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April 29, 2010

Sent via USPS certified mail, return receipt requested

The Honorable Lisa Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: PETITION FOR CORRECTIVE ACTION OR WITHDRAWAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM DELEGATION FROM THE STATE OF INDIANA

Dear Administrator Jackson:

On December 17, 2009, Hoosier Environmental Council, the Hoosier Chapter of the Sierra Club and the Environmental Law & Policy Center (collectively "Petitioners") filed a petition requesting U.S. EPA to commence proceedings under 40 C.F.R. § 123.64 to withdraw NPDES permitting authority from the State of Indiana. The petition described the systematic failure of the Indiana Department of Environmental Management ("IDEM") to administer and enforce the NPDES program properly, including in particular:

- IDEM's continuing failure to adopt legal antidegradation implementation rules, which has resulted in much unnecessary pollution of state waters in violation of 40 C.F.R. § 131.12; and

- IDEM's continued use of an illegal permitting "by rule" scheme, which has resulted in an end-run around of many important Clean Water Act protections for major categories of polluters, including discharges from coal mines.

On March 10, 2009, IDEM submitted an "informal response" intended to "assist EPA in evaluating the Petition." The Department's letter essentially argues that Petitioners' concerns are premature, that IDEM's actions are legal under the Clean Water Act, or that Petitioners' concerns are already being addressed by IDEM in coordination with U.S. EPA Region 5.

Petitioners respectfully submit the following replies:

1) **It is not "premature" for EPA to address IDEM's long-standing failure to implement antidegradation requirements, which the Clean Water Act has required since at least 1975 and which IDEM has failed to correct despite rulemaking proceedings that have been ongoing for more than seven years.**

Indiana has failed for three decades to adopt legal antidegradation implementation rules or write permits that comply with federal requirements at 40 C.F.R. § 131.12. There is no reason to believe that anything will change this situation without prompt federal action. Although we appreciate the efforts of IDEM's staff in the latest round of stakeholder workshops and meetings,

some form of agency rulemaking has been ongoing for much of the last seven years. There is no end in sight. We note with some chagrin that our January 2005 letter to the then newly-appointed Commissioner Tom Easterly expressed concern about the slow pace of antidegradation rulemaking and warned that "IDEM cannot legally continue to issue NPDES permits that do not comply with federal antidegradation regulations."[1]

Since then the Petitioners have devoted much of their limited resources to IDEM's antidegradation workshop and rulemaking process. Interested parties have attended more than a dozen meetings and submitted hundreds of pages of comments on multiple rounds of draft rulemaking documents. Despite this effort, IDEM published on December 17, 2009 a "second notice" draft rule that was identical to the previous defective draft issued in July. EPA Region 5 reviewed this rule in detail and concluded that several components "appear to be inconsistent with applicable Federal requirements."[2]

Thus, it was only after Petitioners had exhausted all avenues to correct the rule through the state administrative process that we elected to file our petition for corrective action. In light of these facts, IDEM's remark that we would be "better served to direct [our] efforts to commenting on the proposed rule" is particularly ironic. *See* IDEM Response at 3. We filed our petition only when it was clear that further efforts at the state level would be futile. In any event, Petitioners did submit 69 pages of detailed comments on the December 17th Draft as well as a detailed mark-up of the draft rule.[3]

The fact that IDEM has issued a clearly deficient "second notice" rule after seven years of rulemaking is not a good reason to continue waiting indefinitely for the state to bring its program into compliance with the Clean Water Act. This is not the first time IDEM has issued a "second notice" rule: in 2005, IDEM released for public comment a second notice antidegradation rule but IDEM decided not to bring that rule to the Board. EPA must bring this endless cycle of fruitless administrative process to an end.

In the meantime, Indiana continues to issue permits that degrade water without a proper antidegradation review. We have commented on draft permits. The Department states that we have not yet "availed ourselves" of the opportunity to challenge one.[4] We have actually appealed one such permit that was illegally issued under federal law. However, permit appeals are not the best solution to remedy basic defects in Indiana procedures, especially since we have no assurance that the Indiana administrative decision maker will apply federal law or will act at a pace faster than that at which Indiana has acted to adopt proper antidegradation rules.

Certainly the fact that citizen groups have not appealed every improperly issued permit does not excuse IDEM's continued failure to follow the law. We have attempted to work collaboratively with the Department. However, this approach has failed. U.S. EPA should intervene as soon as possible to help end further delay, controversy, and unnecessary pollution of Indiana's waterways.

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[1] *See* Letter from Albert F. Ettinger to Thomas W. Easterly (Jan. 14, 2005).
[2] *See* Letter from Linda Holst, U.S. EPA Region 5, to MaryAnn Stevens, IDEM (Jan. 29, 2010).
[3] *See* Comments of the Alliance for the Great Lakes, Conservation Law Center, Environmental Law & Policy Center, Hoosier Environmental Council, Natural Resources Defense Council, and Sierra Club Hoosier Chapter on LSA Document # 08-764 (IDEM "second notice" antidegradation rule) (Jan. 29, 2010).
[4] *See* IDEM Response at 3.

2. **Proper Tier 1 antidegradation rules are needed to control water pollution from animal feeding operations.**

Subsection I.E of the December 17th Petition describes IDEM's failure to apply Tier I antidegradation principles, particularly to animal feeding operations. IDEM's response misses the point. The procedures established by an EPA-approved antidegradation implementation rule should apply to any new or increased loading of a pollutant to a surface water of the state. This would include any new or increased loading of a pollutant from animal feeding operations. Moreover, antidegradation policy expressly accounts for existing impairments of water quality: Indiana's Tier 1 antidegradation standard provides that where designated uses of waters are impaired, IDEM shall establish controls as necessary on nonpoint and point sources of pollutants to ensure that there is no additional lowering of water quality with respect to the pollutants causing the impairment.

If an approved statewide antidegradation implementation rule were now in force, it should be applied to animal feeding operations, and the existing impairments in Indiana surface waters would have to be accounted for in siting decisions. A properly approved statewide rule would require IDEM to systematically evaluate and prevent the contribution by animal feeding operations to water quality impairments. As we state in our Petition:

> "For example, more than 900 stream segments are known to be impaired for E. coli, yet CAFOs are routinely sited in these watersheds. Land applied manure is likely to contribute additional E. coli to streams -- and thus exacerbate the impairment -- even when applied at fertilizer rates that are agronomically correct for nitrogen.

See Petition, I.E., page 10.

Similarly, an approved statewide rule also would require IDEM to systematically evaluate and prevent the contribution by animal feeding operations to degradation of waters protected by the Tier 2 antidegradation standard. Animal feeding operations release pollutants such as *E. coli*, nitrogen, phosphorus and antibiotics. An approvable statewide antidegradation rule would provide the legal framework for IDEM to evaluate these releases pursuant to antidegradation policy. IDEM's failure to produce an approvable statewide antidegradation rule means that this important framework is absent.

The December 17th petition cited the Kessinger Ditch TMDL as an example of IDEM using its lack of enforcement actions for manure releases as evidence that such releases have negligible impact on water quality, but IDEM seemed to have missed the point in its March 10th response. The TMDL states:

> The CFOs and CAFO regulations (327 IAC 16,327 IAC 15) require operations "not cause or contribute to an impairment of surface waters of the state." The currently operational animal operations in Kessinger Ditch watershed have no open enforcement actions at this time. Therefore, these operations are not considered a significant source of *E. coli* for the Kessinger Ditch TMDL.

IDEM claims in its response that these sentences mean that the CFOs and CAFO in the Kessinger ditch watershed can be discounted as a source of impairment simply because (1) IDEM regulations prohibit discharges, and (2) there are no open enforcement actions against these facilities. But IDEM's claim requires an unspoken and invalid assumption – namely, that if a CFO or CAFO in the Kessinger ditch watershed had contributed to impairment, IDEM would have opened an enforcement action. We are aware of no evidence that this assumption is true – in fact, failure to enforce is one of our complaints about IDEM's inadequate implementation of CWA authority. Reading the entire text before and after these sentences does not change the faulty reasoning of the above excerpt.

3. **Even assuming Indiana's Rule 7 regarding coal mining complies with SMCRA, that does not amount to compliance with the Clean Water Act.**

In Item 5 of the IDEM Response Letter, IDEM defends Indiana's Rule 7, which purports to be a general NPDES permit for coal mining, 327 IAC 15-7 (Rule 7) with the following:

> "One reason that coal mining has been widely seen as suitable for general NPDES permitting is a factor entirely overlooked in the Petition: the intensive regulation of the environmental effects of coal mining under the federal Surface Mining Control and Reclamation Act of 1977 ("SMCRA") and approved state SMCRA programs such as Indiana's."

The implication of this statement is that Indiana's Rule 7, taken together with the regulatory requirements of SMCRA, is sufficient to protect the waters affected by mining activities, rendering a case-by-case, or mine-by-mine evaluation unnecessary. However, in the 19 years since the approval of Rule 7, science has revealed a host of water pollution problems and degradation associated with surface mining. Effectively avoiding that pollution and degradation requires individualized scrutiny of the proposed discharge and receiving waters that simply does not occur under SMCRA or Rule 7. The SMCRA provisions requiring protection of the hydrologic balance resultant from surface mining were meant as a supplement to the CWA, not, as IDEM suggests, as a replacement of any of its provisions. In fact, SMCRA explicitly provides a "savings clause" that states that nothing in the Act "shall be construed as superseding, amending, modifying or repealing" the requirements of the Clean Water Act. 30 U.S.C. §1292 (a) (4).

IDEM defends its reliance on Rule 7 by laying out the steps every applicant must take, through the Indiana Department of Natural Resources (IDNR), to obtain the SMCRA permit and how the SMCRA permit is monitored by IDNR thereafter for both remediation compliance and compliance with Rule 7. Not only does this illuminate the way IDEM has attempted to shift improperly its EPA delegated authority to another agency, it also misses that compliance with the base level guidelines of Rule 7 is only addressing a small part of the pollution that can result from coal mining if mines are not considered on a case-by-case basis. Through the use of individual permits, IDEM's monitoring should vary depending on the effluent limitations required and the condition of the receiving waters. Moreover, proper NPDES permits would

control far more types of pollutants than are controlled by Rule 7. For that an individualized consideration of the pollutants that could be discharged by the applicant mine is required.

Further, IDEM's own inspections of coal mines operating under Rule 7 have been entirely inadequate. In its February 24, 2010 response to a FOIA request (attached as Exhibit A), IDEM stated that it conducted only five inspections of coal mines operating under Rule 7 during the five year period from January 1, 2005 to December 31, 2009. There are nearly fifty active coal mines operating under Rule 7. (Exhibit B - IDEM spreadsheet listing facilities). At the current rate, it will take IDEM nearly fifty years to inspect each of these facilities once. It does not matter how often *IDNR* inspects these facilities; it is IDEM's responsibility as the Indiana agency responsible for NDPES compliance.

In the EPA Detailed Guidance Memorandum dated April 1, 2010 (EPA Guidance)[5] related to surface mining in Appalachia, EPA set forth its rationale for the need "to improve and strengthen permit decision-making in order to ensure compliance with federal environmental statutes, implementing regulation and policies." Most of the pressing issues which prompted EPA to take action in Appalachia are also present in Indiana.

The EPA Guidance acknowledged that technology-based effluent limits (TBELs) contained in the effluent limitation guidelines for coal mining are not generally adequate to ensure the protection of water quality (EPA Guidance, 7-8). This is why the CWA "requires NPDES permits to contain water-quality based effluent limits (WQBELs) when necessary to meet water quality standards[.] (EPA Guidance, 8) States are required to conduct a "reasonable potential analysis" in order to determine whether discharges have the potential to cause or contribute to a violation of a numeric or narrative water quality standard. (Id.). Rule 7 contains no such analysis; as Indiana acknowledged in its response, it merely parallels the technology-based standards found in 40 C.F.R. part 434, with some additional monitoring.

Without conducting the reasonable potential analysis required by the CWA, IDEM and the public cannot know whether WQBELs are necessary to avoid violations of Indiana water quality standards. As stated in the our December 17th Petition (p. 18-19), effluent from coal mines in the Illinois Basin regularly contains concentrations of sulfates and chlorides at levels above Indiana water quality standards. Coal mines operating under Rule 7 are not even required to monitor levels of these pollutants in their effluent. IDEM has not only failed to assess the reasonable potential of mines operating under Rule 7 to exceed water quality standards, it has failed to require any monitoring data to determine whether mines may in fact be causing or contributing to violations of water quality standards. IDEM contends that they can simply require sources to obtain individual NPDES permits "where necessary to assure compliance with water quality standards," (IDEM Response Memo, p. 10) but it does not require or review sufficient information in applications for coverage under Rule 7 to make that assessment. We believe an individual permit is always necessary.

Further, in Item 5, page 9 of IDEM's March 10 Response to the Petition, IDEM asserts that meaningful conclusions about the effects of SMCRA regulated mining on water quality cannot

[5] Detailed Guidance: Improving EPA review of Appalachian Surface Coal Mining Operations under the Clean Water Act, National Environmental Policy Act and the Environmental Justice Executive Order, April 1, 2010.

be drawn from its 305(b) Integrated Water Monitoring and Assessment Report for 2008, which revealed that mining was the potential impairment source for 182 miles of streams and 105 acres of lakes, because some of the waters were impacted by drainage from abandoned mine lands.

The point, however, is that inadequately regulated mining can have a major impact on water quality. As shown by the April 1, 2010 Guidance, EPA clearly agrees. As stated in the Guidance:

> "EPA has reason to believe that discharges from surface mining activities have a significant potential to cause nonattainment of applicable water quality standards downstream from valley fills, impoundments and sediment ponds."

By assuming that its general NPDES permit together with SMCRA is sufficient to protect the waters of the United States, and by abdicating its legal responsibilities to IDNR, IDEM has fallen far short of its obligations and is not administering its permit program in accordance with the CWA.

Respectfully submitted,

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Enclosures

cc: Commissioner Thomas Easterly, Indiana Department of Environmental Management
Bruno Pigott, Indiana Department of Environmental Management
Gary Powdrill, Indiana Water Pollution Control Board
Tinka Hyde, U.S. EPA Region 5

Exhibit A

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
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February 24, 2010

Ed Roggenkamp
Environmental Law Fellow
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ERoggenkamp@elpc.org

Re: Public Records Request
DMRs, NPDES permits, and other information

Dear Mr. Roggenkamp:

The Indiana Department of Environmental Management (IDEM), Central File Room (CFR) received your public record request via e-mail on October 20, 2009, clarification via-email on November 17, 2009, request for status via e-mail on December 21, 2009, and clarification via e-mail on January 25, 2010.

With respect to the request regarding NPDES, DMR/MROs:

- You have already received complete information for the following NPDES permits: IN0000281, IN0003808, IN0032719, IN0038016, IN0050211, IN0054178, IN0059170, IN0059641, ING040176, and ING040190.
- You have received partially complete information and withdrew the remainder of the request for the following NPDES permits: IN0022829, IN0052191, IN0056049, and IN0059021.

Your clarification on January 25, 2010, stated the following:

1. IN0001210 Alcoa- partially completed, still need DMR/MROs.
2. IN0001775 Lehigh Portland Cement Co.- partially completed, still need DMR/MROs.
3. IN0023132 Huntington WWTP- partially completed, still need DMR/MROs from 2006 - present.
4. IN0050296 Hoosier Merom- have received DMRs and MROs, but never received a copy of the NPDES permit.
5. IN0058238 Indianapolis Airport Authority- partially completed, still need DMR/MROs
6. IN0060950 AEP Generating Company - partially completed, still need DMR/MROs from 2007 - present.
7. IN0061077 United States Steel Passive Dewatering Facility - partially completed, still need DMR/MROs.

8. ING040037 Black Beauty Coal Co. - partially completed, still need DMR/MROs.
9. ING040062 Black Beauty Coal Co. - partially completed, still need DMR/MROs.
10. ING040103 Vigo Coal Cypress Mine - partially completed, still need DMR/MROs.
11. ING040129 Solar Sources Underground - partially completed, still need DMR/MROs.
12. ING040168 Vigo Coal Red Bush Mine - partially completed, still need DMR/MROs.
13. ING040186 White River Coal Hazelton - partially completed, still need DMR/MROs.
14. ING340023 Teppco Princeton Terminal - partially completed; have received NPDES permit and DMR/MROs for 2009, but still need DMR/MROs for 2005-2008.

Please find enclosed four (4) compact discs that contain records that are a partial response to your request referenced above. IDEM continues to gather information regarding the requested documents.

- Compact Disc #1 contains the following:
  - ING040186 White River Coal Hazelton, DMRs and MMRs for 2005-2008 (No. 13)
  - ING0340023 Teppco Princeton Terminal, DMRs and MMRs for 2005—2008 (No. 14)
- Compact Disc #2 contains the following:
  - ING040103 Vigo Coal, Cypress Mine, DMRs and MMRs for 2005-2009 (No. 10)
  - ING040129 Solar Sources Underground, DMRs and MMRs for 2005-2009 (No. 11)
- Compact Disc #3 contains the following:
  - all final actions (approval letters, modifications, terminations) related to general permits for coal mines from April 2006 to January 2010;
  - scanned copies of all final permit actions related to the individual permits related to coal mines which IDEM has taken since April, 2006;
  - copy of the general permit rule for coal mines (including the first 4 rules that provide the standard conditions for all facilities covered by general permit rules); and
  - list of current active individual permits and facilities covered by the general permit rule for coal mines.
- Compact Disc #4 contains the following:
  - IN0061077 United States Steel Passive Dewatering Facility DMRs and MMRs for 2005-2009 except October 2006 (No. 7.) As to the DMR/MRO for October 2006, a database review revealed that there was no discharge at any of the outfalls regulated by that permit for that month.

Between January 1, 2005 and December 31, 2009, the Office of Water Quality wastewater inspectors conducted five (5) inspections of coal mines operating under general permits.

With respect to your questions about "CAFOs and other CFOs [including] how many are operating under Indiana's general permit, ...how many have individual NPDES permits, [and] how many of them have been inspected by IDEM in the last five years," IDEM provides the following information as of November 17, 2009:

- 501 CAFOs are regulated via the NPDES CAFO General Permit.
- 25 CAFOs are regulated via NPDES CAFO Individual Permits.
- Between November 17, 2004 and November 17, 2009, IDEM conducted 1,299 inspections at 508 CAFOs.

The cost of scanning documents to disc is assessed at $5.00 per disc. Therefore, 4* $5.00 = $20.00.

Please sign the Public Records Request slip and keep the white copy for your records and **send the yellow copy and payment** to the following address:

Cashier's Office MC 50-10C
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

IDEM continues to work toward the complete fulfillment of your request. Please contact us if we may be of further assistance or if you have any questions regarding this partial fulfillment.

Sincerely,

Lori Kyle Endris

Lori Kyle Endris
Public Records Advisor
Office of External Affairs

enc.

Exhibit B

Permit Name	Permit No	description of permitted activity	Permi	Issue Date	Expiration Date	County Name	SIC Co
WARRICK COUNTY RIVER TERMINAL	IN0048429	coal loading terminal	EFF	4/6/2006	4/30/2011	Warrick	1221
MT. VERNON TRANSFER TERM., LLC	IN0049760	coal loading terminal	EFF	11/2/2006	11/30/2011	Posey	1221
SOLAR SOURCES, WHEATLAND RAIL	IN0058742	Rail Loadout Facility	EFF	4/6/2006	4/30/2011	Knox	4013
GIBSON COUNTY COAL LLC	IN0061786	discharge of GW (chlorides) AT a coal mine	EFF	10/29/2008	11/30/2013	Gibson	1241
ROCKPORT RIVER TERMINALS, INC.	IN0061883	coal loading terminal	EFF	9/17/2008	10/31/2013	Spencer	4491
OHIO RIVER TERMINAL	IN0062243	coal loading terminal	EFF	1/7/2005	1/31/2010	Vanderburgh	4491
SUNRISE COAL, LLC CARLISLE MINE	IN0062791	discharge of GW (chlorides) AT a coal mine	EFF	4/30/2007	5/31/2012	Sullivan	1241
PEABODY MIDWEST MINING LLC - MILLER CREEK MINE KNOX PIT	ING040002	coal mine operation	EFF	10/14/2005	10/31/2010	Knox	1221
CONSERVANCY RESOURCES LLC HAWTHORN MINE	ING040010	coal mine operation	EFF	7/16/2009	7/31/2014	Sullivan	1221
BLACK BEAUTY COAL SOMERVILLE NORTH	ING040019	coal mine operation	EFF	12/15/2004	3/31/2010	Gibson	1221
SOLAR SOURCES CARBONDALE PREPARATION PLANT	ING040022	coal mine operation	EFF	9/15/2009	9/30/2014	Pike	1241
SOLAR SOURCES PRIDES CREEK MINE	ING040023	coal mine operation	EFF	9/15/2009	9/30/2014	Pike	1221
SOLAR SOURCES CANNELBURG MINE	ING040026	coal mine operation	EFF	9/15/2009	9/30/2014	Daviess	1221
TRIAD MINING FREELANDVILLE MINE	ING040030	coal mine operation	EFF	11/30/2009	11/30/2014	Knox	1221
SQUAW CREEK COAL COMPANY	ING040031	coal mine operation	EFF	11/15/2005	11/30/2010	Warrick	1221
PEABODY MIDWEST MINING LLC - AIR QUALITY 1 MINE	ING040035	coal mine operation	EFF	9/15/2009	9/30/2014	Knox	1221
PEABODY MIDWEST MINING LLC - FRANCISCO MINE	ING040037	coal mine operation	EFF	2/16/2009	4/30/2014	Gibson	1221
PEABODY MIDWEST MINING LLC - ENTERPRISE MINE	ING040038	coal mine operation	EFF	6/16/2009	6/30/2014	Gibson	1221
PEABODY MIDWEST MINING LLC - FARMERSBURG MINE	ING040062	coal mine operation	EFF	11/13/2009	11/30/2009	Vigo	1221
DAVCO EAST DOCK CORPORATION	ING040084	coal mine operation	EFF	10/15/2009	11/30/2009	Daviess	1221
NEW HOPE DOCK, OHIO RIVER DOCK	ING040085	coal mine operation	EFF	11/13/2009	11/30/2009	Spencer	1221
BLACK BEAUTY COAL MILLER CR MINE SUGAR RIDGE PITS	ING040096	coal mine operation	EFF	7/15/2005	7/31/2010	Clay	1221
TRIAD MINING SWITZ CITY MINE	ING040102	coal mine operation	EFF	8/15/2005	9/30/2010	Greene	1221
VIGO COAL, CYPRESS MINE	ING040103	coal mine operation	EFF	7/15/2005	8/31/2010	Warrick	1221
TRIAD MINING, PATOKA RV MINE	ING040107	coal mine operation	EFF	7/15/2005	8/31/2010	Pike	1221
SOLAR SOURCES LEWIS MINE	ING040110	coal mine operation	EFF	10/14/2005	10/31/2010	Vigo	1221
PEABODY MIDWEST MINING LLC - SULLIVAN NORTH MINE	ING040127	coal mine operation	EFF	12/15/2005	1/31/2011	Sullivan	1221
SOLAR SOURCES CHARGER MINE	ING040129	coal mine operation	EFF	2/15/2006	2/28/2011	Pike	1221
INDIANA LAND AND MINERALS CO, LLC	ING040130	coal mine operation	EFF	2/15/2006	2/28/2011	Gibson	1221
PEABODY MIDWEST MINING - AIR QUALITY - HART ST S PORTAL	ING040134	coal mine operation	EFF	3/15/2006	3/31/2011	Knox	1221
GIBSON COUNTY COAL, L.L.C.	ING040141	coal mine operation	EFF	5/15/2007	5/31/2012	Gibson	1222
BB MINING PRIDE MINE	ING040145	coal mine operation	EFF	7/16/2007	7/31/2012	Knox	1221
PEABODY MIDWEST MINING LLC - VIKING MINE CORNING PIT	ING040154	coal mine operation	EFF	5/15/2008	6/30/2013	Daviess	1221
WARRICK HOLDING CO AYRSHIRE MINE	ING040159	coal mine operation	EFF	7/15/2008	10/31/2013	Warrick	1221
FIVE STAR MINING PROSPERITY MINE	ING040166	coal mine operation	EFF	3/16/2009	4/30/2014	Pike	1221
VIGO COAL RED BRUSH MINE	ING040168	coal mine operation	EFF	7/16/2009	9/30/2014	Warrick	1221
COVOL FUELS NO 2 LLC CHINOOK MINE	ING040176	coal mine operation	EFF	12/15/2006	12/31/2011	Clay	1221
VIGO COAL RANGE LINE MINE	ING040184	coal mine operation	EFF	3/15/2006	6/30/2011	Warrick	1221
WHITE RIVER COAL, HAZLETON MINE	ING040186	coal mine operation	EFF	1/16/2007	1/31/2012	Gibson	1222
TRIAD MINING AUGUSTA and SOUTH AUGUSTA MINE	ING040188	coal mine operation	EFF	3/15/2008	3/31/2013	Pike	1221
TRIAD MINING, HURRICANE CR MINE	ING040189	coal mine operation	EFF	8/15/2007	8/31/2012	Gibson	1221
PEABODY MIDWEST MINING LLC - SOMERVILLE CENTRAL MINE	ING040190	coal mine operation	EFF	1/16/2007	5/31/2012	Gibson	1221

SUNRISE COAL HOWESVILLE MINE	ING040197	coal mine operation	EFF	6/16/2009	6/30/2014	Clay	1222
JARVIS COAL, , JC 1 MINE (S-347)	ING040198	coal mine operation	EFF	2/15/2008	2/28/2013	Sullivan	1221
SUNRISE COAL, CARLISLE MINE	ING040199	coal mine operation	EFF	9/15/2009	10/31/2014	Sullivan	1222
BLACK BEAUTY COAL SOMERVILLE EAST MINE	ING040206	coal mine operation	EFF	4/15/2005	4/30/2010	Pike	1221
LITTLE SANDY COAL CO, ANTIOCH MINE	ING040207	coal mine operation	EFF	5/16/2005	5/31/2010	Daviess	1221
JARVIS COAL LLC JC3 MINE S-225	ING040208	coal mine operation	EFF	7/15/2005	7/31/2010	Clay	1221
LEWIS DOCK CORP	ING040209	coal mine operation	EFF	10/14/2005	10/31/2010	Clay	1241
SOLAR SOURCES SHAMROCK MINE	ING040210	coal mine operation	EFF	9/15/2005	9/30/2010	Dubois	1221
TRIAD MINING FLAT CREEK MINE	ING040215	coal mine operation	EFF	6/29/2006	6/30/2011	Pike	1221
TRIAD MINING LOG CREEK MINE	ING040217	coal mine operation	EFF	8/15/2006	8/31/2011	Pike	1222
LITTLE SANDY COAL HILSMEYER MINE (S-356)	ING040220	coal mine operation	EFF	10/15/2006	10/31/2011	Pike	1221
BLACK PANTHER MINING LLC - OAKTOWN MINE NO. 1	ING040222	coal mine operation	EFF	10/15/2007	10/31/2012	Knox	1222
ALCOA WARRICK POWER PLANT	ING040227	coal mine operation	EFF	4/15/2008	4/30/2013	Warrick	1221
BLACK BEAUTY COAL CO COLUMBIA MINE	ING040228	coal mine operation	EFF	5/15/2008	5/31/2013	Gibson	1221
AML SITE 985 JR WILSON CONTRACTING INC	ING040229	coal mine operation	EFF	7/15/2008	7/31/2013	Pike	1221
BLACK BEAUTY COAL WILD BOAR MINE	ING040231	coal mine operation	EFF	8/15/2008	8/31/2013	Warrick	1221
UNITED MINERALS INC WEST 61 MINE	ING040234	coal mine operation	EFF	9/15/2008	9/30/2013	Warrick	1221
VIGO COAL CHILI PEPPER MINE	ING040235	coal mine operation	EFF	10/15/2008	10/31/2013	Warrick	1221
SUN ENERGY GROUP BLACKFOOT 5 GRAY 1 MINE	ING040236	coal mine operation	EFF	3/16/2009	3/31/2014	Pike	1221
COLLIE COAL COMPANY COLLIE POND MINE	ING040237	coal mine operation	EFF	4/16/2009	4/30/2014	Vigo	1221
PEABODY MIDWEST MINING LLC - BEAR RUN MINE	ING040239	coal mine operation	EFF	5/15/2009	5/31/2014	Sullivan	1221
AML SITE 297 ENOCO MINE AIGNER CONSTRUCTION	ING040240	coal mine operation	EFF	8/14/2009	8/31/2014	Knox	1221
AML SITE 898 ENOS WETLAND AIGNER CONSTRUCTION	ING040241	coal mine operation	EFF	10/15/2009	10/31/2014	Pike	1221
PEABODY MIDWEST MINING LLC - MAYSVILLE RAIL LOADING FAC	ING040242	coal mine operation	EFF	9/15/2009	9/30/2014	Daviess	1241
AML SITE 195 COE HIGHWALL BLANKENBERGER BROTHERS	ING040243	coal mine operation	EFF	10/15/2009	10/31/2014	Pike	1221
AML SITE 2082 HEDGES HIGHWALL RUST CONSTRUCTION	ING040245	coal mine operation	EFF	10/15/2009	10/31/2014	Pike	1221
AML SITE 2098 BROWNS DRIVEWAY KERNS EXCAVATING	ING040246	coal mine operation	EFF	11/13/2009	11/30/2014	Clay	1221