UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 10 2016

REPLY TO THE ATTENTION OF:

Colonel Christopher G. Beck
District Engineer
U.S. Army Corps of Engineers
Louisville District
P.O. Box 59
Louisville, Kentucky 40201-0059

Dear Colonel Beck:

On April 14, 2016, the U.S. Environmental Protection Agency reviewed and commented on the above referenced public notice and the related Clean Water Act (CWA) Section 404 permit application for discharges associated with United Minerals' proposed Seven Hills Mine, an approximately 1,700 acre open pit coal mine in the Highland-Pigeon Creek watershed southeast of Elberfeld in Warrick County, Indiana.

The EPA has previously participated in multiple interagency site visits, reviewed and commented on the preliminary plan, and jointly commented on this project with the U.S. Fish and Wildlife Service. As currently proposed, the project would directly impact 510.16 acres of wetlands (of which 463.18 acres are forested wetlands), 53,840 linear feet of streams and 72.85 acres of open water.

In the April 14, 2016 letter, the EPA indicated that the proposed project may result in substantial and unacceptable impacts to aquatic resources of national importance (ARNI) in accordance with Part IV, paragraph 3(a) of the August 1992 Memorandum of Agreement between the EPA and Department of the Army regarding section 404(q) of the CWA.

No additional information has been provided that addresses EPA's concerns. Therefore, pursuant to Part IV, paragraph 3(b) of the August 1992 Memorandum of Agreement (MOA) between the EPA and the Department of the Army regarding section 404(q) of the CWA, EPA finds that this project, as proposed, will have substantial and unacceptable impacts to aquatic resources of national importance.

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Thank you for the opportunity to provide comments on this project. Please contact Wendy Melgin at (312) 886-7745, with any questions you may have.

Sincerely,

Robert A. Kaplan
Acting Regional Administrator

cc: George DeLancey, Army Corps of Engineers (via email)
Michael Ricketts, Army Corps of Engineers (via email)
LeAnn Devine, Army Corps of Engineers (via email)
Scott Pruitt, US Fish and Wildlife Service (via email)
Martha-Clark Mettler, IDEM(via email)
Randy Braun, IDEM (via email)
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