L	18.8 mg/L
Jan. 31, 2009	019	4.0 mg/L	13.5 mg/L
Jan. 31, 2009	019	4.0 mg/L	23.8 mg/L
Feb. 28, 2009	018	4.0 mg/L	5.68 mg/L
Feb. 28, 2009	019	4.0 mg/L	13.5 mg/L
Feb. 28, 2009	019	4.0 mg/L	23.8 mg/L
Mar. 31, 2009	018	4.0 mg/L	8.05 mg/L
May 31, 2009	018	4.0 mg/L	9.5 mg/L
May 31, 2009	019	4.0 mg/L	8.04 mg/L
May 31, 2009	019	4.0 mg/L	29.8 mg/L
June 30, 2009	018	4.0 mg/L	6.89 mg/L
June 30, 2009	018	4.0 mg/L	8.07 mg/L
June 30, 2009	019	4.0 mg/L	14.4 mg/L
June 30, 2009	019	4.0 mg/L	53.8 mg/L
July 31, 2009	019	4.0 mg/L	57 mg/L
July 31, 2009	019	4.0 mg/L	61 mg/L
July 31, 2009	026	4.0 mg/L	8.6 mg/L
Aug. 31, 2009	019	4.0 mg/L	18 mg/L
Aug. 31, 2009	019	4.0 mg/L	40.2 mg/L

Sulfates

Discharge violations: daily maximum concentration

<u>Date</u>	<u>Outfall</u>	<u>Concentration Limit: Daily Maximum</u>	<u>Actual Discharge</u>
Apr. 7, 2005	009	1100 mg/L	1170 mg/L
May 30, 2005	009	1100 mg/L	1270 mg/L
June 9, 2005	009	1100 mg/L	1230 mg/L
June 27, 2005	009	1100 mg/L	1330 mg/L
June 27, 2005	018*	1800 mg/L	2020 mg/L
June 28, 2005	009	1100 mg/L	1240 mg/L
June 28, 2005	018*	1800 mg/L	1900 mg/L
July 9, 2005	009	1100 mg/L	1440 mg/L
July 9, 2005	018*	1800 mg/L	2020 mg/L
July 9, 2005	019*	1800 mg/L	1840 mg/L
July 29, 2005	009	1100 mg/L	1440 mg/L
July 29, 2005	018*	1800 mg/L	2050 mg/L
July 29, 2005	019*	1800 mg/L	1810 mg/L
Aug. 8, 2005	009	1100 mg/L	1430 mg/L
Aug. 8, 2005	018*	1800 mg/L	2030 mg/L
Aug. 8, 2005	019*	1800 mg/L	1910 mg/L
Sept. 9, 2005	009	1100 mg/L	1380 mg/L
Sept. 29, 2005	009	1100 mg/L	1260 mg/L
Oct. 17, 2005	009	1100 mg/l	1550 mg/L
Oct. 26, 2005	009	1100 mg/L	1540 mg/L
Nov. 29, 2005	009	1100 mg/L	1270 mg/L
Dec. 13, 2005	009	1100 mg/L	1350 mg/L
Dec. 13, 2005	018*	1800 mg/L	1920 mg/L
Dec. 20, 2005	009	1100 mg/L	1270 mg/L
Dec. 20, 2005	018*	1800 mg/L	1930 mg/L
Jan. 16, 2006	009	1100 mg/L	1160 mg/L
Jan. 25, 2006	009	1100 mg/L	1200 mg/L
Feb. 6, 2006	009	1100 mg/L	1220 mg/L
Feb. 6, 2006	027	500 mg/L	516 mg/L
Feb. 6, 2006	24W	500 mg/L	548 mg/L
Feb. 27, 2006	009	1100 mg/L	1150 mg/L
Feb. 27, 2006	24W	500 mg/L	600 mg/L
Mar. 13, 2006	009	1100 mg/L	1240 mg/L
Mar. 13, 2006	24W	500 mg/l	568 mg/L
Mar. 20, 2006	24W	500 mg/L	506 mg/L
Mar. 29, 2006	24W	500 mg/L	520 mg/L
Apr. 13, 2006	24W	500 mg/L	511 mg/L
Apr. 25, 2006	009	1100 mg/L	1190 mg/L
Apr. 25, 2006	24W	500 mg/L	628 mg/L

Apr. 26, 2006	24W	500 mg/L	558 mg/L
May 16, 2006	009	1100 mg/L	1120 mg/L
May 16, 2006	24W	500 mg/L	550 mg/L
May 17, 2006	009	1100 mg/L	1110 mg/L
May 17, 2006	24W	500 mg/L	552 mg/L
May 24, 2006	009	1100 mg/L	1150 mg/L
May 24, 2006	24W	500 mg/L	562 mg/L
June 14, 2006	009	1100 mg/L	1140 mg/L
June 14, 2006	24W	500 mg/L	592 mg/L
June 15, 2006	009	1100 mg/L	1150 mg/L
June 15, 2006	019*	1800 mg/L	1890 mg/L
June 15, 2006	24W	500 mg/L	572 mg/L
June 22, 2006	009	1100 mg/L	1240 mg/L
June 22, 2006	24W	500 mg/L	635 mg/L
July 31, 2006	009	1100 mg/L	1170 mg/L
July 31, 2006	009	1100 mg/L	1180 mg/L
July 31, 2006	009	1100 mg/L	1190 mg/L
July 31, 2006	019*	1800 mg/L	1830 mg/L
July 31, 2006	24W	500 mg/L	578 mg/L
Aug. 31, 2006	009	1100 mg/L	1300 mg/L
Aug. 31, 2006	009	1100 mg/L	1273 mg/L
Aug. 31, 2006	009	1100 mg/L	1250 mg/L
Aug. 31, 2006	018*	1800 mg/L	1840 mg/L
Aug. 31, 2006	019*	1800 mg/L	1840 mg/L
Sept. 30, 2006	009	1100 mg/L	1260 mg/L
Sept. 30, 2006	009	1100 mg/L	1250 mg/L
Sept. 30, 2006	009	1100 mg/L	1240 mg/L
Oct. 31, 2006	009	1100 mg/L	1320 mg/L
Oct. 31, 2006	009	1100 mg/L	1303 mg/L
Oct. 31, 2006	009	1100 mg/L	1290 mg/L
Oct. 31, 2006	018*	1800 mg/L	1850 mg/L
Oct. 31, 2006	019*	1800 mg/L	1810 mg/L
Nov. 30, 2006	009	1100 mg/L	1350 mg/L
Nov. 30, 2006	009	1100 mg/L	1287 mg/L
Nov. 30, 2006	009	1100 mg/L	1160 mg/L
Nov. 30, 2006	018*	1800 mg/L	1890 mg/L
Nov. 30, 2006	019*	1800 mg/L	1830 mg/L
Dec. 31, 2006	009	1100 mg/L	1230 mg/L
Dec. 31, 2006	009	1100 mg/L	1123 mg/L
Dec. 31, 2006	24W	500 mg/L	1090 mg/L
Jan. 31, 2007	026	500 mg/L	514 mg/L
Jan. 31, 2007	026	500 mg/L	502 mg/L
Jan. 31, 2007	027	500 mg/L	879 mg/L
Jan. 31, 2007	24W	500 mg/L	610 mg/L
Feb. 28, 2007	003*	1100 mg/L	1810 mg/L

Feb. 28, 2007	009	1100 mg/L	1310 mg/L
May 31, 2007	018*	1800 mg/L	1870 mg/L
May 31, 2007	019*	1800 mg/L	1830 mg/L
May 31, 2007	24W	500 mg/L	1080 mg/L
June 30, 2007	24W	500 mg/L	507 mg/L
June 30, 2007	24W	500 mg/L	576 mg/L
July 31, 2007	009	1100 mg/L	1400 mg/L
July 31, 2007	009	1100 mg/L	1200 mg/L
July 31, 2007	24W	500 mg/L	544 mg/L
Aug. 31, 2007	009	1100 mg/L	1370 mg/L
Aug. 31, 2007	009	1100 mg/L	1310 mg/L
Aug. 31, 2007	009	1100 mg/L	1270 mg/L
Aug. 31, 2007	019*	1800 mg/L	2160 mg/L
Sept. 30, 2007	009	1100 mg/L	1620 mg/L
Sept. 30, 2007	009	1100 mg/L	1410 mg/L
Sept. 30, 2007	009	1100 mg/L	1280 mg/L
Sept. 30, 2007	018*	1800 mg/L	2100 mg/L
Sept. 30, 2007	018*	1800 mg/L	1930 mg/L
Sept. 30, 2007	019*	1800 mg/L	2180 mg/L
Oct. 31, 2007	009	1100 mg/L	2970 mg/L
Oct. 31, 2007	009	1100 mg/L	2380 mg/L
Oct. 31, 2007	009	1100 mg/L	2080 mg/L
Oct. 31, 2007	018*	1800 mg/L	2710 mg/L
Oct. 31, 2007	018*	1800 mg/L	2370 mg/L
Oct. 31, 2007	018*	1800 mg/L	1920 mg/L
Nov. 30, 2007	009	1100 mg/L	2230 mg/L
Nov. 30, 2007	009	1100 mg/L	1930 mg/L
Nov. 30, 2007	009	1100 mg/L	1610 mg/L
Nov. 30, 2007	018*	1800 mg/L	3080 mg/L
Nov. 30, 2007	018*	1800 mg/L	2740 mg/L
Nov. 30, 2007	018*	1800 mg/L	2420 mg/L
Nov. 30, 2007	019*	1800 mg/L	2940 mg/L
Dec. 31, 2007	009	1100 mg/L	2040 mg/L
Dec. 31, 2007	009	1100 mg/L	1408 mg/L
Dec. 31, 2007	018*	1800 mg/L	2970 mg/L
Dec. 31, 2007	018*	1800 mg/L	2390 mg/L
Dec. 31, 2007	018*	1800 mg/L	2080 mg/L
Feb. 29, 2008	009	1100 mg/L	1150 mg/L
July 31, 2008	24W	500 mg/L	531 mg/L
Nov. 30, 2008	019*	1800 mg/L	2190 mg/L
Dec. 31, 2008	009	1100 mg/L	1400 mg/L
Dec. 31, 2008	018*	1800 mg/L	2380 mg/L
Dec. 31, 2008	018*	1800 mg/L	2130 mg/L
Dec. 31, 2008	019*	1800 mg/L	2920 mg/L
Feb. 28, 2009	009	1100 mg/L	1230 mg/L

Feb. 28, 2009	018*	1800 mg/L	2570 mg/L
Mar. 31, 2009	24W	500 mg/L	544 mg/L
Apr. 30, 2009	24W	500 mg/L	539 mg/L
May 31, 2009	24W	500 mg/L	515 mg/L
June 30, 2009	019*	1800 mg/L	2690 mg/L
June 30, 2009	026	500 mg/L	818 mg/L
June 30, 2009	026	500 mg/L	656 mg/L
June 30, 2009	026	500 mg/L	509 mg/L
July 31, 2009	009	1100 mg/L	1310 mg/L
July 31, 2009	009	1100 mg/L	1470 mg/L
July 31, 2009	018*	1800 mg/L	1940 mg/L
July 31, 2009	018*	1800 mg/L	2077 mg/L
July 31, 2009	019*	1800 mg/L	3290 mg/L
July 31, 2009	026	500 mg/L	869 mg/L
July 31, 2009	026	500 mg/L	927 mg/L
Aug. 31, 2009	009	1100 mg/L	1360 mg/L
Aug. 31, 2009	009	1100 mg/L	1430 mg/L
Aug. 31, 2009	018*	1800 mg/L	1820 mg/L
Aug. 31, 2009	019*	1800 mg/L	2490 mg/L

* Each of these discharges represents a discharge of sulfates to Grindstone Creek or its unnamed tributaries. Grindstone Creek is listed by the Illinois Environmental Protection Agency as having impaired water quality due to levels of sulfates in violation of the applicable water quality standards. Each of these discharges thus represents a violation of Special Condition 1 of NPDES Permit # IL0061247, which states, “[n]o effluent from any mine related facility area under this permit shall, alone or in combination with other sources, cause a violation of any applicable water quality standard as set out in the Illinois Pollution Control Board Rules and Regulations, Subtitle C: Water Pollution.”

Total Suspended Solids

Discharge violations: monthly average concentration

<u>Date</u>	<u>Outfall</u>	<u>Concentration Limit: Monthly Average</u>	<u>Actual Discharge</u>
Jan. 31, 2005	003	35.0 mg/L	48.5 mg/L
Jan. 31, 2005	018	35.0 mg/L	38 mg/L
May 31, 2007	002	35.0 mg/L	46 mg/L
May 31, 2007	018	35.0 mg/L	46 mg/L
Feb. 29, 2008	003	35.0 mg/L	49 mg/L
Feb. 29, 2008	018	35.0 mg/L	47.7 mg/L
Feb. 29, 2008	029	35.0 mg/L	64 mg/L
Jan. 31, 2009	009	35.0 mg/L	44.3 mg/L

Discharge violations: daily maximum concentration

<u>Date</u>	<u>Outfall</u>	<u>Concentration Limit: Daily Maximum</u>	<u>Actual Discharge</u>
Jan. 17, 2005	003	70.0 mg/L	81 mg/L
Apr. 26, 2005	019	70.0 mg/L	84 mg/L
Dec. 13, 2005	009	70.0 mg/L	99 mg/L
Feb. 28, 2007	009	70.0 mg/L	87 mg/L
May 31, 2007	002	70.0 mg/L	96 mg/L
May 31, 2007	018	70.0 mg/L	121 mg/L
July 31, 2007	026	70.0 mg/L	86 mg/L
Feb. 29, 2008	018	70.0 mg/L	116 mg/L
Jan. 31, 2009	009	70.0 mg/L	80 mg/L

pH:

Discharge violations: monthly average concentration

<u>Date</u>	<u>Outfall</u>	<u>Concentration Limit</u>	<u>Actual Discharge</u>
July 31, 2006	026	Between 6.0 and 9.0 at all times	10.4
May 31, 2007	026	Between 6.0 and 9.0 at all times	9.74
June 30, 2007	026	Between 6.0 and 9.0 at all times	9.43
May 31, 2009	019	Between 6.0 and 9.0 at all times	5.29
June 30, 2009	019	Between 6.0 and 9.0 at all times	4.25
July 31, 2009	019	Between 6.0 and 9.0 at all times	3.62
July 31, 2009	027	Between 6.0 and 9.0 at all times	9.4

Monitoring/reporting violations:

Date	Outfall(s)
Jan. 31, 2005	003, 018, 24W
Feb. 28, 2005	003, 009, 018, 019
June 30, 2005	019
July 31, 2006	019, 026, 24W
Nov. 30, 2006	019
Dec. 31, 2006	019, 020, 021, 027
Jan. 31, 2007	020, 027
Feb. 28, 2007	019, 020, 021, 026, 027, 029, 030, 24W
Mar. 31, 2007	009, 018, 019, 026, 027, 24W
Apr. 30, 2007	003, 019, 020, 021, 022, 027, 029, 030
May 31, 2007	019, 026
June 30, 2007	003, 008, 009, 018, 019, 020, 026, 24W
July 31, 2007	24W
Aug. 31, 2007	019
Sept. 30, 2007	019
Oct. 31, 2007	019
Nov. 30, 2007	019