

**Results of Review of
Permanent Program Renewal Application
Hillsboro Energy, LLC
Deer Run Mine**

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I. SUMMARY

The Illinois Department of Natural Resources, Office of Mines and Minerals (Department), the Regulatory Authority in Illinois under the Surface Mining Control and Reclamation Act of 1977 (Federal Act), 30 U.S.C. 1201 *et seq.*, has reviewed Hillsboro Energy LLC, Deer Run Mine, surface coal mining and reclamation operations renewal application in accordance with the Surface Coal Mining Land Conservation and Reclamation Act (State Act), 225 ILCS 720, and the Department's regulations at 62 Ill. Adm. Code 1774.15.

Pursuant to 62 Ill. Adm. Code 1774.15(c), the Department has decided to approve the renewal application. The Department's decision is based upon a review of the record as a whole and is supported and documented by the record. The statement below gives the findings and reasons for the Department's decision. The period for administrative review (62 Ill. Adm. Code 1847.3) commences as of the date of this decision.

II. REVIEW OF VIOLATIONS

FINDINGS REQUIRED BY 62 ILL. ADM. CODE 1773.15(b) and (e)

Section 1773.15(b)(1): Based on a review of all reasonably available information concerning violation notices and ownership or control links involving the applicant, including information obtained pursuant to 62 Ill. Adm. Code Sections 1773.22, 1773.23, 1774.15, and 1778.14, the Department has determined that the applicant or a person who owns or controls the applicant is currently in violation of the State Act, Federal Act, or other law or regulation referred to in 62 Ill. Adm. Code 1773.15(b)(1).

Section 1773.15(b)(1)(A): For the identified current violations, the applicant submitted proof that the current violations have been or are in the process of being corrected to the satisfaction of the agency that has jurisdiction over the violations.

Documentation provided by the applicant to comply with 62 Ill. Adm. Code 1773.15(b)(1)(A) is attached as Appendix B.

Section 1773.15(b)(2): This permit is being conditionally issued on the basis of the certification under Section 1778.14 that the violation is in the process of being corrected, proof submitted under Section 1773.15(b)(1)(A). The conditional issuance is set forth in Part IV.

Section 1773.15(e): Based on the compliance review required by Section 1773.15(b)(1), a review of the OSM Applicant Violator System for outstanding violations, and in light of no new information submitted pursuant to 62 Ill. Adm. Code Sections 1778.13(i) and 1778.14(e), the Department reconsidered its decision to approve the application and found that no change in its decision to issue the permit is necessary.

III. REVIEW OF PERMIT RENEWAL APPLICATION

FINDINGS REQUIRED BY 62 ILL. ADM. CODE 1774.15

Section 1774.15(a): Hillsboro Energy LLC, Deer Run Mine, has valid existing permits originally issued by the Department for five-year periods.

- No additional acreage is proposed to be added by this renewal, nor shall be approved during renewal.

Section 1774.15(b)(1): The applicant submitted an application for renewal on July 23, 2023. The renewal application included Permit Nos. 399 and 424. The application was deemed administratively complete on September 12, 2023.

Section 1774.15(b)(2): The Department finds the applicant has submitted all information required under 62 Ill. Adm. Code 1774.15(b)(2)(A) through (E).

Section 1774.15(b)(2)(A): The application contains the name and address of the permittee, the term of the renewal requested, and the permit numbers or other identifiers;

Section 1774.15(b)(2)(B): The Department has on file evidence that a liability insurance policy or adequate self-insurance under 62 Ill. Adm. Code 1800.60 is in place for the period of renewal;

Section 1774.15(b)(2)(C): The Department has on file performance bond in effect for the operation that will continue in full force and effect for any renewal requested, as well as any additional bond required by the Department pursuant to 62 Ill. Adm. Code 1800;

Section 1774.15(b)(2)(D): The application contains a copy of the proposed newspaper notice and proof of publication of same, as required by 62 Ill. Adm. Code 1778.21.

Section 1774.15(b)(2)(E): Additional revised or updated information required by the Department has been submitted.

Section 1774.15(b)(3): The Department finds the public participation requirements of 62 Ill. Adm. Code 1773.13 and 1773.19(a)(3) have been met. The applicant placed a newspaper advertisement of the renewal application in The Journal News, a paper of general circulation in the area affected, published in Montgomery County, once a week for four continuous weeks, beginning on September 18, 2023. The applicant filed two copies of the permit renewal application with the county clerk of Montgomery County on September 14, 2023. The applicant was required to submit two copies of the application to the Illinois Environmental Protection Agency (IEPA) on September 12, 2023, for review and comment. Written notification of the application was given to those governmental agencies and entities required to receive notice under 62 Ill. Adm. Code 1773.13(a)(3).

- No comments on this renewal application have been received by the Department from IEPA.

- Comments from the public on this renewal application were received by the Department from September 18, 2023, to October 10, 2023. All comments received have been considered by the Department in reviewing this application. The Department's responses to these comments are set out in Appendix A.
- The Department received a request for an informal conference and a public hearing. The Department held an informal conference on December 4, 2023, in the Montgomery County Courthouse Annex Building, Hillsboro Illinois, and a public hearing on February 8, 2024, in the Montgomery County Historic Courthouse in Hillsboro, Illinois.
- All comments received in writing or at the informal conference and public hearing have been considered by the Department in reviewing this application. The Department's responses to these comments are set forth in Appendix A.
- All comments received for this renewal application have been furnished to the applicant and have been filed for public inspection at the office of the Montgomery County Clerk.

Section 1774.15(b)(4): The application for renewal does not include any proposed revisions to the permit.

Section 1774.15(b)(5): The application for renewal does not propose extension of mining and reclamation operations beyond the boundaries authorized in the existing permits.

Section 1774.15(c)(1): Upon the basis of the complete application for renewal and completion of all procedures required under 62 Ill. Adm. Code 1774.15, the Department has determined that:

Section 1774.15(c)(1)(A): All terms and conditions of the existing permits are being satisfactorily met;

Section 1774.15(c)(1)(B): The present surface coal mining and reclamation operations are in compliance with the environmental protection standards of the Act and the regulatory program;

Section 1774.15(c)(1)(C): The requested renewal does not substantially jeopardize the operator's continuing ability to comply with the Act and the regulatory program on existing permit areas;

Section 1774.15(c)(1)(D): The operator has provided evidence of having liability insurance or self-insurance as required in 62 Ill. Adm. Code 1800.60;

Section 1774.15(c)(1)(E): The operator has provided evidence that any performance bond required to be in effect for the operation will continue in full force and effect for the proposed period of renewal.

Section 1774.15(c)(1)(F): Additional revised or updated information required by the Department has been provided by the applicant.

Section 1774.15(c)(2): Objections were received regarding the issuance of this renewal and have been addressed by the Department in Appendix A.

Section 1774.15(d): The permit renewal term does not exceed the period of the original permits. Both the original permit terms and renewal terms are for five (5)-year periods. The period of the renewed permits is February 11, 2024, through February 10, 2029.

IV. PERMIT CONDITIONS

- A. All surface coal mining and reclamation operational requirements and conditions of the original permit are incorporated herein.
- B. The permittee shall conduct surface coal mining and reclamation operations only on those lands specifically designated as the permit area on the maps submitted with the application and authorized for the term of the permits and that are subject to the performance bond or other equivalent guarantee in effect pursuant to 62 Ill. Adm. Code 1800.
- C. The permittee shall conduct all surface coal mining and reclamation operations as described in the underlying permits, except to the extent that the Department otherwise directs in the permits.
- D. The permittee shall comply with the terms and conditions of the permits, all applicable performance standards of the Federal and State Acts, and the requirements of the regulatory program.
- E. Without advance notice, delay, or a search warrant, upon presentation of appropriate credentials, the permittee shall allow the authorized representatives of the Department and Secretary of the United States Department of the Interior to:
 - 1. Have the right of entry provided for in 62 Ill. Adm. Code 1840.12; and,
 - 2. Be accompanied by private persons for the purpose of conducting an inspection in accordance with 62 Ill. Adm. Code 1840, when the inspection is in response to an alleged violation reported to the Department by the private person.
- F. The permittee shall take all possible steps to minimize any adverse impacts to the environment or public health and safety resulting from non-compliance with any term or condition of this permit, including, but not limited to:
 - 1. Accelerated or additional monitoring necessary to determine the nature and extent of non-compliance and the results of the non-compliance,
 - 2. Immediate implementation of measures necessary to comply; and,
 - 3. Warning, as soon as possible after learning of such non-compliance, any person whose health and safety is in imminent danger due to the non-compliance.

- G. As applicable, the permittee shall comply with 62 Ill. Adm. Code 1700.11(d) for compliance, modification, or abandonment of existing structures.
- H. The permittee shall pay all reclamation fees required by 30 CFR 870 for coal produced under these permits for sale, transfer, or use.
- I. Within thirty (30) days after a cessation order is issued under 62 Ill. Adm. Code 1843.11, for operations conducted under the permits, except where a stay of the cessation order is granted and remains in effect the permittee shall either submit to the Department the following information, current to the date the cessation order was issued, or notify the Department in writing that there has been no change since the immediately preceding submittal of such information:
1. Any new information needed to correct or update the information previously submitted to the Department by the permittee under 62 Ill. Adm. Code 1778.13(c); or
 2. If not previously submitted, the information required from a permit application by 62 Ill. Adm. Code 1778.13(c).
- J. Issuance of this renewal under the Surface Coal Mining Land Conservation and Reclamation Act does not in any way authorize any take of any listed species in violation of the Illinois Endangered Species Protection Act, 520 ILCS 10/1, et seq., or The Endangered Species Act of 1973, 87 Stat. 844, 16 U.S.C. § 1531, et seq. If "take" as defined by these Acts is anticipated to result from permitted activities, the Department recommends the permittee apply for an incidental take permit from the Illinois Department of Natural Resources, Office of Resource Conservation for state listed species and the U.S. Fish and Wildlife Service for federally listed species.
- K. Issuance of this renewal under the Surface Coal Mining Land Conservation and Reclamation Act does not in any way authorize any take of a bald or golden eagle, including nests or eggs, in violation of the Bald Eagle Protection Act, as amended, 16 U.S.C. § 668 et seq. If "take" as defined by the Bald Eagle Protection Act is anticipated to result from permitted activities, the permittee should apply for an incidental take permit from the U.S. Fish and Wildlife Service.
- L. This renewal is conditionally issued under 62 Ill. Adm. Code Section 1773.15(b)(2) on the basis of proof submitted under 62 Ill. Adm. Code Section 1773.15(b)(1)(A) that the violations are in the process of being corrected, as follows:
- If, subsequent to renewal issuance, the applicant is issued a failure-to-abate cessation order, the permit shall be suspended and/or rescinded in accordance with the procedures for 62 Ill. Adm. Code 1773.20(c), Improvidently Issued Permits, within 30 days of the issuance of the failure-to-abate cessation order.
1. If, subsequent to renewal issuance, the Department is notified by the agency that has jurisdiction over the violations that the violations are no longer in the process of being corrected to the satisfaction of said agency, the permit shall be suspended

and/or rescinded in accordance with the procedures for 62 Ill. Adm. Code 1773.20(c), Improvidently Issued Permits, within 30 days of such notification.

2. If, subsequent to renewal issuance, the circuit or district court reviewing the violations either denies a stay applied for in the appeal or affirms the violations, then the applicant shall submit the proof required under 62 Ill. Adm. Code Sections 1773.15(b)(1)(A) within thirty (30) days after the court's decision or the permit shall be suspended and/or rescinded in accordance with the procedures for 62 Ill. Adm. Code Section 1773.20(c), Improvidently Issued Permits, within thirty (30) days of such failure to submit required proof.

V. CONCLUSION

Based upon the information contained in the renewal application, information otherwise available and made available to the applicant, the comments of State Agencies, the foregoing analysis of the probable impact of the proposed operations, all findings and information contained herein, and conditions set forth in Part IV, the Department finds that there is a reasonable basis on which to issue a renewal for the application. The Department thus finds that renewal of Deer Run Mine for Hillsboro Energy, LLC must be issued. Permits affected for this renewal are:

Permit No. 399 - Renewal No. 3
Permit No. 424 - Renewal No. 2

Section 1774.15(e): Within five (5) working days, the Department is providing a copy of its decision to the applicant, to each person who filed objections on the renewal, to each party to any informal conference held on the permit renewal and to the Office of Surface Mining Reclamation and Enforcement.

Section 1774.15(f): Any person having an interest which is or may be adversely affected by this decision to approve this renewal application shall have the right to administrative and judicial review set forth in 62 Ill. Adm. Code 1847.

Enter on behalf of the Illinois Department of Natural Resources, Office of Mines and Minerals, Land Reclamation Division as the Regulatory Authority.

APPROVED FOR LEGAL SUFFICIENCY

Date: 4/11/24

Legal Counsel: [Signature]

Illinois Department of Natural Resources

[Signature]
Ronnie Huff, Director
Office of Mines and Minerals

Dated: April 8, 2024

VI. APPENDICES

APPENDIX A

CONSIDERATION OF COMMENTS AND OBJECTIONS

62 Ill. Adm. Code 1773.13(b) allows submission of written comments on applications. The following are comments received from the State Agencies, County Board, and other members of the public and the Department's response to those comments.

Public Comments

Public comments were received regarding Hillsboro Energy, LLC's Deer Run Mine, Renewals to Permit Nos. 399 and 424.

The Department has considered and evaluated all comments concerning the effects of mining within the proposed permit areas and adjacent areas. The issues raised that are deemed pertinent to the permit application are addressed below.

Comment: I and my family have used Rt 185 for daily commutes to work, school, mass, doctors, groceries, etc. Once the mine came in and began mining along Rt 185, usage of the road has been a headache. Currently, signs and barrels have been in place since July for fixing the road (for the umpteenth time) with no construction to date. The cracks are so bad that vehicles must crawl from crack to crack to avoid damage to vehicle alignments and false teeth.

Response: The subsidence of public roads including Rt. 185 requires that the company possess the legal right to subside the surface. Hillsboro Energy contends they hold such rights. In order to assure public safety during the subsidence event(s), the Department conditions the permit to require an agreement with the appropriate road authority. As a result, Hillsboro Energy obtained appropriate agreements and permits from the Illinois Department of Transportation specific to the damages and repair to Rt. 185. The last approved full subsidence of Rt. 185 occurred in Panel 6. Repairs are projected to be fully completed through Panel 6 in the summer of 2024. Panel 7 will have minimal impacts to Rt. 185 based on its location relative to the paved surface. The Department acknowledges the disruption to normal traffic and the large inconvenience it places on the public. The Department has taken every action under its regulatory authority to ensure protection of the public during the subsidence events and to assure proper restoration of Rt. 185 at the cost of the coal company.

Comment: I attended an informal conference and heard statements from local farmers who have experienced subsidence due to longwall mining. This subsidence and resulting drainage and erosion problems have devastating consequences for planting, crops, structures, and roads. Montgomery County has prime farmland, and the impact on productivity of this land due to subsidence, erosion and pooling of water compounds the economic challenges farmers already face. This subsidence damages the farmland permanently, diminishing crop production.

Response: Longwall mining has been utilized as a method of coal mining since the 1970's. Since February 1, 1983, the regulations under 62 Ill. Adm. Code 1817.121 governs the need for a coal company to repair, replace, or compensate for all damaged structures and facilities, and to restore the pre-mining capabilities of the land. A company must possess the legal right to subside the surface in order to conduct longwall mining. Concerning structural impacts, the company must do pre-subsidence condition surveys, implement damage minimization efforts during subsidence; if not waived by the structure owner, and must assure full repair, replacement, or compensation for damages that occur. Concerning farmland, drainage restoration must occur after subsidence. Surface drainage ways may be deepened, and additional surface waterways constructed to restore proper drainage. Subsurface drainage tile systems are also installed to ensure farmland drainage restoration. The areas above Hillsboro Energy's longwall panels have had extensive drainage tile systems incorporated into a comprehensive drainage restoration plan. Crop loss compensation for temporary crop loss while areas await repair and for areas taken out of production to accommodate drainage ways is incorporated into the approved permit. The Department asserts that farmland impacted by longwall subsidence in Illinois is being restored to its pre-mining capabilities.

Comment: I am writing today to state my opposition to the 5-year renewal of the Deer Run Mine permit. As of today, only 5 of the planned 17 panels have been installed, yet farmers are already suffering damage to their fields, and road flooding is occurring because water can no longer drain naturally. The coal operators are not required to compensate the farmers or repair the road damages; instead, they can just reap profits for themselves.

Response: The commenter is incorrect. The Coal Company is responsible for all repair, compensation, and drainage restoration. Please see the responses to the previous two comments for further details.

Comment: The royalty rate paid by Hillsboro Energy LLC (HEL) to Montgomery County is only 1.5% after HEL pays for Abandoned Mine fees, transportation costs, Black Lung fees, etc. There is no coal severance tax in Illinois, although the Montgomery County Board passed a resolution supporting a tax. Most coal extraction states have a severance tax that helps communities endure economic loss due to mining. Why is there no coal severance tax collected to cover the costs? Who is responsible?

Response: The question posed is outside of the Department's regulatory purview. The Department suggests the commenter reach out to their County Board.

Comment: Damage to water resources is not covered unless it is drinking water. There is no material damage compensation for streams, livestock ponds, and wells.

Response: The commenter is correct in that drinking domestic and residential water supplies are covered specifically in the regulations. Stream subsidence is considered an impact to surface lands and the company must address impacts to streams as well. Livestock ponds are considered man-made structures and therefore must be repaired, replaced, or compensated for. Wells that do not meet the regulatorily defined definition of a "drinking, domestic or residential water supply" would not be covered.

Comment: There are 2 high-hazard coal slurry impoundments that will stay in place forever. Permit 424 allowed construction of the larger impoundment that upon failure will inundate Hillsboro and Schram City. The smaller impoundment (Revision 1 of Permit 399) is in the watershed of Hillsboro Lake and with any leakage can contaminate the lake. Hillsboro Lake is a secondary drinking water source for the City of Hillsboro. With the 7,731.8-acre expansion of Deer Run Mine, more high-hazard coal slurry impoundments will be built. The longwall panels have been increased to 17 in 2021 with HEL working on panel 4 at that time. The panels can be 1400 feet wide and 3 miles long. Why were these impoundments placed inside city limits? Who is responsible for this decision? Why would IDNR approve impoundments to be inside the city limits with no risk assessments performed? The residences of Hillsboro and Schram City are at risk of dam failure!

Response: The Department has no statutory authority to dictate the location of a permit in as much as the proposed location does not fall under areas where mining is prohibited or limited; which are; within 300 feet of any public building, school, church, community or institutional building, or public park, or within 100 feet measured horizontally of a cemetery, within 100 feet of a public road or 300 feet of an occupied dwelling with certain exceptions, but there are no prohibitions for locating a mine within the city limits of a municipality. At the time the Refuse Disposal facilities were permitted the applicant met all the regulatory obligations required for approval by the Department, including the location of the permit. Other agencies also have permitting obligations for such facilities, including risk assessment analysis for the structures, this Division does not. Further questions related to risk assessments required for such facilities should be made to those agencies with those responsibilities.

Comment: The post-mining land use for Deer Run Permit 399, only shows the tip of the iceberg of loss of productive farmland, and losses of the related property taxes and development opportunities for Schram City, Hillsboro, and Montgomery County. The Permit 399 Post-Mining Land Use shows that 495.70 acres of "wildlife habitat/wetland" will be left post-mining and that at least 367 acres of what was agricultural cropland will not be restored.

Response: The Department's regulations do not address property taxes or development opportunities as part of its permitting process. The proposed Post-Mining Land Uses were considered at the time Permit No. 399 was issued. Those land uses met regulatory obligations for permit approval.

Comment: IDNR ignored the recommendations of the Montgomery County Soil and Water Conservation District and the residents in the area. HEL's proposed longwall operation was approved contrary to the known drainage patterns. IDNR accepted HEL's plan without appropriate supportive documentation. Drainage issues were never eliminated but rather continued to increase with plantings in flooded fields never happening.

Response: The Department considers all comments submitted by authorities with jurisdiction over the permitted area; within the regulatory timeframes when reviewing permit applications and only issues a permit when, and if, the applicant has met all the regulatory permitting requirements

Concerning drainage patterns and farmland restoration, the approved permit addresses the impacts to drainage and drainage patterns through modeled post-subsidence contour mapping. Anticipated drainage interruptions and course of drainage restoration were provided as required. The first three (3) panels have been mitigated through extensive surface and subsurface drainage systems. Drainage issues have been rectified and flooding is no longer present. Crop loss compensation is required for areas that cannot be planted due to flooding or poor drainage while areas await final repair. The Department will continue to monitor the success of drainage repair as mining progresses through the approved areas.

Comment: The hydrologic balance was assumed to be handled appropriately in Permit 399, Significant Revision #1 of Permit 399, Permit 424, and now in Significant Revision #2 of Permit 399. The same dialogue is used each time. So, it is difficult to comprehend why an expansion of 7,731.8 acres with subsidence planned in 4 areas of Coffeen Lake, Miller Creek, Bear Cat Creek, and McDavid Branch Creek would not require an additional plan and monitoring. There are many ponds, streams, wells, and springs in this area to be longwall mined under. There is no required assessment of water resources from the impacts of erosion and ditching of sunken areas. The futile attempts to alleviate flooding from subsidence in the shadow area inadvertently impact streams, creeks, and ponds.

Response: The Department conducted a hydrogeologic review and assessment and produced a Cumulative Hydrologic Impact Assessment for the original Permit No. 399, for Significant Revision No. 1 to Permit No. 399, for Significant Revision No. 2 to Permit No. 399, and for Permit No. 424. A water user survey was conducted and submitted as part of the Significant Revision No. 2 to Permit No. 399 application; a review of the hydrologic and geologic regimes was conducted by the Department. The Department determined based on a review of the submitted information that the existing shallow groundwater would not be negatively affected by the additional underground mining (shadow) area proposed in Significant Revision No. 2 to Permit No. 399. Additionally, the surface water bodies were also evaluated for impacts caused by subsidence, and it was determined that any impacts would be temporary and mitigatable. The Department is not aware of any impact to a well or spring used as a drinking domestic or residential water supply at this operation. Should one occur, there are provisions to address the replacement of that water supply. Short-term impacts downstream of major earthwork and drainage repair areas are certainly a possibility. The Department has not observed

long-term impacts to downstream areas resulting from subsidence mitigation practices as portrayed by the commentor.

An informal conference regarding the application was held on December 4, 2023, at the Montgomery County Courthouse Annex in Hillsboro, Illinois; and a public hearing was held on February 8, 2024, at the Montgomery County Historic Courthouse in Hillsboro, Illinois.

Many commenters expressed numerous concerns about why the renewal of permits should not happen. Those reasons included:

- The State of Illinois cannot boast of leading the way on climate and energy policy while at the same time allowing Deer Run to extract millions of tons of coal.
- That longwall coal mining doesn't preserve the land, water and quality of life in the local community;
- The contamination of surface and groundwater from mining activities and coal slurry impoundments and air pollution from coal dust.
- Impoundment slope stability issues at other mines.
- That IDNR allowed the permit from land that no longer had mining or subsidence rights;
- That mining laws favor business plans and landowners lose rights to their property and are essentially inequitable mandates. In addition, damage compensation unfairly requires owners to negotiate with the company;
- That IDNR does not properly balance the environment and coal mining rights given the relative need for coal as a national energy source. IDNR should be promoting farm communities, preserving farmland, and establishing rural development;
- That mining laws are not based on longwall mining operations;
- That coal companies have unduly influenced regulatory agencies;
- That IDNR has allowed the operator to extract coal without bonding and other financial constraints;
- That company's financial constraints are placed above the economic viability of residents;
- That subsidence shouldn't be allowed without landowner approval;
- Ground subsidence includes changes in the fields that make a variety of problems from very uneven surfaces to varied topsoil conditions and loss of topsoil;
- Permit renewals will let more acres be subsided for the next five years;
- That the shadow area expansion approved by IDNR failed to take into account hydrologic concerns and did not protect the hydrologic balance.

Comment: There's no information of a map or a location for the proposed renewal in the newspaper advertisement.

Response: Regulations require the notice to contain a map or description that clearly shows or describes the precise location and boundaries of the proposed permit area and shadow area and is sufficient to enable local residents to readily identify the area. The Department understands a map of the area may be ideal in some cases and is working to have a map depicting the underground area for all underground applications.

Comment: The renewals of these permits will cause pollution to be added to the area's environment, causing a hazardous waste problem including risks of known lead and mercury toxins with multiple serious health impacts, for the communities located close to the mine, as reported in the Toxic Release inventory data for Hillsboro Energy, LLC, Deer Run Mine, EPA ECHO database online.

Response: Quarterly monitoring of groundwater and surface water has occurred at this facility since before the original Permit No. 399 was issued. The Illinois Environmental Protection Agency (IEPA) is the regulatory authority for both the groundwater quality standards and the surface water standards. To date, to the Department's knowledge, the IEPA has not issued Violation Notices (VN) or other enforcement or compliance-related citations to the facility for toxic releases of contaminants.

Comment: I've had land that used to grow crops that now grows weeds when it isn't coming by water. I have highway ditches that used to drain my fields and now the water from the highway ditch drains in my field, and it hasn't been corrected. I probably lost more topsoil in the last four years after this mine started than my previous 50-some years of farming. I've lost tons of topsoil. There's not one land reclamation specialist here. And I -- you know, in four years, I've had three different ones, and none of them appeared to have any agricultural background to know what they're looking at, and I like to know what's the qualifications for a land reclamation specialist?

Response: Minimum qualifications for a land reclamation specialist require; knowledge, skill, and mental development equivalent to completion of four years of college with courses in ecology, agriculture, or forestry, three years of professional experience in the reclamation of lands affected by surface mining. All land reclamation specialists are trained by the Department in looking for compliance with the regulations.

Comment: In the monthly subsidence reports, instead of reporting just going around with the coal company operatives, why doesn't the land reclamation specialist call the farmer as well to go around and inspect these fields?

Response: To clarify, the Department does not conduct "monthly subsidence reports", but rather general site inspections. Some of these inspections are conducted with the operator, but the Department is under no obligation to do so. In regard to addressing specific allegations of non-compliance a farmer may have, that process is dealt with via the specific citizen request for state inspection found in 62 Ill. Adm. Code 1840.15.

The primary responsibility of the Division's inspectors is the surface facilities and various satellite facilities such as ventilation shafts and boreholes. Evaluation of subsidence impacts and repairs have been performed by various staff over the years. Should a landowner wish to meet with a division representative and the coal company concerning ongoing drainage issues, they should contact the Department and we will try to accommodate the request.

Comment: Will surveillance repairs on State Highway 185 be adequate once the panels are subsiding on rural county and township roads? Why is a private company even allowed to damage public roadways, inconvenience the public, and possibly affect their safety?

Response: The reason a coal company can damage a public road is based on the property rights they possess. The company must possess the right to mine the coal and additionally have the right to subside the surface. The Department cannot prohibit the mining if the company maintains those rights. Hillsboro Energy contends that they hold such rights. The Department's role under the regulatory program is to assure public safety during the subsidence event by conditioning the permit to require an agreement with the appropriate road authority. As a result, Hillsboro Energy obtained appropriate agreements and permits from the Illinois Department of Transportation specific to the damages and repair to Rt. 185. The Department acknowledges the disruption to normal traffic and large inconvenience it places on the public. The Department has taken every action under its regulatory authority to ensure protection of the public during the subsidence events and to assure proper restoration of Rt. 185 at the cost of the coal company.

Comment: Appendix F to Revision No. 2 to Permit 399 states that "Hillsboro Energy must correct material damage resulting from subsidence caused to surface lands, to the extent technologically and economically feasible, by restoring the land to a condition capable of maintaining the value and reasonably foreseeable uses which it was capable of supporting before subsidence. Hillsboro Energy's subsidence control plan, as modified, contains a description of measures to be taken in order to comply with 62 Ill. Adm. Code 1817.121(c)(1)." What is this subsidence control plan? Level farm ground will never be restored to what it was before being subsided. Ground that has been flooded for over a year will never be as productive. Topsoil lost to erosion cannot be restored. Is the subsidence control plan their plan for restoring altered drainage? If the subsidence is as planned and predictable as stated, why isn't there a plan farmers can see before subsidence occurs?

Response: The Department recognizes that flat farmland subsided by longwall mining presents greater restoration challenges than areas with more topographic relief. The initial longwall areas above Hillsboro Energy's longwall panels have had extensive drainage tile systems incorporated into a comprehensive drainage restoration plan. Those areas appear to have achieved restoration of land capabilities that existed before subsidence. Areas at a neighboring longwall mine over a decade ago have had similar extensive work done to restore drainage and those areas remain in farm production with no issue raised. Slopes created by longwall subsidence along the gate roads will inherently experience erosion more readily than flatter ground if not properly managed. The Department asserts that farmland impacted by longwall subsidence in Illinois is being restored to its pre-mining capabilities.

Concerning a plan for farmers to see before subsidence occurs, there is no regulatory requirement to have detailed plans produced in advance to show farmers. The regulation regarding subsidence mitigation is a performance standard, the Department believes it requires as much detail as mandated by the permitting requirements.

Comment: Reports from all four quarters of 2022, and, again, the first three quarters of 2023, all contain the very same statements for mitigation. How are these cut-and-paste comments in any way detailed as to the monitoring and mitigation? Why are there no details on what actual surface subsidence is being observed or actual mitigation to correct surface drainage? Who determines that "met all applicable regulations" in one section of the report can be checked? The mine or the department?

Response: The Department reviews and conducts field inspections to verify the accuracy of the quarterly subsidence reports submitted by Hillsboro Energy. As stated before, longwall mining subsidence in flat farmlands poses greater restoration challenges and as a result, some mitigation efforts require more time than others. The Department has reviewed all of the quarterly reports referenced in the comment and concurs with the information provided in those reports.

As to the "met all applicable regulations" statement, Hillsboro Energy determines whether or not they have met the applicable regulations, then the Department verifies this statement with field verification or by other means.

Comment: Is the monthly land reclamation report to cover inspections of the permit area and the shadow area? If so, why isn't there more reporting on conditions in the shadow area? Does the Department actually monitor the subsidence within all of the panels? And how is it determined if the mitigation is adequate? Is there adequate communication with affected landowners or mainly the mine and its contractors?

Response: The Department is obligated to conduct at least one complete inspection per quarter which would evaluate on-site compliance with the entire area disturbed, impacted or affected by mining operations. Other monthly inspections may be partial inspections, pursuant to 62 Ill. Adm. Code 1840.11. Concerning the proper determination of adequate mitigation, please see the response above. Concerning adequate communication, affected landowners are encouraged to meet with division representatives should the need arise.

Comment: The January 2022 report said the operator had to submit an inspection and maintenance plan to IDNR and to keep a log. It wasn't until the April 21, 2022, report, that any mention of the condition of the fence was made again, and the comment then was: "The operator has repaired and inspected the silt fence on a regularly scheduled basis". Then, in January of this year, the report states the silt fence is degrading to the point it will need maintenance. Reports from March, April, May, July, August, September, and October of this year all state that some fabric is down, and some stakes are broken off. Why is the mine not required to comply with the maintenance of this silt fence as per the conservation plan? Is the inspection maintenance log required as of March 31, 2022, being kept? And is it checked by the Department? The October 18, 2023, report states that IDNR did a field inspection on October 11th regarding a request by the mine for the release of excess bond of the unaffected acreage. Was the fence inspected then? And if the mine is not complying with the conservation plan, would the release of bond still be granted?

Response: The operator was given a field deadline of March 31, 2022, to repair the silt fence, and the operator met the time requirements for that particular IBR area. "The General Inspection Report (GIR) on April 21, 2022, stated "Since the last inspection, the operator has repaired and inspected the silt fence. The Department requires the operator to repair and inspect the silt fence on a regularly scheduled basis. These actions met the previously set field deadline for repair and inspection of the silt fence by March 31, 2022". The General Inspection Report (GIR) on November 8, 2023, stated that, "This site ... is being reclaimed currently".

Pursuant to 62 Ill. Adm. Code 1800.15(c), a permittee may request a reduction of the amount of performance bond upon submission of evidence of any circumstance that reduces the bond liability. In this case, the permittee requested a release of bond for undisturbed acreage (e.g., excess bond release). The silt fence in question is associated with disturbed/affected acreage and thus was not a part of the excess release. In addition, adjustments for undisturbed acreage are not held to any performance standards and are not subject to the bond release procedures outlined in Section 1800.40.

Comment: In Table 1.5.2 of the renewal application, the violations history, there are over 400 violations listed for the applicant and owners and controllers of the applicant. Most of the violations involve the Illinois mines, which included Hillsboro Energy, Williamson Energy, Sugar Camp Energy, and also Macoupin Energy. The majority of the violations with a status not listed as being abated were also Illinois mines. Does the sheer volume of total violations ever influence the renewal of mine permits?

Response: The Department reviews violations issued to the applicant and the owners/controller of the applicant for violations received over the last three years. The Department specifically looks at violations that have not been abated or that are in an appeal process and requires additional information on each violation to make a determination on if the company receiving the violation is working with the agency to resolve the issues. Decisions are conditioned for applicants with outstanding violations, indicating the Department has the right to rescind the decision approving the application if found later the company stops working with the regulatory agency to resolve the violation.

Comment: What has the IDNR learned from the review of the Hillsboro Energy quarterly subsidence control plan in the field concerning prompt and effective mitigation which were required in the original Permit 399?

Response: The quarterly report is a tool to assist the Department in overseeing subsidence mitigation. The Department is aware that there are multiple reasons for delay in subsidence repair. This includes weather and ground conditions, timing relative to the planting season, the need to incorporate multiple areas into a more comprehensive drainage plan and landowners not agreeing on proposed work or granting access in a timely manner to allow plans to proceed. Mitigation of subsidence is often complicated by many factors. The Department will continue to evaluate and work towards final and complete mitigation.

Comment: What guidance has IDNR given to Hillsboro Energy to adjust their mitigation planning based on what is really happening on the ground and the observed erosion, ponding of water, and other mine work the mine has done?

Response: The Department will continue to monitor subsidence mitigation progress, take action, and give guidance when deemed appropriate.

Comment: What is IDNR's definition of timely restoration for returning fields to a farmable condition? If the current practices being used by the mine continue for another five years, how many more fields will be left ponded? How much more topsoil will be washed away?

Response: There are multiple reasons for delay in repair. This includes weather and ground conditions, timing relative to the planting season, the need to incorporate multiple areas into a more comprehensive drainage plan and landowners not agreeing on proposed work or granting access in a timely manner to allow plans to proceed. Mitigation of subsidence is often complicated by many factors. The Department will continue to evaluate and work towards final and complete mitigation. The Department will continue to monitor subsidence mitigation progress and take action when deemed appropriate.

Comment: The required water monitoring for coal mine permits is not extensive enough to determine the amount of contamination in the surrounding areas. Even with adequate monitoring, most of the 400 violations of Foresight involve water with many still having a status of not being abated.

Response: The current groundwater monitoring program at the Deer Run facility consists of twenty-two (22) installed groundwater monitoring wells, sampled and analyzed on a quarterly basis. In addition, there are nine (9) permitted NPDES Outfalls that are monitored on a monthly basis, as required by the NPDES Permit issued by the IEPA. This is a typical monitoring program for a mine of this size.

Comment: Who will pay the reclamation and cleanup liabilities of these failed companies where bonding is insufficient and coal operators are bankrupt?

Response: The Department has reviewed the bond adequacy as part of the renewal process and has determined that the bond is adequate to ensure that reclamation could be completed by the Department in the event of a bond forfeiture.

Comment: There was a lot of concern at the beginning of this hearing process back then about ditches that would have to be dug and how much ground they would take out of place. It was guaranteed: No, that wasn't going to be a problem. Well, as it turns out -- you can witness it yourself -- there's been some tremendous ditches, and from my -- from what I've learned or what I know, without any approval from the Corps of Engineers. If I were to go out and dig a ditch like that, the Corps of Engineers would have me in jail the next day.

Response: For any ground taken out of production through permanent drainage way construction due to subsidence mitigation, the company must compensate the landowner. The

Department is not aware of any subsidence mitigation that impacted Corps jurisdictional land.

Comment: In the original permit, there was a water section that Illinois DNR exempted the coal company from doing any water testing because they found, like, three wells. That is incorrect, just about everybody in this area has water wells. Is there an exemption for water testing on Permit 399?

Response: There has been a groundwater monitoring program in place at this facility since the original Permit No. 399 permit was applied for. Twenty-two groundwater monitoring wells currently exist within the surface effects area of both Permit No. 399 and Permit No. 424. The groundwater monitoring wells are sampled and analyzed quarterly. This groundwater monitoring program will continue until final bond release. The Department is not aware of an exemption to water testing in Permit 399. Concerning the approved shadow area outside the permitted surface facilities area, there is no exemption from compliance with 62 Ill. Adm. Code 18117.121(a)(2). The Findings document issued for Permit No. 399 states, "...Pursuant to 62 Ill. Adm. Code 1817.41(j), Hillsboro (Hillsboro Energy, LLC) must promptly replace any drinking, domestic, or residential water supply that is contaminated or interrupted. Hillsboro has provided a plan for conducting surveys of drinking, domestic, or residential water supplies required under 62 Ill. Adm. Code 1817.121(a)(2) wherever necessary. Therefore, all wells for which no specific agreement exists concerning the post-subsidence resolution of water supply issues shall be monitored to acquire adequate seasonal data sufficiently in advance of any potential impacts".

Comment: This hearing was specifically for public comment to address the request by the Illinois Department of Natural Resources(IDNR) for a 5-year extension of Permit 399, Permit 399 revision 1, Permit 399 revision 2, and Permit 424, which evidently has been combined by the IDNR into one approval process, despite no public precedent or input for the approval of a combined process. These permits are separate, and complex, requiring detailed consideration, and should be considered separately for any proposed possible extension and should not be considered as one combined for the proposed approval process. Considering them as one by combining them diminishes the approval process that the citizens of Illinois are entitled to by law and statute and gives the impression that the state is providing an unfair advantage to the coal company by attempting to rush through a proposed approval process without full consideration of the elements of the permits and the process. I ask that these requests for approval to extend the permits for an additional 5 years be treated separately.

Response: The Department does not concur with the comment. The "combining" of the permits at the mine under one renewal was designed to improve stewardship of the state's time and finances while at the same time ensuring all citizen rights were maintained. The Department has reached out to its federal oversight agency when the process was being considered and it was found to be consistent with SMCRA.

Comment: The final decision of the Judicial review for the next panel of mining associated with Permit 399 has not been received by the IDNR or the remaining petitioner on that case. Since the judicial review has the power to reject permit 399, the current proposed 5-year

extension of 399 is not exclusive of the ongoing judicial process for that permit. Therefore, a request for a five-year extension cannot occur until a final decision has been made on the previous case. It is the responsibility of the IDNR in their position as representing the state and the people of Illinois, to follow and uphold this judicial process.

Response: The prior Permit 399 renewal was granted and then an appeal was filed on that ruling. Until the Administrative Law Judge rules any differently, the permit renewal stands.

Comment: Endangered Illinois Native Freshwater American mussels present in Shoal Creek have been ignored or omitted in the permitting process which is another reason for revoking the permits and denying the proposed extensions. Montgomery County has only 12 species listed in the IDNR list and doesn't include the American freshwater mussel species which are endangered throughout the United States and have been prevalent in Shoal Creek.

Response: No state-threatened or endangered mussel species are listed in the Illinois Natural Heritage Database (April 2023) as known to occur in Montgomery County. The Department does not have the authority to require consideration of any state or federally-listed species that are not known to occur in the project area and that are not identified by other agencies through consultation.

Comment: Our land has been destroyed. It's a mess. Hillsboro Energy has not paid us for crop damages from last year. It's ridiculous. Somebody needs to help us. And I don't know why you would ever issue them a permit when you look at all the soil erosion that they have caused.

Response: Permittees are granted successive rights of renewal pursuant to 62 Ill. Adm. Code 1774.15. In approving any permit renewal, the Department is tasked with finding if the applicant has met the criteria for renewal found under Section 1774.15(c). If the criteria are met the Department is statutorily obligated to issue the renewal.

APPENDIX B

DOCUMENTATION PROVIDED BY APPLICANT TO COMPLY WITH
62 ILL. ADM. CODE 1773.15(b)(1)(A)

MINE INSPECTION REPORT – PERMANENT PROGRAM Hand Delivered? **889-9008**

Company Name and Address MUHLENBERG COUNTY COAL RESOURCES, INC. 46226 NATIONAL ROAD ST. CLAIRSVILLE, OH 43950	Acres Permitted	Status	Start Time	End Time	Mine Type
	298.4	A1	08:00 AM	08:30 AM	OTHER
	Acres Bonded	Inspection Date	Type		Weather
	298.4	02/01/2024	P		SUN
	Est. Acres Disturbed	Off-Site Impacts			
	278	No			

Insolvent Surety	Photos	Reasons For Inspection		Overall Site Condition	Est. Acres Reclaimed	End Inspection Date
No	No	SO	IN		2	02/01/2024


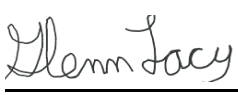
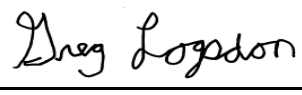
Non-Compliance	Cessation Order Number	Type	INC/ICO Number	Type	IAO Number	Type	Modification Number	Type	Permit Expiration Date
			13-2652	NC					04/06/2026

(SM)	Signs and Markers KAR 16:030 or 18:030	(SC)	Sedimentation Ponds KAR 16:090 or 18:090	(SS)	Steep Slopes KAR 20:060
(AC)	Roads KAR 16:220 or 18:230	(DV)	Diversions KAR 16:080 or 18:080	(MR)	Mountaintop Removal KAR 20:050
(TH)	Topsoil KAR 16:050 or 18:050	(WQ)	Water Quality KAR 16:070 or 18:070	(AM)	Auger Mining KAR 20:030
(UE)	Use of Explosives KAR 16:120 or 18:120	(HR)	General Hydrologic Requirements KAR 16:060 or 18:060	(PF)	Prime Farmland KAR 20:040
(DS)	Disposal of Excess Spoil KAR 16:130 or 18:130	(WM)	Water Monitoring KAR 16:110 or 18:110	(PP)	Processing Plants KAR 20:070 or 20:080
(BG)	Backfilling and Grading KAR 16:190 or 18:190	(IM)	Impoundments KAR 16:100 or 18:100	(PL)	Post-Mining Land Use KAR 16:210 or 18:220
(CR)	Contemporaneous Reclamation KAR 16:020 or 18:020	(WD)	Coal Waste Dams KAR 16:160 or 18:160	(DH)	Drilled Holes KAR 16:040 or 18:040
(OF)	Other Facilities KAR 16:250 or 18:260	(DC)	Disposal of Coal Processing Waste KAR 16:140 or 18:140	(UO)	Approved Operator KAR 8:010
(DW)	Disposal of Non-Coal Waste KAR 16:150 or 18:150	(AP)	Air Resources Protection KAR 16:170 or 18:170	(OC)	Ownership and Control KAR 8:010
(RV)	Revegetation KAR 16:200 or 18:200	(FW)	Fish and Wildlife Protection KAR 16:180 or 18:180	(SB)	Subsidence KAR 18:210
(OD)	ER Off Permit Disturbance KAR 7:040	(OO)	Mining Off Permit U/G KAR 7:040 or 8:010	(OT)	Other Permit Conditions
(OM)	Method of Operation KAR 08:010	(LI)	Liability Insurance KAR 10:030	(SF)	Surety Failure KAR 10:030
(EL)	Effluent Limitations KAR 5:065	(FR)	Flyrock KAR 16:120	(SW)	Surface and Ground Water KAR 16:110, 18:110, or 5:065

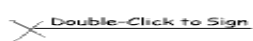
Describe all changes since last inspection, including change in operator or contractor and name(s) of any person(s) who accompanied you during this inspection (citizen, chief, other federal or state inspectors); etc.

Complete inspection - All structures with KPDES sampled and in compliance. Yes No If Yes not selected, list points in violation.

Inspection of NC 13-2652 on this date is currently under director's review.

Env. Inspector:		2/1/2024	I.D. No:	010238	Date:	02/01/24
Env. Control Supervisor:		2/1/2024	Env. Control Manager:		2/2/2024	

Signed by: Glenn Lacy

Person On-Site To Whom Copy Was Delivered:	Signature:	
Person To Whom Copy Was Hand Delivered:	Signature:	

Certified Mail No.	Certified Date
Contact Inspector at: (502) 764-1233	
Copies Mailed To: MUHLENBERG COUNTY COAL RESOURCES, INC. 46226 NATIONAL ROAD ST. CLAIRSVILLE, OH 43950	

MINE INSPECTION REPORT – PERMANENT PROGRAM Hand Delivered? **889-5022**

Company Name and Address MUHLENBERG COUNTY COAL RESOURCES, INC. 46226 NATIONAL ROAD ST. CLAIRSVILLE, OH 43950	Acres Permitted	Status	Start Time	End Time	Mine Type
	708.8	A1	09:30 AM	09:45 AM	UNDERGROUND
	Acres Bonded	Inspection Date	Type		Weather
	634.2	11/20/2023	P		PARTLY SUNNY/CLOUDY
Est. Acres Disturbed	Off-Site Impacts				
300	No				

Insolvent Surety	Photos	Reasons For Inspection	Overall Site Condition	Est. Acres Reclaimed	End Inspection Date
No	Yes	IN		55	11/20/2023




Non-Compliance	Cessation Order		INC/ICO		IAO		Modification		Permit Expiration Date
	Number	Type	Number	Type	Number	Type	Number	Type	
			13-2654	NC					06/11/2024



(SM)	Signs and Markers KAR 16:030 or 18:030	(SC)	AB	Sedimentation Ponds KAR 16:090 or 18:090	(SS)	Steep Slopes KAR 20:060
(AC)	Roads KAR 16:220 or 18:230	(DV)		Diversions KAR 16:080 or 18:080	(MR)	Mountaintop Removal KAR 20:050
(TH)	Topsoil KAR 16:050 or 18:050	(WQ)		Water Quality KAR 16:070 or 18:070	(AM)	Auger Mining KAR 20:030
(UE)	Use of Explosives KAR 16:120 or 18:120	(HR)		General Hydrologic Requirements KAR 16:060 or 18:060	(PF)	Prime Farmland KAR 20:040
(DS)	Disposal of Excess Spoil KAR 16:130 or 18:130	(WM)		Water Monitoring KAR 16:110 or 18:110	(PP)	Processing Plants KAR 20:070 or 20:080
(BG)	Backfilling and Grading KAR 16:190 or 18:190	(IM)		Impoundments KAR 16:100 or 18:100	(PL)	Post-Mining Land Use KAR 16:210 or 18:220
(CR)	Contemporaneous Reclamation KAR 16:020 or 18:020	(WD)		Coal Waste Dams KAR 16:160 or 18:160	(DH)	Drilled Holes KAR 16:040 or 18:040
(OF)	Other Facilities KAR 16:250 or 18:260	(DC)		Disposal of Coal Processing Waste KAR 16:140 or 18:140	(UO)	Approved Operator KAR 8:010
(DW)	Disposal of Non-Coal Waste KAR 16:150 or 18:150	(AP)		Air Resources Protection KAR 16:170 or 18:170	(OC)	Ownership and Control KAR 8:010
(RV)	Revegetation KAR 16:200 or 18:200	(FW)		Fish and Wildlife Protection KAR 16:180 or 18:180	(SB)	Subsidence KAR 18:210
(OD)	Off Permit Disturbance KAR 7:040	(OO)		Mining Off Permit U/G KAR 7:040 or 8:010	(OT)	Other Permit Conditions
(OM)	Method of Operation KAR 08:010	(LI)		Liability Insurance KAR 10:030	(SF)	Surety Failure KAR 10:030
(EL)	Effluent Limitations KAR 5:065	(FR)		Flyrock KAR 16:120	(SW)	Surface and Ground Water KAR 16:110, 18:110, or 5:065

Describe all changes since last inspection, including change in operator or contractor and name(s) of any person(s) who accompanied you during this inspection (citizen, chief, other federal or state inspectors); etc.

Complete inspection - All structures with KPDES sampled and in compliance. Yes No If Yes not selected, list points in violation.

Non-compliance # 13-2654 abated this date.

Env. Inspector:	 11/20/2023	I.D. No:	010238	Date:	11/20/23
Env. Control Supervisor:	 11/21/2023	Env. Control Manager:	 11/21/2023		

Person On-Site To Whom Copy Was Delivered:	Signature: 
Person To Whom Copy Was Hand Delivered:	Signature: 

Certified Mail No. _____ Certified Date _____
 Contact Inspector at: **Tiffany Martin**
 Copies Mailed To: **MUHLENBERG COUNTY COAL RESOURCES, INC.**

46226 NATIONAL ROAD ST. CLAIRSVILLE, OH 43950	
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Schafer, James

From: Nagel, Jon <jnagel@acnrinc.com>
Sent: Thursday, April 4, 2024 2:07 PM
To: Clayton Cross
Cc: James Miller
Subject: FW: NOV 92

FYI.

From: Giles, Maria E <maria.e.giles@wv.gov>
Sent: Thursday, April 4, 2024 3:06 PM
To: Nagel, Jon <jnagel@acnrinc.com>
Subject: NOV 92

CAUTION: This email originated from **outside** of ACNR. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The abatement date for NOV 92 will be extended to 4/12/2024. Due to the inclement weather, some network outages are being experienced on my end. The paperwork will be completed to reflect this ASAP.

Thank you,
Maria Giles
WV Department of Environmental Protection
Mining and Reclamation
Philippi, WV
304-550-4396

ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
U003383	08/10/2023	13:30	6 (rev 4/20)		0400	92	02/13/2024	11:50

PERMITTEE NAME MARSHALL COUNTY COAL RESOURCES, INC.

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted

Extended to 03/13/2024 at 16:00 NOV modified to CO # CO modified to NOV #

Action taken to abate:

NOV will be extended an additional 30 days. Company is in the process of closing an agreement with CSX in order for IBR 87 to be approved.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8

Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No

Comments:

AUTH. COMPANY REPRESENTATIVE Tom Crawshaw

DELIVERY METHOD / DATE TIME Certified 2/13/2024 16:00:00

CERTIFIED MAIL NUMBER 9414 8118 9956 4865 5405 40

ADDRESS 46226 NATIONAL ROAD, ST. CLAIRSVILLE, OH 43950

WV DEP REP. Daniel B Johnson *Daniel Johnson*

Harold D. Ward

[Secretary, Department of Environmental Protection]

[WV DEP Representative]

Date

Names of individuals at informal Conference:

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
U003383	08/10/2023	13:45	6 (rev 4/20)		0400	93	08/30/2023	11:00

PERMITTEE NAME MARSHALL COUNTY COAL RESOURCES, INC.

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted

Extended to _____ at _____ NOV modified to CO # _____ CO modified to NOV # _____

Action taken to abate:
Accumulated materials have been removed and relocated to a bonded area.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8

Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No

Comments:

AUTH. COMPANY REPRESENTATIVE Tom Crawshaw

DELIVERY METHOD / DATE TIME Mail 9/19/2023 16:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 46226 NATIONAL ROAD, ST. CLAIRSVILLE, OH 43950

WV DEP REP. Maria Giles

Harold D. Ward _____
 [Secretary, Department of Environmental Protection] [WV DEP Representative] Date

Names of individuals at informal Conference:

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

MINE INSPECTION REPORT – PERMANENT PROGRAM Hand Delivered? **892-9005**

Company Name and Address KENTUCKY LAND RESOURCES, INC. 46226 NATIONAL ROAD ST. CLAIRSVILLE, OH 43950	Acres Permitted	Status	Start Time	End Time	Mine Type
	317.3	A1	11:45 AM	12:45 PM	OTHER
	Acres Bonded	Inspection Date	Type		Weather
	309.8	10/19/2023	P		PARTLY SUNNY/CLOUDY
	Est. Acres Disturbed	Off-Site Impacts			
	200	No			

Insolvent Surety	Photos	Reasons For Inspection	Overall Site Condition	Est. Acres Reclaimed	End Inspection Date
No	Yes	IN		15	10/19/2023

Non-Compliance	Cessation Order Number	Cessation Order Type	INC/ICO Number	INC/ICO Type	IAO Number	IAO Type	Modification Number	Modification Type	Permit Expiration Date
			13-2574	NC					10/02/2023

(SM)		Signs and Markers KAR 16:030 or 18:030	(SC)	AB	Sedimentation Ponds KAR 16:090 or 18:090	(SS)		Steep Slopes KAR 20:060
(AC)		Roads KAR 16:220 or 18:230	(DV)		Diversions KAR 16:080 or 18:080	(MR)		Mountaintop Removal KAR 20:050
(TH)		Topsoil KAR 16:050 or 18:050	(WQ)		Water Quality KAR 16:070 or 18:070	(AM)		Auger Mining KAR 20:030
(UE)		Use of Explosives KAR 16:120 or 18:120	(HR)		General Hydrologic Requirements KAR 16:060 or 18:060	(PF)		Prime Farmland KAR 20:040
(DS)		Disposal of Excess Spoil KAR 16:130 or 18:130	(WM)		Water Monitoring KAR 16:110 or 18:110	(PP)		Processing Plants KAR 20:070 or 20:080
(BG)	AB	Backfilling and Grading KAR 16:190 or 18:190	(IM)		Impoundments KAR 16:100 or 18:100	(PL)		Post-Mining Land Use KAR 16:210 or 18:220
(CR)		Contemporaneous Reclamation KAR 16:020 or 18:020	(WD)		Coal Waste Dams KAR 16:160 or 18:160	(DH)		Drilled Holes KAR 16:040 or 18:040
(OF)		Other Facilities KAR 16:250 or 18:260	(DC)		Disposal of Coal Processing Waste KAR 16:140 or 18:140	(UO)		Approved Operator KAR 8:010
(DW)		Disposal of Non-Coal Waste KAR 16:150 or 18:150	(AP)		Air Resources Protection KAR 16:170 or 18:170	(OC)		Ownership and Control KAR 8:010
(RV)		Revegetation KAR 16:200 or 18:200	(FW)		Fish and Wildlife Protection KAR 16:180 or 18:180	(SB)		Subsidence KAR 18:210
(OD)		Off Permit Disturbance KAR 7:040	(OO)		Mining Off Permit U/G KAR 7:040 or 8:010	(OT)		Other Permit Conditions
(OM)		Method of Operation KAR 08:010	(LI)		Liability Insurance KAR 10:030	(SF)		Surety Failure KAR 10:030
(EL)		Effluent Limitations KAR 5:065	(FR)		Flyrock KAR 16:120	(SW)		Surface and Ground Water KAR 16:110, 18:110, or 5:065

Describe all changes since last inspection, including change in operator or contractor and name(s) of any person(s) who accompanied you during this inspection (citizen, chief, and other federal or state inspectors); etc.

Complete inspection - All structures with KPDES sampled and in compliance. Yes No If Yes not selected, list points in violation.

Non-compliance #13-2574 abated this date for SC and BG.

Env. Inspector:	10/20/2023	<i>Blake Billie</i>	I.D. No:	010237	Date:	10/20/2023
Env. Control Supervisor:	10/23/2023	<i>Glenn Lacy</i>	Env. Control Manager:	<i>Dreg Logsdon</i>	10/23/2023	

Signed by: Glenn Lacy

Person On-Site To Whom Copy Was Delivered:	Signature:	<i>X Double-Click to Sign</i>
Person To Whom Copy Was Hand Delivered:	Signature:	<i>X Double-Click to Sign</i>

Certified Mail No.		Certified Date	
Contact Inspector at:	270-824-7536		
Copies Mailed To:	KENTUCKY LAND RESOURCES, INC.		

46226 NATIONAL ROAD ST. CLAIRSVILLE, OH 43950	
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Macoupin Energy LLC

14300 Brushy Mound Rd
Carlinville, IL. 62626

May 8, 2023

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Compliance Assurance Section #19
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Macoupin Energy, LLC
Permit No. 56
Shay No. 1 Mine Complex
Macoupin County, Illinois
Violation Notice: W-2022-50230

To Whom it May Concern:

Macoupin Energy, LLC hereby submits the Compliance Statement associated with VN W-2022-50230. All compliance activities have been completed as specified in the Compliance Commitment Agreement Part III. Item 5.

Should you have any questions, or need additional information, please contact Clayton Cross at (217) 532-7310, ext. 125, cell: (217) 556-0692, or email; cross@foresight.com.

Respectfully Submitted,

Clayton Cross,
Authorized Person

Illinois EPA Compliance Statement

You are required to state that you have returned to compliance with the Act and the regulations that were the subject of the violation notice (VN) (415 ILCS 5/31). The owner of the facility must acknowledge compliance and/or that all compliance commitment agreement (CCA) interim measures/events have been successfully completed and compliance has been achieved.

Please complete, sign, and return.

I Clayton Cross (print name), hereby certify that all violations

addressed in Violation Notice (VN) number W-2022-50230 have been addressed and

that compliance was achieved on May 5, 2023 (date).

Clayton Cross
Signature

Authorized Person
Title

217-556-0692
Telephone Number

5-5-2023
Date

Be sure to retain copies of this document for your files. Should you need additional notification forms, please contact this office at (217)785-0561. Return this completed form to:

Illinois Environmental Protection Agency
Compliance Assurance Section #19
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

"Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Agency,related to or required by this Act, a regulation adopted under this Act, any federal law or regulation for which the Agency has responsibility, or any permit, term, or condition thereof, commits a Class 4 felony..." (415 ILCS 5/44(h) (8))



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/782-9861

CERTIFIED MAIL # 7021 2720 0002 0464 3808
RETURN RECEIPT REQUESTED

January 25, 2023

Macoupin Energy, LLC
Attn: Clayton Cross
14300 Brushy Mound Road
Carlinville, IL 62626

**Re: Compliance Commitment Acceptance
Macoupin Energy, LLC – Shay 1 Mine – IL0056022 – W1178030006
Violation Notice: W-2022-50230**

Dear Facility Owner:

The Illinois Environmental Protection Agency ("Illinois EPA") has approved the Compliance Commitment Agreement ("CCA") for **Macoupin Energy, LLC – Shay 1 Mine – IL0056022**. Please find enclosed an executed copy of the CCA for your records.

Failure to fully comply with the CCA may, at the sole discretion of the Illinois EPA, result in referral of this matter to the Office of the Attorney General, the State's Attorney or the United States Environmental Protection Agency.

The CCA does not constitute a waiver or modification of the terms and conditions of any license or permit issued by the Illinois EPA or any other unit or department of local, state or federal government or of any local, state or federal statute or regulatory requirement.

Once all violations are corrected and compliance is achieved, the Respondent **must submit a completed statement of compliance form (Attached)** certifying that all Compliance Commitment Agreement measures/events have been successfully completed.

Please submit the Compliance Statement with original signatures to -

Illinois Environmental Protection Agency
Compliance Assurance Section #19
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

Questions regarding this matter should be directed to Caleb Ruyle at 217/782-9861 or caleb.ruyle@illinois.gov. Written communications should be directed to the Illinois Environmental Protection Agency, Bureau of Water, CAS #19, P.O. Box 19276, Springfield, IL 62794-9276, and all communications shall include reference to your Violation Notice Number **W-2022-50230**.

Sincerely,

A handwritten signature in cursive script that reads "Cathy Siders".

Cathy Siders, Manager
Compliance Assurance Section
Bureau of Water, Division of Water Pollution Control
Enclosure(s)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)

Macoupin Energy, LLC)
14300 Brushy Mound Road)
Carlinville, IL 62626)

Macoupin)

) ILLINOIS EPA VN W-2022-50230
) BUREAU OF WATER
)

COMPLIANCE COMMITMENT AGREEMENT

I. Jurisdiction

1. This Compliance Commitment Agreement (“CCA”) is entered into voluntarily by the Illinois Environmental Protection Agency (“Illinois EPA”) and **Macoupin Energy, LLC – Shay 1 Mine – IL0056022** (“Respondent”) (collectively, the “Parties”) under the authority vested in the Illinois EPA pursuant to Section 31(a)(7)(i) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(a)(7)(i).

II. Allegation of Violations

2. Respondent owns and/or operates **Macoupin Energy, LLC – Shay 1 Mine – IL0056022**, a facility located in Macoupin County, Illinois.
3. Pursuant to Violation Notice (“VN”) **W-2022-50230**, issued on **September 6, 2022**, the Illinois EPA contends that Respondent has violated the following provisions of the Act and Illinois Pollution Control Board (“Board”) Regulations:
 - a) **Discharge of Contaminants** - Section 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2020)
 - b) **Unpermitted/Unauthorized Point Source Discharge** - Section 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2020); 35 Ill. Adm. Code 309.102(a)
 - c) **Failure to Comply with NPDES Permit** - Section 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2020); 35 Ill. Adm. Code 305.102(b) and 309.102(a); NPDES Permit #IL0056022 Construction Authorization 12a, b, & c

III. Compliance Activities

4. On **October 26, 2022 and December 9, 2022**, the Illinois EPA received Respondent's response to **VN W-2022-50230**, which included proposed terms for a CCA. The Illinois EPA has reviewed Respondent's proposed CCA terms, as well as considered whether any additional terms and conditions are necessary to attain compliance with the alleged violations cited in the VN.
5. Respondent agrees to undertake, and complete the following actions, which the Illinois EPA has determined are necessary to attain compliance with the allegations contained in **VN W-2022-50230**:
 - a) **Macoupin Energy, LLC – Shay 1 Mine – IL0056022** will remove sediment from the RDA 5 upper perimeter ditch to sufficiently contain transfer drainage to the designated RDA 5 spillway by **March 31, 2023**.
 - b) **Macoupin Energy, LLC – Shay 1 Mine – IL0056022** will repair the reclaimed lower outslope of RDA 5 to its original approved condition by **September 30, 2023**.
 - c) **Macoupin Energy, LLC – Shay 1 Mine – IL0056022** will maintain a pump at the Southwest Pond (Outfall 003) until the lower outslope is fully repaired and complaint water quality can be ensured. The pump will be in place and operational by **February 1, 2023**.
 - d) **Macoupin Energy, LLC – Shay 1 Mine – IL0056022** will conduct retraining of personnel involved in the water sample collection and reporting for Macoupin Energy, LLC's Shay Mine No. 1 on the requirements of the facility's NPDES Permit. The permittee shall timely report any noncompliance which may endanger health or the environment to IEPA. The information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances, followed by a written submission within 5 days from the time the permittee becomes aware of the circumstances. This retraining will be completed by **June 30, 2023**.

IV. Terms and Conditions

6. Respondent shall comply with all provisions of this CCA, including, but not limited to, any appendices to this CCA and all documents incorporated by reference into this CCA. Pursuant to Section 31(a)(10) of the Act, 415 ILCS 5/31(a)(10), if Respondent complies with the terms of this CCA, the Illinois EPA shall not refer the alleged violations that are the subject of this CCA, as described in Section II above, to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violations occurred. Successful completion of this CCA or an amended CCA shall be a factor to be weighed, in favor of the Respondent, by the Office of the Illinois Attorney General in determining whether to file a complaint on its own motion for the violations cited in VN W-2022-50230.
7. This CCA is solely intended to address the violations alleged in Illinois EPA VN W-2022-50230. The Illinois EPA reserves, and this CCA is without prejudice to, all rights of the Illinois EPA against Respondent with respect to noncompliance with any term of this CCA, as well as to all other matters. Nothing in this CCA is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the Illinois EPA may have against Respondent, or any other person as defined by Section 3.315 of the Act, 415 ILCS 5/3.315. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, and the Board Regulations.
8. Pursuant to Section 42(k) of the Act, 415 ILCS 5/42(k), in addition to any other remedy or penalty that may apply, whether civil or criminal, Respondent shall be liable for an additional civil penalty of \$2,000 for violation of any of the terms or conditions of this CCA.
9. This CCA shall apply to and be binding upon the Illinois EPA, and on Respondent and Respondent's officers, directors, employees, agents, successors, assigns, heirs, trustees, receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondent, as well as upon subsequent purchasers of Respondent's sanitary sewer.
10. In any action by the Illinois EPA to enforce the terms of this CCA, Respondent consents to and agrees not to contest the authority or jurisdiction of the Illinois EPA to enter into or enforce this CCA, and agrees not to contest the validity of this CCA or its terms and conditions.

11. This CCA shall only become effective:

- a) If, within 30 days of receipt, Respondent executes this CCA and submits it, via certified mail, to Illinois EPA Division of Water Pollution Control, Attn: Caleb Ruyle/CAS #19, P.O. Box 19276, Springfield, IL 62794-9276. If Respondent fails to execute and submit this CCA within 30 days of receipt, via certified mail, this CCA shall be deemed rejected by operation of law; and
- b) Upon execution by all Parties.

12. Pursuant to Section 31(a)(7.5) of the Act, 415 ILCS 5/31(a)(7.5), this CCA shall not be amended or modified prior to execution by the Parties. Any amendment or modification to this CCA by Respondent prior to execution by all Parties shall be considered a rejection of the CCA by operation of law. This CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent's signatory to this CCA, Respondent's legal representative, or Respondent's agent.

AGREED:

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

BY: Cathy Siders
Cathy Siders, Manager
Compliance Assurance Section
Bureau of Water, Division of Water Pollution Control

DATE: 1-25-23

FOR RESPONDENT:

BY: Clayton Cross
Clayton Cross
Macopin Energy, LLC
Authorized Person

DATE: 1-16-2023

Illinois EPA Compliance Statement

You are required to state that you have returned to compliance with the Act and the regulations that were the subject of the violation notice (VN) (415 ILCS 5/31). The owner of the facility must acknowledge compliance and/or that all compliance commitment agreement (CCA) interim measures/events have been successfully completed and compliance has been achieved.

Please complete, sign, and return.

I _____ (*print name*), hereby certify that all violations addressed in Violation Notice (VN) number _____ have been addressed and that compliance was achieved on _____ (*date*).

Signature

Title

Telephone Number

Date

Be sure to retain copies of this document for your files. Should you need additional notification forms, please contact this office at (217)785-0561. Return this completed form to:

Illinois Environmental Protection Agency
Compliance Assurance Section #19
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

"Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Agency,related to or required by this Act, a regulation adopted under this Act, any federal law or regulation for which the Agency has responsibility, or any permit, term, or condition thereof, commits a Class 4 felony..." (415 ILCS 5/44(h) (8))



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(217) 558-1333

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7015 0640 0005 6906 3594

March 17, 2023

Sugar Camp Energy, LLC
c/o Illinois Corporation Service Company
801 Adlai Stevenson Drive
Springfield, IL 62703

Re: **Notice of Intent to Pursue Legal Action: Sugar Camp Energy, LLC**
Facility No. IL0078565
Violation Notice: W-2022-50229

Dear sir or madam,

This Notice of Intent to Pursue Legal Action is provided pursuant to Section 31(b) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(b) (2020). The Illinois Environmental Protection Agency ("Illinois EPA") is providing this notice because Sugar Camp Energy, LLC has failed to respond adequately to the Violation Notice dated September 7, 2022, which was issued by the Illinois EPA within the time frame required by Section 31 of the Act.

The Illinois EPA is providing this notice because it may pursue legal action for the violations of environmental statutes, regulations and permits specified in Attachment A. The Notice of Intent to Pursue Legal Action provides the opportunity to schedule a meeting with representatives of the Illinois EPA to attempt to resolve the violations of the Act, regulations and permits specified in Attachment A. If a meeting is requested, it must be held within thirty (30) days of receipt of this notice unless an extension of time is agreed to by the Illinois EPA.

If you wish to schedule a meeting with representatives of the Illinois EPA or have any questions, please contact me at Joshua.Leopold@illinois.gov (preferred) or (217) 558-1333 within twenty (20) days of your receipt of this notice.

Sincerely,



Joshua Leopold
Assistant Counsel
Division of Legal Counsel

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

Attachment A

Sugar Camp Energy, LLC—IL0078565 VIOLATION NOTICE NO. W-2022-50229

On August 16, 2022, representatives of the Illinois EPA conducted a reconnaissance of the Sugar Camp Mine and observed the presence and operation of five water cannons installed along the western berm of the Refuse Disposal Area #2 impoundment. According to a conversation with Sugar Camp personnel at the time of the reconnaissance, the purpose of the water cannons is to evaporate a portion of the water in Refuse Disposal Area #2 while allowing heavier particles to settle out over the impoundment. No Illinois EPA State Construction or Operating Permit had been obtained by Sugar Camp prior to construction and operation of the water cannons.

A review of information available to the Illinois EPA indicates the following violations of statutes, regulations, or permits. Included with each type of violation is an explanation of the activities that the Illinois EPA believes may resolve the violation including an estimated time period for resolution.

Failure to Obtain a State Construction/Operating Permit

Apply for and obtain a State Construction and Operating Permit. Complete and submit the appropriate permit application to the Illinois EPA. Develop procedures to ensure that all required permits are obtained timely. Compliance is expected within 30 days.

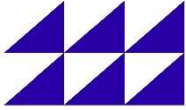
<u>Violation Date</u>	<u>Violation Description</u>
08/16/2022	No person shall construct, install, or operate any equipment, facility, vessel, or aircraft capable of causing or contributing to water pollution, or designed to prevent water pollution, of any type designated by Board regulations, without a permit granted by the Agency, or in violation of any conditions imposed by such permit.
Rule/Reg.:	Section 12(b) of the Act, 415 ILCS 5/12(b) (2020) 35 Ill. Adm. Code 309.202 and 309.203

Attachment B

Sugar Camp Energy, LLC—IL0078565 VIOLATION NOTICE NO. W-2022-50229

In order to assist your facility in attaining compliance with the apparent violations listed in Attachment A, the following recommendations are offered:

1. Immediately cease operation of the water evaporation equipment used in Refuse Disposal Area # 2 until such time that a State Construction and Operating Permit is obtained from the Agency.
2. Immediately apply for a construction and operating permit for the water evaporation equipment used in the Refuse Disposal Area #2 impoundment. Your application must include a Standard Operating Procedure (SOP) for the utilization of the treatment equipment. Specifically, operating parameters or equipment shutdown should be addressed during weather conditions that are not conducive for water evaporation resulting in precipitation of unevaporated compounds outside of the Refuse Disposal Area #2 impoundment.
3. Refrain from further installation of water evaporation or treatment equipment without first obtaining a construction and operating permit from the Agency.



Sugar Camp Energy, LLC
11525 N. Thompsonville Rd.
Macedonia, IL 62860

January 3, 2023

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Mr. Caleb Ruyle/CAS#19
P.O. Box 19276
Springfield, IL 62794-9276
caleb.ruyle@illinois.gov

Re: Proposed Compliance Commitment Agreement
Sugar Camp Energy, LLC - IL0078565 – W0558010004
Violation Notice No.: W-2022-50229

Dear Mr. Ruyle:

Sugar Camp Energy, LLC (“Sugar Camp”) has received and reviewed the proposed Compliance Commitment Agreement (“CCA”) from the Illinois Environmental Protection Agency (“IEPA”) dated November 28, 2022. Sugar Camp is interested in entering a CCA, subject to the revised terms below:

1. Sugar Camp Energy, LLC - IL0078565 submitted a Subtitle D State Permit application on September 19, 2022. The application was received by the Agency on September 29, 2022. Standard operating procedures (SOP) detailing the operating parameters of the evaporators were included with the application.
2. Sugar Camp Energy, LLC - IL0078565 removed the evaporators from RDA#2 on or before November 9, 2022.
3. Sugar Camp Energy, LLC - IL0078565 shall cease operation of the evaporators until a permit is issued by the Agency, unless a permit is not issued by the Agency by March 2023, in which case Sugar Camp will resume operation of the evaporators in March 2023. Operation of the evaporators beginning in March 2023 is critical to the mine’s water management plan and for maintaining compliant freeboard levels during times when stormwater discharges are less common. Thus, Sugar Camp requests that the Agency fully or conditionally approve the permit prior to March 2023. Once the Agency issues a permit, operation of the evaporators shall be in accordance with all applicable permits, regulations, and statutes.
4. Sugar Camp Energy, LLC - IL0078565 shall institute a procedure to ensure that all applicable permit applications are submitted to the Agency before water

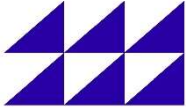
evaporation or treatment equipment is installed. This procedure was put in place on January 1, 2023.

Sugar Camp would like to request a meeting with representatives of the IEPA to discuss Sugar Camp's revised terms to the proposed CCA. In the meantime, if you have any questions or concerns, or if you wish to discuss this matter in any particular, please do not hesitate to contact me.

Respectfully,



Authorized Person



Sugar Camp Energy, LLC
11525 N. Thompsonville Rd.
Macedonia, IL 62860

October 21, 2022

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Mr. Caleb Ruyle/CAS#19
P.O. Box 19276
Springfield, IL 62794-9276
caleb.ruyle@illinois.gov

Re: Violation Notice: Sugar Camp Energy, LLC
IL0078565 – W0558010004
Violation Notice No.: W-2022-50229

Dear Mr. Ruyle:

Please find the following information in response to Violation Notice (“VN”) W-2022-50229 issued to Sugar Camp Energy, LLC (“Sugar Camp”) on September 7, 2022. Sugar Camp would like to request a meeting with representatives of the Illinois Environmental Protection Agency (“IEPA”) if the issues detailed herein cannot be resolved from this written response.

The VN alleges violations of Section 12(b) of the Act, 415 ILCS 5/12(b) (2020) and 35 Ill. Adm. Code 309.202 and 309.203 for failure to obtain a State Construction and Operating Permit. The VN further alleges that representatives from the Illinois EPA conducted a reconnaissance of the Sugar Camp Mine on August 16, 2022, and observed the presence and operation of five water cannons installed along the western berm of the Refuse Disposal Area #2 impoundment, which are intended to evaporate a portion of the water in Refuse Disposal Area #2 while allowing heavier particles to settle out over the impoundment. The VN alleges violations of certain statutes and regulations because Sugar Camp had not obtained an Illinois EPA State Construction or Operating Permit prior to construction and operation of the water cannons.

Sugar Camp takes exception to any implication that operation of the water evaporation equipment was concealed from the Agency. In fact, Sugar Camp freely acknowledged operation of water evaporation equipment to the Agency and invited Illinois EPA representatives to observe the operation.

Sugar Camp requests to enter into a Compliance Commitment Agreement (“CCA”), subject to the proposed terms below, which respond to the IEPA’s recommendations listed in Attachment B of the VN.

1. Sugar Camp applied for a State Construction and Operating permit for the water evaporation equipment used in the Refuse Disposal Area #2 impoundment. Its

permit application was sent on September 19, 2022, and received by the Agency on September 29, 2022. Sugar Camp is unable to cease operation of the water evaporation equipment during the pendency of the Agency's review of its permit application. Evaporators are intended for seasonal use, generally to include continuous operation in peak evaporation months between March 1– October 31. Thus, while its permit application is being considered by the Agency, Sugar Camp will continue to run the water evaporation equipment during appropriate weather conditions as specified in the Standard Operating Procedures.

2. As detailed above, Sugar Camp has applied for a construction and operating permit for its water evaporation equipment used in the Refuse Disposal Area #2 impoundment. Its application includes Standard Operating Procedures (SOP) for utilization of the treatment equipment which addresses operating parameters during weather conditions that are not conducive for water evaporation.
3. Sugar Camp currently intends to install additional water evaporation equipment in early 2023. It has applied for a construction and operating permit from the Agency, but in the meantime, it cannot commit to refraining from further installation given its need for additional evaporation equipment in early spring 2023.

If you have any questions or concerns, or if you wish to discuss this matter in any particular, please do not hesitate to contact me.

Respectfully,



Authorized Person



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217-782-9861

November 28, 2022

CERTIFIED MAIL # 7021 2720 0002 0464 3747
RETURN RECEIPT REQUESTED

Sugar Camp Energy, LLC
11351 Thompsonville Road
Macedonia, IL 62860

**Re: Proposed Compliance Commitment Agreement
Sugar Camp Energy, LLC – IL0078565 – W0558010004
Violation Notice: W-2022-50229**

Dear Facility Owner:

The Illinois Environmental Protection Agency (“Illinois EPA”) has reviewed the proposed Compliance Commitment Agreement (“CCA”) terms submitted by **Sugar Camp Energy, LLC – IL0078565** in a letter dated **October 21, 2022**, in response to the Violation Notice dated **September 7, 2022**. Pursuant to the authority vested in the Illinois EPA under Section 31(a)(7)(i) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(a)(7)(i), attached to this letter is a proposed CCA, which contains terms and conditions that the Illinois EPA has determined are necessary in order for you to attain compliance with the Act and Illinois Pollution Control Board Regulations.

Pursuant to Section 31(a)(7.5) of the Act, 415, ILCS 5/31(a)(7.5), within 30 days of your receipt of this proposed CCA, **Sugar Camp Energy, LLC – IL0078565** or its duly authorized representative must either (1) agree to and sign the proposed CCA, and submit the signed and dated CCA by certified mail to Illinois EPA Division of Water Pollution Control, Attn.: Caleb Ruyle/CAS#19, P.O. Box 19276, Springfield, IL 62794-9276; or (2) notify the Illinois EPA by certified mail that **Sugar Camp Energy, LLC – IL0078565** rejects the proposed CCA.

The proposed CCA shall only become effective upon your timely submittal of the signed CCA as discussed above, and upon final execution by the Illinois EPA. **Upon timely receipt of the signed CCA, the Illinois EPA will send you a fully executed copy of the CCA for your records.**

PLEASE NOTE: Failure by Sugar Camp Energy, LLC – IL0078565 to execute/sign and submit the proposed CCA within 30 days of receipt shall be deemed a rejection of the CCA by operation of law and will result in consideration of this matter for referral of an enforcement action, including the imposition of statutory penalties, to the Office of the Attorney General or the State’s Attorney of the county in which the alleged violations occurred.

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412-SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

Page 2 of 2

Sugar Camp Energy, LLC – IL0078565

VN W-2022-50229

In addition, the proposed CCA is not subject to amendment or modification prior to execution by **Sugar Camp Energy, LLC – IL0078565** and the Illinois EPA. Any amendment or modification to the proposed CCA by Respondent prior to execution by **Sugar Camp Energy, LLC – IL0078565** and the Illinois EPA shall be deemed a rejection of the proposed CCA by operation of law. The proposed CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and **Sugar Camp Energy, LLC – IL0078565**.

Questions regarding this matter should be directed to Caleb Ruyle at 217/782-9861 or caleb.ruyle@illinois.gov. Written communications should be directed to:

Illinois EPA – Division of Water Pollution Control
Attn: Caleb Ruyle/CAS #19
P.O. Box 19276
Springfield, IL 62794-9276

Sincerely,



Cathy Siders, Manager
Compliance Assurance Section
Bureau of Water, Division of Water Pollution Control

Attachment

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:

Sugar Camp Energy, LLC
11351 Thompsonville Road
Macedonia, IL 62860

Hamilton

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)
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ILLINOIS EPA VN W-2022-50229
BUREAU OF WATER

COMPLIANCE COMMITMENT AGREEMENT

I. Jurisdiction

1. This Compliance Commitment Agreement (“CCA”) is entered into voluntarily by the Illinois Environmental Protection Agency (“Illinois EPA”) and **Sugar Camp Energy, LLC – IL0078565** (“Respondent”) (collectively, the “Parties”) under the authority vested in the Illinois EPA pursuant to Section 31(a)(7)(i) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(a)(7)(i).

II. Allegation of Violations

2. Respondent owns and/or operates **Sugar Camp Energy, LLC – IL0078565**, a facility located in Hamilton County, Illinois.
3. Pursuant to Violation Notice (“VN”) **W-2022-50229**, issued on **September 7, 2022**, the Illinois EPA contends that Respondent has violated the following provisions of the Act and Illinois Pollution Control Board (“Board”) Regulations:
 - a) **Failure to Obtain a State Construction/Operating Permit** - Section 12(b) of the Act, 415 ILCS 5/12(b) (2020); 35 Ill. Adm. Code 309.202 and 309.203

III. Compliance Activities

4. On **October 26, 2022**, the Illinois EPA received Respondent's response to **VN W-2022-50229**, which included proposed terms for a CCA. The Illinois EPA has reviewed Respondent's proposed CCA terms, as well as considered whether any additional terms and conditions are necessary to attain compliance with the alleged violations cited in the VN.
5. Respondent agrees to undertake, and complete the following actions, which the Illinois EPA has determined are necessary to attain compliance with the allegations contained in **VN W-2022-50229**:
 - a) **Sugar Camp Energy, LLC – IL0078565** submitted a Subtitle D State Permit application on September 19, 2022. The application was received by the Agency on September 29, 2022. Standard operating procedures (SOP) detailing the operating parameters of the evaporators were included with the application.
 - b) **Sugar Camp Energy, LLC – IL0078565** removed the evaporators from RDA#2 on or before November 9, 2022.
 - c) **Sugar Camp Energy, LLC – IL0078565** shall not resume operation of the evaporators until a permit is issued by the Agency. Operation of the evaporators shall be in accordance with all applicable permits, regulations, and statutes.
 - d) **Sugar Camp Energy, LLC – IL0078565** shall institute a procedure to ensure that all applicable permits are obtained before water evaporation or treatment equipment is installed. This procedure shall be put in place on or before December 31, 2022.

IV. Terms and Conditions

6. Respondent shall comply with all provisions of this CCA, including, but not limited to, any appendices to this CCA and all documents incorporated by reference into this CCA. Pursuant to Section 31(a)(10) of the Act, 415 ILCS 5/31(a)(10), if Respondent complies with the terms of this CCA, the Illinois EPA shall not refer the alleged violations that are the subject of this CCA, as described in Section II above, to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violations occurred. Successful completion of this CCA or an amended CCA shall be a factor to be weighed, in favor of the Respondent, by the Office of the Illinois Attorney General in determining whether to file a complaint on its own motion for the violations cited in **VN W-2022-50229**.
7. This CCA is solely intended to address the violations alleged in Illinois EPA **VN W-2022-50229**. The Illinois EPA reserves, and this CCA is without prejudice to, all rights of the Illinois EPA against Respondent with respect to noncompliance with any term of this CCA, as well as to all other matters. Nothing in this CCA is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the Illinois EPA may have against Respondent, or any other person as defined by Section 3.315 of the Act, 415 ILCS 5/3.315. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, and the Board Regulations.
8. Pursuant to Section 42(k) of the Act, 415 ILCS 5/42(k), in addition to any other remedy or penalty that may apply, whether civil or criminal, Respondent shall be liable for an additional civil penalty of \$2,000 for violation of any of the terms or conditions of this CCA.
9. This CCA shall apply to and be binding upon the Illinois EPA, and on Respondent and Respondent's officers, directors, employees, agents, successors, assigns, heirs, trustees, receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondent, as well as upon subsequent purchasers of Respondent's sanitary sewer.
10. In any action by the Illinois EPA to enforce the terms of this CCA, Respondent consents to and agrees not to contest the authority or jurisdiction of the Illinois EPA to enter into or enforce this CCA, and agrees not to contest the validity of this CCA or its terms and conditions.

11. This CCA shall only become effective:
- a) If, within 30 days of receipt, Respondent executes this CCA and submits it, via certified mail, to Illinois EPA Division of Water Pollution Control, Attn: Caleb Ruyle/CAS #19, P.O. Box 19276, Springfield, IL 62794-9276. If Respondent fails to execute and submit this CCA within 30 days of receipt, via certified mail, this CCA shall be deemed rejected by operation of law; and
 - b) Upon execution by all Parties.
12. Pursuant to Section 31(a)(7.5) of the Act, 415 ILCS 5/31(a)(7.5), this CCA shall not be amended or modified prior to execution by the Parties. Any amendment or modification to this CCA by Respondent prior to execution by all Parties shall be considered a rejection of the CCA by operation of law. This CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent's signatory to this CCA, Respondent's legal representative, or Respondent's agent.

AGREED:

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

BY: _____ DATE: _____
Cathy Siders, Manager
Compliance Assurance Section
Bureau of Water, Division of Water Pollution Control

FOR RESPONDENT:

BY: _____ DATE: _____



Sugar Camp Energy, LLC
11525 N. Thompsonville Rd.
Macedonia, IL 62860

June 14, 2022

Via Email and Certified Mail/Return Receipt Requested

Illinois Environmental Protection Agency
Bureau of Water, Compliance Assurance Section
Attn: Caleb Ruyle
P.O. Box 19276
Springfield, IL 62794-9276
caleb.ruyle@illinois.gov

Re: Section 31 Waiver: Sugar Camp Energy, LLC
IL0078565 – W0558010004
Violation Notice No.: W-2022-50051

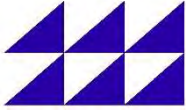
Dear Mr. Ruyle:

Pursuant to Section 31(a)(11) of the Act (415 ILCS 5/31), Sugar Camp Energy, LLC (“Sugar Camp”) consents to waiver of the procedural requirements of subsections (a) and (b) of Section 31 of the Act related to the allegations set forth in Violation Notice No.: W-2022-50051.

Per Sugar Camp’s letter to the Illinois Environmental Protection Agency (“IEPA”) dated May 26, 2022, the alleged violation in this VN is consistent with similar events included in the proposed IEPA Consent Order for the mine wastewater pipeline. As discussed in the meeting between representatives of IEPA and Sugar Camp held on June 14, 2022, Sugar Camp consents to this Section 31 waiver on the understanding that this violation will be included in the existing proposed Consent Order.

Respectfully,

Authorized Person



Sugar Camp Energy, LLC
11525 N. Thompsonville Rd.
Macedonia, IL 62860

May 26, 2022

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Rob Yoggerst/ CAS #19
P.O. Box 19276
Springfield, IL 62794-9276
Robert.yoggerst@illinois.gov

Re: Violation Notice: Sugar Camp Energy, LLC
IL0078565 – W0558010004
Violation Notice No.: W-2022-50051

Dear Mr. Yoggerst:

Please find the following information in response to Violation Notice (“VN”) W-2022-50051 received by Sugar Camp Energy, LLC (“Sugar Camp”) on April 18, 2022. Sugar Camp would like to request a meeting with representatives of the Illinois Environmental Protection Agency (“IEPA”) if the issues detailed herein cannot be resolved from this written response.

The VN alleges certain violations related to a release of high chloride water from a wastewater pipeline due to a combination air relief/vacuum value leak. Sugar Camp staff reported the release to IEPA on January 13, 2022.

Combination air relief/vacuum valves are protective devices recommended and used extensively in fluids transmission pipelines constructed in undulating terrain and/or in systems with variable operation cycles. These valves work by introducing air necessary to prevent pipe collapse from internal vacuum pressure and also to purge air accumulation at system elevation peaks which increases operating efficiency, protects against air related surges, and reduces overpressures which lead to potential burst failure. The leak at issue in this VN is consistent with similar events included in the proposed IEPA Consent Order for the mine wastewater pipeline network. The recommendations provided by IEPA in Attachment B of the VN have been implemented and/or are addressed in the proposed Consent Order, as follows:

1. Recommendation No. 1 instructs Sugar Camp to immediately cease all process wastewater discharges that are not tributary to permitted outfalls in the facility’s NPDES Permit. This recommendation has been implemented. The release was inadvertent due to a mechanical failure of an air relief valve. The leak was promptly reported to IEPA and was stopped within thirty minutes of Sugar Camp’s awareness.

2. Recommendation No. 2 directs Sugar Camp to routinely inspect the underground mine water pumpage transmission lines for leaks and report or update lines and/or fittings if necessary. This recommendation has been implemented and is addressed in the proposed Consent Order in Sections I.D.1. and III.D.1, which detail the inspection protocol Sugar Camp has developed and implemented.
3. Recommendation No. 3 directs Sugar Camp to utilize a continuous monitoring system that identifies leakage with the underground mine water collection system. This recommendation is addressed in Section III.D.5. of the proposed Consent Order.

Because the event at issue in this VN is consistent with similar leaks covered in the proposed Consent Order, and IEPA's remedial recommendations are covered by the terms of the proposed Consent Order, rather than proposing an additional agreement, Sugar Camp requests that this violation be grouped with the similar past violations and included in the existing proposed Consent Order.

If you have any questions or concerns, or if you wish to discuss this matter in any particular, please do not hesitate to contact me.

Respectfully,

A handwritten signature in blue ink that reads "James Miller". The signature is written in a cursive style with a large initial "J" and "M".

Authorized Person



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 · (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217-782-9861

July 25, 2022

CERTIFIED MAIL # 7011 1150 0001 0858 6815

RETURN RECEIPT REQUESTED

Williamson Energy, LLC
P.O. Box 99
Johnson City, IL 62951

Re: Notice of Non-Issuance of Compliance Commitment Agreement
Violation Notice: W-2022-50038
Williamson Energy, LLC – Pond Creek Mine #1 – IL0077666 – W1998590001

Dear Facility Owner:

The Illinois Environmental Protection Agency (“Illinois EPA”) has reviewed the proposed Compliance Commitment Agreement (“CCA”) terms submitted by **Williamson Energy, LLC – Pond Creek Mine #1 – IL0077666** in letters dated **May 10, 2022 and June 20, 2022**, in response to the Violation Notice dated **April 4, 2022**, and has decided not to issue a proposed CCA for these violations. Due to the nature and seriousness of the violations, the Illinois EPA has determined that these violations may not be able to be resolved without the involvement of the Office of the Attorney General or the State’s Attorney.

Because the violations remain the subject of disagreement between the Illinois EPA and **Williamson Energy, LLC – IL0077666**, this matter will be considered for referral to the above-referenced prosecutorial authorities for formal enforcement action and the imposition of penalties.

Questions regarding this matter should be directed to Caleb Ruyle at 217/782-9861. Written communications should be directed to:

Illinois EPA – Division of Water Pollution Control
Attn: Caleb Ruyle/CAS #19
P.O. Box 19276
Springfield, IL 62794-9276

Sincerely,

Cathy Siders, Manager
Compliance Assurance Section
Bureau of Water, Division of Water Pollution Control

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760



Williamson Energy, LLC
11525 N. Thompsonville Rd.
Macedonia, IL 62860

June 20, 2022

Mr. Caleb Ruyle
Division of Water Pollution Control
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
P.O. Box 19276
Springfield, IL 62794-9276

Re: Williamson Energy, LLC
Violation Notice No. W-2022-50038

Dear Mr. Ruyle:

Please find the following information in response to Violation Notice (VN) W-2022-50038, which was discussed with Williamson Energy, LLC (Williamson) in a WebEx Conference Call on June 2, 2022.


The VN alleges multiple violations related to the notification from Williamson to IEPA on January 7, 2022, and subsequent IEPA inspection on January 8, 2022, regarding a discharge of mine water due to a blockage in the eastern collection ditch of RDA3 at Pond Creek Mine #1.

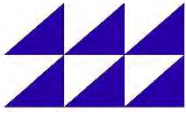
During the idle construction time in this vicinity of East Refuse, the perimeter sediment ditches were cleaned, and the excavated sediment was placed in the current lower terrace area of the facility, downstream of the main embankment. As coarse refuse was advanced, it was pushed into the pond cleaning material, of which the equipment operators were not aware that it was left in this area. Consequently, the material began to liquefy. This created conditions which allowed the material to drain toward the sediment perimeter ditch, and began to fill the ditch.

Refuse removal from the perimeter ditch was completed on January 26, 2022. During this time, the perimeter ditch was restored to its designed capacity. Williamson has implemented a plan of action to keep the perimeter ditch cleaned, as well as to properly dry and move material into holding cells in effort to prevent an event like this from reoccurring. Williamson also performed two rounds of soil testing, January 12, 2022 and April 8, 2022, both proving the discharge had minimal effects on the surrounding area and will not require any soil remediation.

Williamson developed an action plan on January 17, 2022 to keep the perimeter ditch cleaned and material disposed of properly. Since the plan was developed, Williamson has carried out the plan in cleaning the perimeter ditch on the east side of RDA 3 as the refuse placement has progressed north.

If you have any questions, concerns or if you wish to discuss this matter further, please do not hesitate to contact me.

Respectfully,

Authorized Person



Williamson Energy, LLC
11525 N. Thompsonville Rd.
Macedonia, IL 62860

May 10, 2022

Mr. Caleb Ruyle
Division of Water Pollution Control
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
P.O. Box 19276
Springfield, IL 62794-9276

Re: Williamson Energy, LLC
Violation Notice No. W-2022-50038

Dear Mr. Ruyle:

Please find the following information in response to Violation Notice (VN) W-2022-50038, which was issued to Williamson Energy, LLC (Williamson) on a letter dated April 4, 2022. Williamson would like to request a meeting with representatives of the Illinois Environmental Protection Agency (IEPA) if the issues detailed herein cannot be resolved from this written response.

The VN alleges multiple violations related to the notification from Williamson to IEPA on January 7, 2022, and subsequent IEPA inspection on January 8, 2022, regarding a discharge of mine water due to a blockage in the eastern collection ditch of RDA3 at Pond Creek Mine #1.

During the idle construction time in this vicinity of East Refuse, the perimeter sediment ditches were cleaned, and the excavated sediment was placed in the current lower terrace area of the facility, downstream of the main embankment. As coarse refuse was advanced, it was pushed into the pond cleaning material, of which the equipment operators were not aware that it was left in this area. Consequently, the material began to liquefy. This created conditions which allowed the material to drain toward the sediment perimeter ditch, and began to fill the ditch.

On January 7, 2022, as result of snow melt and heavy rain, refuse had sloughed into the perimeter sediment ditch to the extent that the ditch was filled. Additionally, a small amount of refuse had sloughed beyond the downstream berm of the ditch. This caused the incoming runoff into the ditch to inadvertently discharge over the berm of the ditch. Williamson mobilized pumps to the area the night of January 7, 2022 to divert water around the blockage area. Water had ceased discharging off permit the morning of January 8, 2022, within 24 hours of discovery.

Refuse removal from the perimeter ditch was completed on January 26, 2022. During this time, the perimeter ditch was restored to its designed capacity. Williamson has implemented a plan of action to keep the perimeter ditch cleaned, as well as to properly dry and move material into holding cells in effort to prevent an event like this from reoccurring. Williamson also performed two rounds of soil testing, January 12, 2022 and April 8, 2022, both proving the discharge had minimal effects on the surrounding area and will not require any soil remediation.

The following are in direct response to the violations as per Attachment A:

Unpermitted/Unauthorized Point Source Discharge

Williamson mobilized pumps to divert water around the blockage in the perimeter ditch the night of the event and had ceased the inadvertent discharge of water the morning of January 8, 2022. The perimeter ditch was cleaned and has been restored to the designed capacity.

Failure to Comply with NPDES Permit

Williamson will comply with the NPDES permit and the requirements concerning the monitoring, sampling, recording and reporting procedures for any future noncompliance discharge.

Discharge of Contaminants

Williamson has ceased any and all discharge of contaminants and has restored the perimeter ditch, preventing unauthorized discharges off permit.

Deposit of Contaminants

Williamson has ceased any and all discharge of contaminants and has restored the perimeter ditch, preventing unauthorized discharges off permit.

Offensive Conditions

Williamson has ceased any and all discharge of contaminants and has restored the perimeter ditch, preventing unauthorized discharges off permit. The absence of mine water in the unnamed tributary to Pond Creek complies with the regulation.

Water Quality Violations

Williamson has ceased any and all discharge of contaminants and has restored the perimeter ditch, preventing unauthorized discharges off permit. The absence of mine water in the unnamed tributary to Pond Creek complies with the regulation.

Failure to Comply with Good Mining Practices

Williamson has ceased any and all discharge of contaminants and has restored the perimeter ditch, preventing unauthorized discharges off permit. The absence of mine water in the unnamed tributary to Pond Creek complies with the regulation. Williamson will comply with the NPDES permit and the requirements concerning the monitoring, sampling, recording and reporting procedures for any future noncompliance discharge.

If you have any questions, concerns or if you wish to discuss this matter further, please do not hesitate to contact me.

Respectfully,

A handwritten signature in blue ink that reads "James Miller". The signature is written in a cursive style with a large initial "J" and "M".

Authorized Person



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217-782-9861

June 16, 2022

CERTIFIED MAIL # 7011 1150 0001 0858 6624
RETURN RECEIPT REQUESTED

Sugar Camp Energy, LLC
11351 Thompsonville Road
Macedonia, IL 62860

Re: Notice of Non-Issuance of Compliance Commitment Agreement
Violation Notice: W-2022-50025
Sugar Camp Energy, LLC – IL0078565 – W0558010004

Dear Facility Owner:

The Illinois Environmental Protection Agency (“Illinois EPA”) has reviewed the proposed Compliance Commitment Agreement (“CCA”) terms submitted by **Sugar Camp Energy, LLC – IL0078565** in letters dated **April 21, 2022 and May 26, 2022**, in response to the Violation Notice dated **March 10, 2022**, and has decided not to issue a proposed CCA for these violations. Due to the nature and seriousness of the violations, the Illinois EPA has determined that these violations may not be able to be resolved without the involvement of the Office of the Attorney General or the State’s Attorney.

Because the violations remain the subject of disagreement between the Illinois EPA and **Sugar Camp Energy, LLC – IL0078565**, this matter will be considered for referral to the above-referenced prosecutorial authorities for formal enforcement action and the imposition of penalties.

Questions regarding this matter should be directed to Caleb Ruyle at 217/782-9861. Written communications should be directed to:

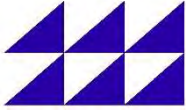
Illinois EPA – Division of Water Pollution Control
Attn: Caleb Ruyle/CAS #19
P.O. Box 19276
Springfield, IL 62794-9276

Sincerely,

Cathy Siders, Manager
Compliance Assurance Section
Bureau of Water, Division of Water Pollution Control

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760



Sugar Camp Energy, LLC
11525 N. Thompsonville Rd.
Macedonia, IL 62860

May 26, 2022

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Rob Yoggerst/ CAS #19
P.O. Box 19276
Springfield, IL 62794-9276
Robert.yoggerst@illinois.gov

Re: Violation Notice: Sugar Camp Energy, LLC
IL0078565 – W0558010004
Violation Notice No.: W-2022-50025

Dear Mr. Yoggerst:

Please find the following supplemental response to Violation Notice (“VN”) W-2022-50025 issued to Sugar Camp Energy, LLC (“Sugar Camp”) on March 10, 2022. Sugar Camp would like to request a meeting with representatives of the Illinois Environmental Protection Agency (“IEPA”) if the information detailed herein cannot be resolved from this written response.

The VN alleges certain violations for a water sample which exceeded the water quality standard for chloride, as well as discolored seeps entering a swale, which flows to an unnamed tributary to Akin Creek. The violation resulted from an IEPA inspection based on a citizen complaint which alleged that land subsidence attributable to Sugar Camp’s mining operations resulted in a release of contaminated wastewater onto the complainant’s property. Sugar Camp acknowledges the elevated chloride concentration in IEPA’s water sample, but has not determined that it is attributable to Sugar Camp’s mining operations or to NPDES Permit IL0078565.

Since the meeting between Sugar Camp and IEPA held on May 6, 2022, Sugar Camp has continued efforts to identify the source of the high chloride discolored water seeps addressed in the VN. Representatives from Sugar Camp conducted a site visit with former employee Gary Vancil regarding the situation on the ground. During the site visit, no seeps were observed on the property. Background discussion with Vancil accompanied the site visit and additional conversation ensued with IEPA inspectors Brian and Bruce Rodley. Sugar Camp has not identified any interim steps that would be beneficial at this stage. Based on its preliminary investigation, Sugar Camp has not identified a connection between Sugar Camp’s NPDES permit, its mining activities, and the alleged violations.

Sugar Camp therefore will agree to the following as proposed terms of a CCA.

1. Illinois EPA will study the source of high chloride water seeps, including pre-mining water quality data.
2. If and only if there is definitive evidence demonstrating that the chloride seeps were more likely than not caused by mining activities, then Sugar Camp will develop a plan for remediation and containment of any identified source of high chloride water seeps.
3. If and only if there is definitive evidence demonstrating that the chloride seeps were more likely than not caused by mining activities, Sugar Camp will take steps to coordinate with the landowner and landowner's attorney to facilitate any necessary inspection, testing or remediation of affected soil in the landowner's pasture.

If you have any questions or concerns, or if you wish to discuss this matter in any particular, please do not hesitate to contact me.

Respectfully,

A handwritten signature in blue ink that reads "James Mills". The signature is written in a cursive style with a large initial "J" and "M".

Authorized Person



Sugar Camp Energy, LLC
11525 N. Thompsonville Rd.
Macedonia, IL 62860

April 21, 2022

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Rob Yoggerst/ CAS #19
P.O. Box 19276
Springfield, IL 62794-9276
Robert.yoggerst@illinois.gov

RECEIVED

APR 26 2022

IEPA/CAS

Re: Violation Notice: Sugar Camp Energy, LLC
IL0078565 – W0558010004
Violation Notice No.: W-2022-50025

Dear Mr. Yoggerst:

Please find the following information in response to Violation Notice (“VN”) W-2022-50025 issued to Sugar Camp Energy, LLC (“Sugar Camp”) on March 10, 2022. Sugar Camp would like to request a meeting with representatives of the Illinois Environmental Protection Agency (“IEPA”).

The VN alleges certain violations for a water sample which exceeded the water quality standard for chloride, as well as discolored seeps entering a swale, which flows to an unnamed tributary to Akin Creek. The violation resulted from an IEPA inspection based on a citizen complaint which alleged that land subsidence attributable to Sugar Camp’s mining operations resulted in a release of contaminated wastewater onto the complainant’s property. Sugar Camp acknowledges the elevated chloride concentration in IEPA’s water sample, but has not determined that it is attributable to Sugar Camp’s mining operations or to NPDES Permit IL0078565. Sugar Camp intends to undertake an evaluation of the source of high chloride water seeps.

Sugar Camp requests to enter into a Compliance Commitment Agreement (“CCA”). Below are the proposed terms of a CCA.

1. Sugar Camp will study the source of high chloride water seeps and develop a plan for remediation and containment of any identified source of high chloride water seeps.
2. Sugar Camp will hire a third-party consultant to evaluate the source of high chloride water seeps and provide recommendations on remediation and containment of any identified source of high chloride water seeps.

3. Sugar Camp will take steps to coordinate with the landowner and landowner's attorney to facilitate any necessary inspection, testing or remediation of affected soil in the landowner's pasture.

If you have any questions or concerns, or if you wish to discuss this matter in any particular, please do not hesitate to contact me.

Respectfully,



Authorized Person



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

March 13, 2024

Sent Via Electronic Mail

Sugar Camp Energy, LLC
c/o Nicholas S. Johnson, Bailey & Glasser LLP
1055 Thomas Jefferson Ave. N.W., Suite 540
Washington, DC 20007
njohnson@baileyglasser.com

Re: Settlement Demand Regarding Violations of the Environmental Protection Act and Pollution Control Board Regulations Identified in Violation Notice No. W-2021-50215

Mr. Johnson,

On January 5, 2022, the Illinois Environmental Protection Agency (“Illinois EPA”) issued Violation Notice No. W-2021-50215 to your client, Sugar Camp Energy, LLC (“Sugar Camp”). As described in the Violation Notice, on October 21, 2021, Illinois EPA observed violations of the Environmental Protection Act (“Act”) and Pollution Control Board (“Board”) regulations during an inspection of a fan bleeder shaft construction site in Hamilton County, Illinois. Specifically, Illinois EPA observed waters, heavily contaminated with sediment, draining offsite from a mud stack pad and discharging into waters of the State. Illinois EPA subsequently referred this matter to the Illinois Attorney General’s Office for enforcement.

As you know, Section 42(a) of the Act provides for a penalty of up to \$50,000 per violation of the Act or of any Board regulation and up to \$10,000 per day such violation persists. Section 42(b)(1) of the Act provides for penalties of up to \$10,000 per day of violation of Section 12(f) of the Act or of the Board’s regulations relating to the NPDES permit program. Our Office has drafted a Complaint, to be filed before the Board, alleging violations of Section 12(a), (d), and (f) of the Act and Sections 302.203, 302.208, 309.102(a), 406.107, and 406.202 of the Board’s regulations.

The State is offering to settle this matter with Sugar Camp for a civil penalty in the amount of \$48,000 and an agreement to cease and desist from violations of the Act and the Board’s regulations. If we must litigate this matter, the State will seek a higher penalty than the settlement offer amount provided in this letter. Please be advised that no settlement discussions and proposed

settlement terms are final or accepted until committed to writing, approved by the management of both the Attorney General's Office and the Illinois EPA, and entered by the Board.

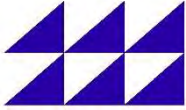
Please provide a response or counter-proposal to this demand by April 15, 2024, or inform us if additional time will be needed. Please do not hesitate to contact me in the interim, should you or your client have any questions or concerns.

Sincerely,



Kevin D. Bonin
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62701
(217) 782-5055
kevin.bonin@ilag.gov

cc: Joshua Leopold, Illinois EPA
Jeffrey Baron, Bailey & Glasser LLP



Sugar Camp Energy, LLC
11525 N. Thompsonville Rd.
Macedonia, IL 62860

July 11, 2022

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Rob Yoggerst/ CAS #19
P.O. Box 19276
Springfield, IL 62794-9276
Robert.yoggerst@illinois.gov

Re: Violation Notice: Sugar Camp Energy, LLC
IL0078565 – W055801004
Violation Notice No.: W-2021-50215

Dear Mr. Yoggerst:

Sugar Camp Energy, LLC (“SCE”) was issued Violation Notice (“VN”) W-2021-50215 from the Illinois Environmental Protection Agency (“IEPA”) dated January 5, 2022 for alleged violations of environmental laws, regulations, or permits as set forth in Attachment A of the VN. The VN included the directive to provide a written response via certified mail to the IEPA within 45 days of receipt. As a result of administrative changes or other unknown circumstances, Sugar Camp was unaware of the VN and the corresponding compliance deadline.

SCE was issued a Notice of Intent (“NOI”) to Pursue Legal Action from the IEPA dated May 6, 2022 for failure to respond to VN W-2021-50215 prior to the compliance deadline. As stated in the NOI, it provided opportunity to schedule a meeting with representatives of the IEPA to attempt resolution for the violations of the Act, regulations and permits specified in Attachment A (of VN W-2021-50215). Some correspondence occurred between IEPA legal counsel and SCE legal counsel and the meeting was ultimately scheduled and took place on June 30, 2022. During the meeting, some details were provided by SCE for events leading to the VN as well as an explanation of activity progression relative to the recommendations offered by IEPA in VN W-2021-50215 Attachment B. Further elaboration of the verbal discussion is described as follows:

VN W-2021-50215 states the following: “On October 20, 2021, the Illinois EPA received a call from Sugar Camp Energy personnel reporting a release of wastewater from a fan bleeder shaft construction site. Failure of a pencil pump during the bleeder fan shaft construction operation resulted in a wastewater release from the mud stacking area of the site. Water carried solids through a wooded area approximately ¼ mile to a culvert under Akin Road continuing north in an unnamed tributary to Akin Creek. Samples of the wastewater collected by Illinois EPA staff identified violations of applicable water quality standards.”

Recommendation #1 – Repair the pump and cease discharging drilling water from the mud stack pad.

Response – Well Pump 1 was used to dewater strata formation enabling shaft construction without significant infiltration. After electrical failure, the pump was removed from service and replaced on 10/19/21, but significant water infiltration occurred while the pump was out of service. As a result, shot rock that had been mucked from the shaft and stockpiled in the spoil area was overly saturated. Some of the water released from the spoil accumulated in a localized surface depression created by frequently turning around the haulage equipment used to transport spoil to the stockpile. Haulage equipment was operated through the undrained area pushing the accumulated wastewater carrying solids beyond the alternate sediment control measures which included silt fence and straw bales. Wastewater discharge from the site was discontinued on 10/20/21.

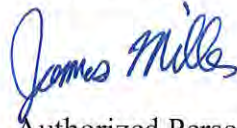
Recommendation #2 – Direct all drainage from the site to the cutting dewatering pond south of the shaft site.

Response – Shortly after the wastewater discharge incident, a substantial berm was constructed in the area where wastewater discharge occurred and the localized undrained area created by frequently turning around the haulage equipment was filled with shaft spoil material forcing drainage toward the construction dewatering pond. The haulage equipment turnaround site was relocated to prevent future water accumulation. All shaft construction activity was completed on 3/09/22 and site gradient was modified to ensure that drainage was directed toward the temporary containment pond on the south end of the site.

Since any potential for reoccurrence of the incident at the site has been permanently ceased and the nature of the ventilation shaft construction work was intermittent with similar projects typically occurring no more frequently than once or twice every 4-5 years, SCE requests resolution of the action based on the prompt and sustained actions described.

If you have any questions or concerns, or if you wish to discuss this matter in any particular, please do not hesitate to contact me.

Respectfully,

A handwritten signature in blue ink that reads "James Mills". The signature is written in a cursive style with a large initial "J".

Authorized Person



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(217) 558-1333

May 6, 2022

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7015 0640 0005 6906 4751

Sugar Camp Energy, LLC
c/o Illinois Corporation Service Company
801 Adlai Stevenson Drive
Springfield, IL 62703

Re: **Notice of Intent to Pursue Legal Action: Sugar Camp Energy, LLC**
Facility No. IL0078565
Violation Notice: W-2021-50215

Dear sir or madam,

This Notice of Intent to Pursue Legal Action is provided pursuant to Section 31(b) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(b) (2020). The Illinois Environmental Protection Agency (“Illinois EPA”) is providing this notice because Sugar Camp Energy, LLC has failed to respond adequately to the Violation Notice dated January 5, 2022, which was issued by the Illinois EPA within the time frame required by Section 31 of the Act.

The Illinois EPA is providing this notice because it may pursue legal action for the violations of environmental statutes, regulations and permits specified in Attachment A. The Notice of Intent to Pursue Legal Action provides the opportunity to schedule a meeting with representatives of the Illinois EPA to attempt to resolve the violations of the Act, regulations and permits specified in Attachment A. If a meeting is requested, it must be held within thirty (30) days of receipt of this notice unless an extension of time is agreed to by the Illinois EPA.

If you wish to schedule a meeting with representatives of the Illinois EPA or have any questions, please contact me at Joshua.Leopold@illinois.gov (preferred) or (217) 558-1333 within twenty (20) days of your receipt of this notice.

Sincerely,

Joshua Leopold
Assistant Counsel
Division of Legal Counsel

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

Attachment A

Sugar Camp Energy, LLC—IL0078565 VIOLATION NOTICE NO. W-2021-50215

A review of information available to the Illinois EPA indicates the following violations of statutes, regulations, or permits. Included with each type of violation is an explanation of the activities that the Illinois EPA believes may resolve the violation including an estimated time period for resolution.

Discharge of Contaminants

Cease and desist from discharging contaminants that cause or threaten to cause water pollution. Review operational and maintenance procedures and correct the deficiencies which caused the violation. Compliance is expected to be pursued immediately.

<u>Violation Date</u>	<u>Violation Description</u>
10/20/2021	No person shall cause, threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.
Rule/Reg.:	Section 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2020)

Deposited Contaminants

Cease and desist from depositing contaminants that cause or threaten to cause water pollution. Compliance is expected to be pursued immediately.

<u>Violation Date</u>	<u>Violation Description</u>
10/20/2021	Deposited contaminants on the ground in such a manner that caused or threatened to cause a water pollution hazard.
Rule/Reg.:	Section 12(d) of the Act, 415 ILCS 5/12(d) (2020)

Offensive Conditions

Review and evaluate operational procedures in order to correct the deficiencies which caused the violations. Discharges must not cause a violation of water quality standards. Compliance is expected to be achieved immediately.

<u>Violation Date</u>	<u>Violation Description</u>
10/20/2021	Waters of the State shall be free from sludge or bottom deposits, floating debris, visible oil, odor, plant, oil, odor, plant or algal growth, color or turbidity of other than natural origin.
Rule/Reg.:	Section 12(a) and (d) of the Act, 415 ILCS 5/12(a) (2020), 35 Ill. Adm. Code 302.203

Offensive Discharge

Review and evaluate the operational procedures in order to correct the deficiencies which caused the violations. Discharges must not cause a violation of water quality standards. Compliance is expected immediately.

<u>Violation Date</u>	<u>Violation Description</u>
10/20/2021	No effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must be reduced to below obvious levels.
Rule/Reg.:	Section 12(a) and (d) of the Act, 415 ILCS 5/12(a) and (d) (2020), 35 Ill. Adm. Code 304.105 and 304.106

Unpermitted Discharge

Implement necessary actions to prevent any further unpermitted discharge. Apply for and obtain an NPDES Permit from the Illinois EPA for the discharge or submit appropriate documentation that the discharge has been permanently eliminated and a permit is no longer required. Develop procedures to ensure that all required permits are obtained timely. Compliance is expected within 30 days

<u>Violation Date</u>	<u>Violation Description</u>
10/20/2021 - Present	Except as in compliance with the provisions of the Act, Board regulations, and the CWA & (Clean Water Act), and the provisions and conditions of the NPDES (National Pollutant Discharge Elimination System) permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source shall be unlawful.
Rule/Reg.:	Section 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2020), 35 Ill. Adm. Code 309.102(a)

Water Quality Violations

Review and evaluate the operational procedures in order to correct the deficiencies which caused the violations. Discharges must not cause a violation of water quality standards. Compliance is expected immediately.

<u>Violation Date</u>	<u>Violation Description</u>
10/20/2021	Discharge of contaminants caused a violation of water quality standards for iron.
Rule/Reg.:	Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), 35 Ill. Adm. Code, 302.208, 304.105

November 15, 2021

Illinois Environmental Protection Agency
Attn: Michael S. Roubitchek
Deputy General Counsel
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
Mike.Roubitchek@illinois.gov

Re: Section 31 Waiver: Sugar Camp Energy, LLC
IL0078565 – W0558010004

Dear Mr. Roubitchek:

Pursuant to Section 31(a)(11) of the Act (415 ILCS 5/31), Sugar Camp Energy, LLC (“Sugar Camp”) has authorized me to provide you with this waiver of the procedural requirements of subsections (a) and (b) of Section 31 of the Act related to:

- the allegations set forth in Violation Notice No.: W-2021-50155 (Sugar Camp Energy) (“VN”);
- Sugar Camp’s use of firefighting foam to address the combustion event, even if not addressed in the VN; and
- A discharge event occurring during the weekend of November 5-7, 2021, about which Sugar Camp has provided notice to the IEPA.

This Section 31 waiver does not constitute an admission of liability as to any alleged violations of environmental laws, regulations or permits. Sugar Camp reserves all rights to contest any alleged violation and assert all defenses it may have.

Respectfully,



Nicholas S. Johnson

NSJ/les



Sugar Camp Energy, LLC
11525 N. Thompsonville Rd.
Macedonia, IL 62860

October 28, 2021

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Mr. Rob Yoggerst
P.O. Box 19276
Springfield, IL 62794-9276
Robert.yoggerst@illinois.gov

Re: Violation Notice: Sugar Camp Energy, LLC
IL0078565 – W0558010004
Violation Notice No.: W-2021-50155

Dear Mr. Yoggerst:

Please find the following information in response to Violation Notice (“VN”) W-2021-50155 issued to Sugar Camp Energy, LLC (“Sugar Camp”) on September 21, 2021. Sugar Camp would like to request a meeting with representatives of the Illinois Environmental Protection Agency (“IEPA”) if the issues detailed herein cannot be resolved from this written response.

The VN alleges certain violations of qualitative water quality standards related to firefighting foam that was injected into the mine in an effort to overcome a heating event. The VN further alleges that the firefighting foam leaked from mine property and was found in an unnamed tributary of Akin Creek down gradient of the Mine Hoist Site and in a swale adjacent to the Mine Hoist Site. On August 14, 2021, an underground heating event required evacuation of all underground personnel. To overcome the heating event, Sugar Camp drilled seven boreholes from the surface for visual observation, atmospheric monitoring and remote firefighting. On August 18, 2021, Sugar Camp began injecting water and firefighting foam into the mine. By September 7, 2021, Sugar Camp pursued alternative action and no additional firefighting foam has been injected since. The mine used vacuum trucks to remove any residual water from the containment/drill pits before reclaiming the entire area. Empty foam containers were sealed and/or placed in Roll-Off Containment for disposal by an environmental contractor.

Sugar Camp accepts the IEPA recommendations listed in Attachment B of the VN and requests to enter into a Compliance Commitment Agreement (“CCA”). Below are the proposed terms of a CCA.

1. As of September 1, 2021, Sugar Camp ceased all releases from the transfer and storage of the firefighting foam concentrate. The active remote firefighting methods in response to the heating event were discontinued by September 7, 2021, and as of

September 7, 2021, Sugar Camp has ceased all injections of firefighting foam at the mine.

2. Sugar Camp has cleaned up and removed all spilled firefighting foam concentrate. A combination of absorbent and vacuum trucks were used to remove any residual foam concentrate. The absorbent was removed using equipment and placed in Roll-Off Containment provided by an environmental contractor. The residual water was transported to our treatment facility for processing.
3. To prevent any future leaks, Sugar Camp will immediately inspect all firefighting foam concentrate containers for leaks when receiving shipments at the mine site. In addition, Sugar Camp will conduct routine inspections of firefighting foam concentrate containers when storing, transporting and utilizing during mixing and injecting into the coal mine. The results of our inspections will be included in our monthly SPCC report.

If you have any questions or concerns, or if you wish to discuss this matter in any particular, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink that reads "C. Drew Hudson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Authorized Person



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/785-0561

September 14, 2021

CERTIFIED MAIL # 7020 0090 0000 7313 4103
RETURN RECEIPT REQUESTED

The American Coal Company
c/o Kim Betcher
46226 National Road
St. Clairsville, OH 43950

Re: Identification No.: 6383, AMERICAN COAL COMPANY-GALATIA MINE
Meeting Scheduled
Violation Notice No.: W-2021-00030

Dear Ms. Betcher:

The Illinois Environmental Protection Agency ("Illinois EPA") acknowledges your request for a meeting, which is currently scheduled for September 22, 2021, at 10:00 am, via WebEx. A party that meets with the Illinois EPA is given 21 days after the meeting to submit proposed terms for a Compliance Commitment Agreement ("CCA") pursuant to Section 31(a)(5) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(a)(5).

The Illinois EPA also acknowledges receiving a response dated August 18, 2021. Section 31(a)(5) requires you to submit a written response within 21 days following the meeting. Because you have requested a meeting, the Illinois EPA will make its decision regarding issuance of a proposed CCA within 30 days of receipt of the meeting response. See Section 31(a)(7).

Questions regarding this matter should be directed to Andrea Rhodes at 217/785-0561. Written communications should be directed to Andrea Rhodes at the Illinois Environmental Protection Agency, Bureau of Water, CAS #19, P.O. Box 19276, Springfield, Illinois 62794-9726 and all communications shall include reference to your Violation Notice number, W-2021-00030.

Sincerely,

Mary F. Reed
Manager, Compliance Assurance Section
Division of Public Water Supplies
Bureau of Water

BOW ID: W1658090003

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760



ILLINOIS LAND RESOURCES, INC.

46226 NATIONAL ROAD ST. CLAIRSVILLE, OHIO 43950

August 18, 2021

Illinois Environmental Protection Agency
Division of Public Water Supplies
Attn: Andrea Rhodes, CAS #19
P.O. Box 19276
Springfield, IL 62794-9276

Re: Violation Notice: The American Coal Company – Galatia Mine
Identification No.: 6383
Violation Notice No.: W-2021-00030

Dear Ms. Rhodes:

Please find the following information in response to Violation Notice (“VN”) W-2021-00030 issued to The American Coal Company (“TACC”) on August 3, 2021. Pursuant to Section 31(a)(2)(C) of the Act (415 ILCS 5/31), Illinois Land Resources, Inc. (“ILRI”), on behalf of TACC, would like to request a meeting with representatives of the Illinois Environmental Protection Agency (“IEPA”).

ILRI, on behalf of TACC, requests to enter into a Compliance Commitment Agreement (“CCA”). The proposed terms of a CCA will be developed concurrently with the ongoing discussions regarding the long-term reclamation plan of the site that are currently underway with IEPA and IDNR. These discussions cover both reclamation and a proposed GMZ/CAP for Permits 002/306. The terms of the comprehensive plan will evolve as the discussions with IEPA and IDNR continue.

If you have any questions or if you wish to discuss this matter, please do not hesitate to contact me.

Respectfully,



James R. Turner, Jr.
President



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217-524-3300
TDD 217/782-9143

October 29, 2021

CERTIFIED MAIL #7011 1150 0001 0858 4101
RETURN RECEIPT REQUESTED

Sugar Camp Energy, LLC
Attn: Gary Vancil
11525 N. Thompsonville Road
Macedonia, Illinois 62860

Re: Proposed Compliance Commitment Agreement
Violation Notices L-2021-00131 and L-2021-00132
LPC #0554645002– Franklin County
Macedonia/Sugar Camp Energy, LLC
Compliance File

Dear Gary Vancil:

The Illinois Environmental Protection Agency (“Illinois EPA”) has reviewed the proposed Compliance Commitment Agreement (“CCA”) terms submitted by you in a letter dated July 21, 2021 and received July 26, 2021, in another letter dated August 6, 2021 and received by the Illinois EPA on August 11, 2021, and finally in a letter dated October 28, 2021 and received by the Illinois EPA on October 29, 2021 in response to Violation Notices dated June 23, 2021 on behalf of Sugar Camp Energy, LLC (“Respondent”). Pursuant to the authority vested in the Illinois EPA under Section 31(a)(7)(i) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(a)(7)(i), attached to this letter is a proposed CCA, which contains terms and conditions that the Illinois EPA has determined are necessary in order for Respondent to attain compliance with the Act and Illinois Pollution Control Board Regulations.

Pursuant to Section 31(a)(7.5) of the Act, 415, ILCS 5/31(a)(7.5), within 30 days of your receipt of this proposed CCA, Respondent or its duly authorized representative must either (1) agree to and sign the proposed CCA, and submit the signed and dated CCA by certified mail to Illinois EPA; or (2) notify the Illinois EPA by certified mail that Respondent rejects the proposed CCA.

The proposed CCA shall only become effective upon your timely submittal of the signed CCA as discussed above, and upon final execution by the Illinois EPA. Failure by Respondent to execute and submit the proposed CCA within 30 days of receipt shall be deemed a rejection of the CCA by operation of law. Upon timely receipt of the signed CCA, the Illinois EPA will send you a fully executed copy of the CCA for your records.

In addition, the proposed CCA is not subject to amendment or modification prior to execution by Respondent and the Illinois EPA. Any amendment or modification to the proposed CCA by Respondent prior to execution by Respondent and the Illinois EPA shall be deemed a rejection of the proposed CCA by operation of law. The proposed CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent.

Written communications, including a signed and dated CCA or a notice that the Respondent rejects the proposed CCA, should be directed to:

Illinois EPA – Bureau of Land #24
Attn.: James Jennings
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

If you have questions regarding this matter, please contact Connie Letsky at the following email address: Connie.Letsky@Illinois.gov or at (618) 346-5140.

Sincerely,



James Jennings, Manager
Waste Reduction and Compliance Section
Bureau of Land

Enclosure – Proposed CCA

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)
)
Sugar Camp Energy, LLC)
Macedonia / Franklin County) ILLINOIS EPA VN L-2021-00131 and
LPC #0554645002) VN L-2021-00132
) BUREAU OF LAND

COMPLIANCE COMMITMENT AGREEMENT

I. Jurisdiction

1. This Compliance Commitment Agreement (“CCA”) is entered into voluntarily by the Illinois Environmental Protection Agency (“Illinois EPA”) and, Sugar Camp Energy, LLC (“Respondent”) (collectively, the “Parties”) under the authority vested in the Illinois EPA pursuant to Section 31(a)(7)(i) of the Illinois Environmental Protection Act. 415 ILCS 5/31(a)(7)(i).

II. Alleged Violations

2. Respondent (Sugar Camp Energy, LLC) operates the subject property located at 11351 North Thompsonville Road in Macedonia, Illinois (“the subject property”). Pursuant to Violation Notice L-2021-00131 and VN-L-2021-00132 (“the VNs”), issued on June 23, 2021, the Illinois EPA contends that Respondent has violated the following provisions of the Act and Illinois Pollution Control Board (“Board”) Regulations, and the Underground Injection Control Permit No. UIC-016-SCM (the “Permit”):
 - a) 415 ILCS 5/12(g);
 - b) 415 ILCS 5/21(d)(1);
 - c) 415 ILCS 5/21(d)(2);
 - d) 35 Ill. Adm. Code 702.141;
 - e) 35 Ill. Adm. Code 704.150(c)(2)(d);
 - f) Permit Condition A.12.a;
 - g) Permit Condition B.4.d;
 - h) Permit Condition B.7;

- i) Permit Condition B.8;
- j) Permit Condition H.1;
- k) Permit Condition H.5;
- l) Permit Condition H.12.b;
- m) Permit Condition H.26.c; and
- n) Permit Condition H.26.g.

III. Compliance Activities

- 3. The Illinois EPA received Respondent's response to the VNs, which included proposed terms for a CCA. The Illinois EPA has reviewed Respondent's proposed CCA terms and considered whether any additional terms and conditions are necessary to address the alleged violations set forth in the VNs.
- 4. By signing this CCA, Respondent certifies that, as of July 31, 2021, the Respondent installed the Annulus Protection Skid at UIC well #1 at the subject property which the Illinois EPA has determined is necessary to address the alleged violation set forth in the VNs.
- 5. Respondent agrees to recommission the injection well systems at the subject property, which the Illinois EPA has determined is necessary to address the alleged violations set forth in the VNs, by implementing the following schedule:
 - a) **By November 8, 2021**, the Respondent shall submit organized monthly operating records for both UIC wells #1 and #2
 - b) **By November 8, 2021**, the Respondent shall submit gauge calibration certifications gauges used on the UIC wells
 - c) **By December 31, 2021**, the Respondent shall perform inspection of UIC well #1 system
 - d) **By March 31, 2022**, the Respondent shall perform startup operations to confirm safe/proper Annulus Pressure System (APS) operation for UIC #1 well.
 - e) **By March 31, 2022**, the Respondent shall evaluate if additional repairs are necessary for UIC #1 well.
 - f) **By March 31, 2022**, the Respondent shall conduct the following internal and external mechanical integrity compliance tests on UIC #1 well:

- i. Annulus Pressure Test (APT).
 - ii. Mechanical Integrity Test (MIT).
 - iii. Fall-Off Test (FOT) also known as ambient pressure monitoring test.
- g) **By June 30, 2022**, the Respondent shall submit results and Request Authorization to Operate UIC #1 well.
- h) **By June 30, 2022**, the Respondent shall evaluate if repairs additional repairs are necessary for UIC #2 well. In addition, conduct internal and external mechanical integrity compliance tests on UIC #2 well, including APT, MIT and FOT.

The Illinois EPA will conduct a follow-up inspection to verify that Respondent has returned to compliance with the alleged violations identified in Section II of this CCA.

IV. Terms and Conditions

6. Respondent shall comply with all provisions of this CCA, including, but not limited to, any appendices to this CCA and all documents incorporated by reference into this CCA. Pursuant to Section 31(a)(10) of the Act, if Respondent complies with the terms of this CCA, the Illinois EPA shall not refer the alleged violations that are the subject of this CCA, as described in Section II above, to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violations occurred. Pursuant to Section 31(a)(7.6) of the Act, successful completion of the Compliance Activities identified in Section III of this CCA or an amended CCA shall be a factor to be weighed in favor of the Respondent by the Office of the Illinois Attorney General in determining whether to file a complaint on its own motion for the violations alleged in the VNs.
7. This CCA is solely intended to address the violations alleged in the VNs. The Illinois EPA reserves, and this CCA is without prejudice to, all rights of the Illinois EPA against Respondent with respect to noncompliance with any term of this CCA, as well as to all other matters. Nothing in this CCA is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the Illinois EPA may have against Respondent, or any other person as defined by Section 3.315 of the Act. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, and the Board Regulations and the Permit.
8. Pursuant to Section 42(k) of the Act, Respondent shall be liable for an additional civil penalty of \$2,000 for violation of any of the terms or conditions of this CCA, in addition to any other remedy or penalty that may apply, whether civil or criminal.
9. This CCA shall apply to and be binding upon the Illinois EPA and on Respondent and Respondent's officers, directors, employees, agents, successors, assigns, heirs, trustees,

receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondent, as well as upon subsequent purchasers of Respondent's property.

10. In any action by the Illinois EPA to enforce the terms of this CCA, Respondent consents to and agrees not to contest the authority or jurisdiction of the Illinois EPA to enter into or enforce this CCA, and agrees not to contest the validity of this CCA or its terms and conditions.

11. This CCA shall only become effective:

a) If, within 30 days of receipt, Respondent executes this CCA and submits it, via certified mail, to:

James Jennings
Manager, Waste Reduction and Compliance Section
Illinois EPA
1021 North Grand Ave. East
Springfield, Illinois 62794

and

b) Upon execution by all Parties.

If Respondent fails to execute and submit this CCA to the Illinois EPA by certified mail within 30 days of receipt, this CCA shall be deemed rejected by operation of law.

12. Pursuant to Section 31(a)(7.5) of the Act, this CCA shall not be amended or modified prior to execution by the Parties. Any amendment or modification to this CCA by Respondent prior to execution by all Parties shall be considered a rejection of the CCA by operation of law. This CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent's signatory to this CCA, Respondent's legal representative, or Respondent's agent.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

AGREED:

FOR RESPONDENT:

BY: 
Signature of Respondent or
Authorized Representative

DATE: 11/5/21

Gary Vancil Jr. Environmental Engineer
Print or Type Name of Respondent
or Authorized Representative and Title

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

BY: _____
James Jennings, Manager
Waste Reduction and Compliance Section
Bureau of Land

DATE: _____



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 · (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217-524-3300
TDD 217/782-9143

May 12, 2022

CERTIFIED MAIL # 7020 0640 0000 4965 6928
RETURN RECEIPT REQUESTED

Sugar Camp Energy, LLC
Attn: James Miller
11351 N. Thompsonville Road
Macedonia, Illinois 62860

Re: Proposed Compliance Commitment Agreement
Violation Notice L-2021-00131 and L-2021-00132
BOL #0554645002 – Franklin County
Macedonia/Sugar Camp Energy, LLC
Compliance File

Dear James Miller:

The Illinois Environmental Protection Agency (“Illinois EPA”) has reviewed the proposed Compliance Commitment Agreement (“CCA”) terms submitted by you in a letter dated April 1, 2022 and received by the Illinois EPA on April 5, 2022 in response to Violation Notice dated October 29, 2021 on behalf of Sugar Camp Energy, LLC (“Respondent”). Pursuant to the authority vested in the Illinois EPA under Section 31(a)(7)(i) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(a)(7)(i), attached to this letter is a proposed CCA, which contains terms and conditions that the Illinois EPA has determined are necessary in order for Respondent to attain compliance with the Act and Illinois Pollution Control Board Regulations.

Pursuant to Section 31(a)(7.5) of the Act, 415, ILCS 5/31(a)(7.5), within 30 days of your receipt of this proposed CCA, Respondent or its duly authorized representative must either (1) agree to and sign the proposed CCA, and submit the signed and dated CCA by certified mail to Illinois EPA; or (2) notify the Illinois EPA by certified mail that Respondent rejects the proposed CCA.

The proposed CCA shall only become effective upon your timely submittal of the signed CCA as discussed above, and upon final execution by the Illinois EPA. Failure by Respondent to execute and submit the proposed CCA within 30 days of receipt shall be deemed a rejection of the CCA by operation of law. Upon timely receipt of the signed CCA, the Illinois EPA will send you a fully executed copy of the CCA for your records.

In addition, the proposed CCA is not subject to amendment or modification prior to execution by Respondent and the Illinois EPA. Any amendment or modification to the

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

proposed CCA by Respondent prior to execution by Respondent and the Illinois EPA shall be deemed a rejection of the proposed CCA by operation of law. The proposed CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent.

Written communications, including a signed and dated CCA or a notice that the Respondent rejects the proposed CCA, should be directed to:

Illinois EPA – Bureau of Land #24
Attn.: James Jennings
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

If you have questions regarding this matter, please contact Connie Letsky at the following email address: Connie.Letsky@Illinois.gov or at (618) 346-5140.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Jennings', with a large, stylized initial 'J'.

James Jennings, Manager
Waste Reduction and Compliance Section
Bureau of Land

Enclosure – Proposed CCA

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)
)
Sugar Camp Energy, LLC)
Macedonia / Franklin County) ILLINOIS EPA VN L-2021-00131 and
LPC #0554645002) VN L-2021-00132
) BUREAU OF LAND

COMPLIANCE COMMITMENT AGREEMENT

I. Jurisdiction

1. This Compliance Commitment Agreement (“CCA”) is entered into voluntarily by the Illinois Environmental Protection Agency (“Illinois EPA”) and, Sugar Camp Energy, LLC (“Respondent”) (collectively, the “Parties”) under the authority vested in the Illinois EPA pursuant to Section 31(a)(7)(i) of the Illinois Environmental Protection Act. 415 ILCS 5/31(a)(7)(i).

II. Alleged Violations

2. Respondent (Sugar Camp Energy, LLC) operates the subject property located at 11351 North Thompsonville Road in Macedonia, Illinois (“the subject property”). Pursuant to Violation Notice L-2021-00131 and VN-L-2021-00132 (“the VNs”), issued on June 23, 2021, the Illinois EPA contends that Respondent has violated the following provisions of the Act and Illinois Pollution Control Board (“Board”) Regulations, and the Underground Injection Control Permit No. UIC-016-SCM (the “Permit”):
 - a) 415 ILCS 5/12(g);
 - b) 415 ILCS 5/21(d)(1);
 - c) 415 ILCS 5/21(d)(2);
 - d) 35 Ill. Adm. Code 702.141;
 - e) 35 Ill. Adm. Code 704.150(c)(2)(d);
 - f) Permit Condition A.12.a;
 - g) Permit Condition B.4.d;
 - h) Permit Condition B.7;

- i) Permit Condition B.8;
- j) Permit Condition H.1;
- k) Permit Condition H.5;
- l) Permit Condition H.12.b;
- m) Permit Condition H.26.c; and
- n) Permit Condition H.26.g.

III. Compliance Activities

- 3. The Illinois EPA received Respondent's response to the VNs, which included proposed terms for a CCA. The Illinois EPA has reviewed Respondent's proposed CCA terms and considered whether any additional terms and conditions are necessary to address the alleged violations set forth in the VNs.
- 4. On December 6, 2021, the Illinois EPA executed a CCA with Respondent. On April 5, 2022, the Illinois EPA received a request from Respondent to amend the December 6, 2021 CCA. The Illinois EPA has reviewed Respondent's proposed amended terms and considered whether any additional terms and conditions are necessary to address the alleged violations set forth in the VN.
- 5. Unless expressly stated otherwise, this CCA incorporates all Compliance Activities and Terms and Conditions from the CCA executed on December 6, 2021.
- 6. Respondent agrees to recommission the injection well systems at the subject property, which the Illinois EPA has determined is necessary to address the alleged violations set forth in the VNs, **by June 30, 2022**, the Respondent shall:
 - a) Perform startup operations to confirm safe/proper Annulus Pressure System (APS) operation for UIC #1 well.
 - b) Evaluate if additional repairs are necessary for UIC #1 well.
 - c) Conduct the following internal and external mechanical integrity compliance tests on UIC #1 well:
 - i. Annulus Pressure Test (APT).
 - ii. Mechanical Integrity Test (MIT).
 - iii. Fall-Off Test (FOT) also known as ambient pressure monitoring test.

These provisions supersede Section III(5)(d)-(f) of the December 6, 2021 CCA.

The Illinois EPA will conduct a follow-up inspection to verify that Respondent has returned to compliance with the alleged violations identified in Section II of this CCA.

IV. Terms and Conditions

7. Respondent shall comply with all provisions of this CCA, including, but not limited to, any appendices to this CCA and all documents incorporated by reference into this CCA. Pursuant to Section 31(a)(10) of the Act, if Respondent complies with the terms of this CCA, the Illinois EPA shall not refer the alleged violations that are the subject of this CCA, as described in Section II above, to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violations occurred. Pursuant to Section 31(a)(7.6) of the Act, successful completion of the Compliance Activities identified in Section III of this CCA or an amended CCA shall be a factor to be weighed in favor of the Respondent by the Office of the Illinois Attorney General in determining whether to file a complaint on its own motion for the violations alleged in the VNs.
8. This CCA is solely intended to address the violations alleged in the VNs. The Illinois EPA reserves, and this CCA is without prejudice to, all rights of the Illinois EPA against Respondent with respect to noncompliance with any term of this CCA, as well as to all other matters. Nothing in this CCA is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the Illinois EPA may have against Respondent, or any other person as defined by Section 3.315 of the Act. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, and the Board Regulations and the Permit.
9. Pursuant to Section 42(k) of the Act, Respondent shall be liable for an additional civil penalty of \$2,000 for violation of any of the terms or conditions of this CCA, in addition to any other remedy or penalty that may apply, whether civil or criminal.
10. This CCA shall apply to and be binding upon the Illinois EPA and on Respondent and Respondent's officers, directors, employees, agents, successors, assigns, heirs, trustees, receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondent, as well as upon subsequent purchasers of Respondent's property.
11. In any action by the Illinois EPA to enforce the terms of this CCA, Respondent consents to and agrees not to contest the authority or jurisdiction of the Illinois EPA to enter into or enforce this CCA, and agrees not to contest the validity of this CCA or its terms and conditions.
12. This CCA shall only become effective:

- a) If, within 30 days of receipt, Respondent executes this CCA and submits it, via certified mail, to:

James Jennings
Manager, Waste Reduction and Compliance Section
Illinois EPA
1021 North Grand Ave. East
Springfield, Illinois 62794

and

- b) Upon execution by all Parties.

If Respondent fails to execute and submit this CCA to the Illinois EPA by certified mail within 30 days of receipt, this CCA shall be deemed rejected by operation of law.

13. Pursuant to Section 31(a)(7.5) of the Act, this CCA shall not be amended or modified prior to execution by the Parties. Any amendment or modification to this CCA by Respondent prior to execution by all Parties shall be considered a rejection of the CCA by operation of law. This CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent's signatory to this CCA, Respondent's legal representative, or Respondent's agent.

AGREED:

FOR RESPONDENT:

BY: James Mills
Signature of Respondent or
Authorized Representative

DATE: 6/27/22

Authorized Representative
Print or Type Name of Respondent
or Authorized Representative and Title

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

BY: _____
James Jennings, Manager
Waste Reduction and Compliance Section
Bureau of Land

DATE: _____



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217-524-3300
TDD 217/782-9143

July 18, 2022

CERTIFIED MAIL # 7011 1150 00001 0858 1520
RETURN RECEIPT REQUESTED

Sugar Camp Energy, LLC
Attn: James Miller
11351 N. Thompsonville Road
Macedonia, Illinois 62860

Re: Amended Proposed Compliance Commitment Agreement
Violation Notice L-2021-00131 and L-2021-00132
BOL #0554645002 -- Franklin County
Macedonia/Sugar Camp Energy, LLC
Compliance File

Dear James Miller:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the proposed Compliance Commitment Agreement ("CCA") terms submitted by you in a letter dated April 1, 2022 and received by the Illinois EPA on April 5, 2022 in response to Violation Notice dated October 29, 2021 on behalf of Sugar Camp Energy, LLC ("Respondent"). Pursuant to the authority vested in the Illinois EPA under Section 31(a)(7)(i) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(a)(7)(i), attached to this letter is a proposed CCA, which contains terms and conditions that the Illinois EPA has determined are necessary in order for Respondent to attain compliance with the Act and Illinois Pollution Control Board Regulations.

Pursuant to Section 31(a)(7.5) of the Act, 415, ILCS 5/31(a)(7.5), within 30 days of your receipt of this proposed CCA, Respondent or its duly authorized representative must either (1) agree to and sign the proposed CCA, and submit the signed and dated CCA by certified mail to Illinois EPA; or (2) notify the Illinois EPA by certified mail that Respondent rejects the proposed CCA.

The proposed CCA shall only become effective upon your timely submittal of the signed CCA as discussed above, and upon final execution by the Illinois EPA. Failure by Respondent to execute and submit the proposed CCA within 30 days of receipt shall be deemed a rejection of the CCA by operation of law. Upon timely receipt of the signed CCA, the Illinois EPA will send you a fully executed copy of the CCA for your records.

In addition, the proposed CCA is not subject to amendment or modification prior to execution by Respondent and the Illinois EPA. Any amendment or modification to the

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760


proposed CCA by Respondent prior to execution by Respondent and the Illinois EPA shall be deemed a rejection of the proposed CCA by operation of law. The proposed CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent.

Written communications, including a signed and dated CCA or a notice that the Respondent rejects the proposed CCA, should be directed to:

Illinois EPA – Bureau of Land #24
Attn.: James Jennings
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

If you have questions regarding this matter, please contact Connie Letsky at the following email address: Connie.Letsky@Illinois.gov or at (618) 346-5140.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Jennings', written in a cursive style.

James Jennings, Manager
Waste Reduction and Compliance Section
Bureau of Land

Enclosure – Proposed CCA

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)
)
Sugar Camp Energy)
Macedonia / Franklin County) ILLINOIS EPA VN L-2021-00131 and
BOL #0554645002) VN L-2021-00132
) BUREAU OF LAND

COMPLIANCE COMMITMENT AGREEMENT

I. Jurisdiction

1. This Compliance Commitment Agreement (“CCA”) is entered into voluntarily by the Illinois Environmental Protection Agency (“Illinois EPA”) and, Sugar Camp Energy (“Respondent”) (collectively, the “Parties”) under the authority vested in the Illinois EPA pursuant to Section 31(a)(7)(i) of the Illinois Environmental Protection Act. 415 ILCS 5/31(a)(7)(i).

II. Alleged Violations

2. Respondent owns and operates the subject property located at 11351 North Thompsonville Road in Macedonia, Illinois (“the subject property”). Pursuant to Violation Notice L-2021-00131 and VN L-2021-00132 (“the VN”), issued on June 23, 2021, the Illinois EPA contends that Respondent has violated the following provisions of the Act, Illinois Pollution Control Board (“Board”) Regulations, and the Underground Injection Control Permit No.UIC-016-SCM (the “Permit”):
- a) 415 ILCS 5/12(g);
 - b) 415 ILCS 5/21(d)(1);
 - c) 415 ILCS 5/21(d)(2);
 - d) 35 Ill. Adm. Code 702.141;
 - e) 35 Ill. Adm. Code 704.150(c)(2)(D);
 - f) Permit Condition A.12.a;
 - g) Permit Condition B.4.d;
 - h) Permit Condition B.7;

- i) Permit Condition B.8;
- j) Permit Condition H.1;
- k) Permit Condition H.5;
- l) Permit Condition H.12.b;
- m) Permit Condition H.26.c; and
- n) Permit Condition H.26.g.

III. Compliance Activities

- 3. The Illinois EPA received Respondent's response to the VN, which included proposed terms for a CCA. The Illinois EPA has reviewed Respondent's proposed CCA terms and considered whether any additional terms and conditions are necessary to address the alleged violations set forth in the VN.
- 4. On December 6, 2021, the Illinois EPA executed a CCA with Respondent. On April 5, 2022, the Illinois EPA received a request from Respondent to amend the December 6, 2021 CCA. On June 27/July 7, 2022, the Illinois EPA executed an amended CCA with the Respondent. On July 5, 2022, the Illinois EPA received a request from Respondent to further amend the June 27/July 7, 2022 amended CCA. The Illinois EPA has reviewed Respondent's proposed amended terms and considered whether any additional terms and conditions are necessary to address the alleged violations set forth in the VN.
- 5. Unless expressly stated otherwise, this CCA incorporates all Compliance Activities and Terms and Conditions from the CCAs executed on December 6, 2021 and May 16, 2022.
- 6. Respondent agrees to recommission the injection well systems at the subject property, which the Illinois EPA has determined is necessary to address the alleged violations set forth in the VNs, **by August 31, 2022**, the Respondent shall:
 - a) Perform startup operations to confirm safe/proper Annulus Pressure System (APS) operation for UIC #1 well.
 - b) Evaluate if additional repairs are necessary for UIC #1 well.
 - c) Conduct the following internal and external mechanical integrity compliance tests on UIC #1 well:
 - i. Annulus Pressure Test (APT).
 - ii. Mechanical Integrity Test (MIT).

- iii. Fall-Off Test (FOT) also known as ambient pressure monitoring test.
- d) The Respondent shall submit results and request authorization to operate UIC #1 well.

By October 31, 2022, the Respondent shall evaluate if additional repairs are necessary for UIC #2 well. In addition, conduct internal and external mechanical integrity compliance tests on UIC #2 well, including APT, MIT, and FOT.

These provisions supersede Section III(5)(d)-(f) of the December 6, 2021 CCA and Section III(6) of the May 16, 2022 CCA.

The Illinois EPA will conduct a follow-up inspection to verify that Respondent has returned to compliance with the alleged violations identified in Section II of this CCA.

IV. Terms and Conditions

- 7. Respondent shall comply with all provisions of this CCA, including, but not limited to, any appendices to this CCA and all documents incorporated by reference into this CCA. Pursuant to Section 31(a)(10) of the Act, if Respondent complies with the terms of this CCA, the Illinois EPA shall not refer the alleged violations that are the subject of this CCA, as described in Section II above, to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violations occurred. Pursuant to Section 31(a)(7.6) of the Act, successful completion of the Compliance Activities identified in Section III of this CCA or an amended CCA shall be a factor to be weighed in favor of the Respondent by the Office of the Illinois Attorney General in determining whether to file a complaint on its own motion for the violations alleged in the VN.
- 8. This CCA is solely intended to address the violations alleged in the VN. The Illinois EPA reserves, and this CCA is without prejudice to, all rights of the Illinois EPA against Respondent with respect to noncompliance with any term of this CCA, as well as to all other matters. Nothing in this CCA is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the Illinois EPA may have against Respondent, or any other person as defined by Section 3.315 of the Act. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, the Board Regulations, and the Underground Injection Control Permit No.UIC-016-SCM.
- 9. Pursuant to Section 42(k) of the Act, Respondent shall be liable for an additional civil penalty of \$2,000 for violation of any of the terms or conditions of this CCA, in addition to any other remedy or penalty that may apply, whether civil or criminal.
- 10. This CCA shall apply to and be binding upon the Illinois EPA and on Respondent and Respondent's officers, directors, employees, agents, successors, assigns, heirs, trustees,

receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondent, as well as upon subsequent purchasers of Respondent's property.

11. In any action by the Illinois EPA to enforce the terms of this CCA, Respondent consents to and agrees not to contest the authority or jurisdiction of the Illinois EPA to enter into or enforce this CCA, and agrees not to contest the validity of this CCA or its terms and conditions.

12. This CCA shall only become effective:

a) If, within 30 days of receipt, Respondent executes this CCA and submits it, via certified mail, to:

James Jennings
Manager, Materials Management and Compliance Section
Illinois EPA
1021 North Grand Ave. East
Springfield, Illinois 62794

and

b) Upon execution by all Parties.

If Respondent fails to execute and submit this CCA to the Illinois EPA by certified mail within 30 days of receipt, this CCA shall be deemed rejected by operation of law.

13. Pursuant to Section 31(a)(7.5) of the Act, this CCA shall not be amended or modified prior to execution by the Parties. Any amendment or modification to this CCA by Respondent prior to execution by all Parties shall be considered a rejection of the CCA by operation of law. This CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent's signatory to this CCA, Respondent's legal representative, or Respondent's agent.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

AGREED:

FOR RESPONDENT:

BY: James Miller
Signature of Respondent or
Authorized Representative

DATE: 7/20/2022

James Miller
Print or Type Name of Respondent
or Authorized Representative and Title

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

BY: _____
James Jennings, Manager
Materials Management and Compliance Section
Bureau of Land

DATE: _____



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217-524-3300

August 2, 2022

CERTIFIED MAIL # 7011 1150 0001 0858 1667
RETURN RECEIPT REQUESTED

Sugar Camp Energy, LLC
Attn: James Miller
11351 N. Thompsonville Road
Macedonia, Illinois 62860

Re: **Executed Compliance Commitment Agreement**
Violation Notice: L-2022-00131 & L-2022-00132
LPC# 0554645002 – Franklin County
Macedonia/Sugar Camp Energy, LLC
Compliance File

Dear James Miller:

Attached to this letter is a signed and fully executed copy of the Compliance Commitment Agreement (“CCA”) for your records. The CCA between Sugar Camp Energy, LLC and the Illinois Environmental Protection Agency became effective on August 2, 2022. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, and the Board Regulations.

If you should have any questions regarding this matter, please contact me at the number above or email me at james.m.jennings@illinois.gov.

Sincerely,

James Jennings, Manager
Waste Reduction and Compliance Section
Bureau of Land

cc: Bureau File

4302 N. Main Street, Rockford, IL 61103 (815) 987-7760
595 S. State Street, Elgin, IL 60123 (847) 608-3131
2125 S. First Street, Champaign, IL 61820 (217) 278-5800
2009 Mall Street Collinsville, IL 62234 (618) 346-5120

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412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
100 W. Randolph Street, Suite 4-500, Chicago, IL 60601

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

RECEIVED
AUG 01 2022

EPA/BOL/WRCS

IN THE MATTER OF:)
)
Sugar Camp Energy)
Macedonia / Franklin County)
BOL #0554645002)

ILLINOIS EPA VN L-2021-00131 and
VN L-2021-00132
BUREAU OF LAND

COMPLIANCE COMMITMENT AGREEMENT

I. Jurisdiction

1. This Compliance Commitment Agreement ("CCA") is entered into voluntarily by the Illinois Environmental Protection Agency ("Illinois EPA") and, Sugar Camp Energy ("Respondent") (collectively, the "Parties") under the authority vested in the Illinois EPA pursuant to Section 31(a)(7)(i) of the Illinois Environmental Protection Act. 415 ILCS 5/31(a)(7)(i).

II. Alleged Violations

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- h) Permit Condition B.7;

- i) Permit Condition B.8;
- j) Permit Condition H.1;
- k) Permit Condition H.5;
- l) Permit Condition H.12.b;
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 - c) Conduct the following internal and external mechanical integrity compliance tests on UIC #1 well:
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- iii. Fall-Off Test (FOT) also known as ambient pressure monitoring test.
- d) The Respondent shall submit results and request authorization to operate UIC #1 well.

By October 31, 2022, the Respondent shall evaluate if additional repairs are necessary for UIC #2 well. In addition, conduct internal and external mechanical integrity compliance tests on UIC #2 well, including APT, MIT, and FOT.

These provisions supersede Section III(5)(d)-(f) of the December 6, 2021 CCA and Section III(6) of the May 16, 2022 CCA.

The Illinois EPA will conduct a follow-up inspection to verify that Respondent has returned to compliance with the alleged violations identified in Section II of this CCA.

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receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondent, as well as upon subsequent purchasers of Respondent's property.

11. In any action by the Illinois EPA to enforce the terms of this CCA, Respondent consents to and agrees not to contest the authority or jurisdiction of the Illinois EPA to enter into or enforce this CCA, and agrees not to contest the validity of this CCA or its terms and conditions.

12. This CCA shall only become effective:

a) If, within 30 days of receipt, Respondent executes this CCA and submits it, via certified mail, to:

James Jennings
Manager, Materials Management and Compliance Section
Illinois EPA
1021 North Grand Ave. East
Springfield, Illinois 62794

and

b) Upon execution by all Parties.

If Respondent fails to execute and submit this CCA to the Illinois EPA by certified mail within 30 days of receipt, this CCA shall be deemed rejected by operation of law.

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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

AGREED:

FOR RESPONDENT:

BY: James Mills
Signature of Respondent or
Authorized Representative

DATE: 7/20/2022

James Miller
Print or Type Name of Respondent
or Authorized Representative and Title

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

BY: [Signature]
James Jennings, Manager
Materials Management and Compliance Section
Bureau of Land

DATE: 7/14/22

August 18, 2021

Via Certified Mail/Return Receipt Requested

Amanda S. Kimmel, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
Email: Amanda.Kimmel@illinois.gov

Re: Williamson Energy – Pond Creek

Dear Ms. Kimmel:

Pursuant to Section 31(a)(11) of the Act (415 ILCS 5/31), my client consents to waiver of the procedural requirements of subsections (a) and (b) of Section 31 of the Act related to the allegations set forth in Violation Notice No. W-2021-50080 (Williamson Energy – Pond Creek).

Very truly yours,



Nicholas S. Johnson

NSJ/les

STATUS OF CHIEF'S ORDER

OPERATOR: Ohio Valley Coal Resources, I **PERMIT NO.:** D-360

ORDER NO.: 7381 **DATE ISSUED:** April 18, 2023

ORDER SUBJECT: Failure to Provide Permanent Water

THE FOLLOWING ACTION HAS BEEN TAKEN WITH REGARD TO THE ABOVE REFERENCED ORDER BY THE CHIEF:

The Order was hand delivered to:

Person: _____ Title: _____

Date: _____ Time: _____ AM _____ PM

The Order cannot be complied with within the time frame specified and therefore has been EXTENDED.

Extended to: October 20, 2023 By: Jason Leach 7/20/2023

January 20, 2024

April 20, 2024

Division Representative/Date

JFL 11/13/2023

JFL 4/31/2024

The Order HAS BEEN complied with within the time specified and therefore the order has been TERMINATED.

The Order HAS NOT been complied with within the time specified. Further administrative actions may be forthcoming.

The Order has been MODIFIED.

The Order has been VACATED.

This action has been authorized by: *Mark J. [Signature]*
Division Representative/Date

Comments: _____

xc: Columbus
Inspector
Surety Company
Operator
Mt. Vernon/ File

STATUS OF CHIEF'S ORDER

OPERATOR: Belmont County Coal Resource PERMIT NO.: D-425

ORDER NO.: 7382 DATE ISSUED: April 18, 2023

ORDER SUBJECT: Failure to Provide Permanent Water

THE FOLLOWING ACTION HAS BEEN TAKEN WITH REGARD TO THE ABOVE REFERENCED ORDER BY THE CHIEF:

The Order was hand delivered to:

Person: _____ Title: _____

Date: _____ Time: _____ AM _____ PM

The Order cannot be complied with within the time frame specified and therefore has been EXTENDED.

Extended to: October 20, 2023 By: Jason Leach 7/20/2023

January 20, 2024
April 20, 2024

Division Representative/Date
JL 11/13/2023
JL 1/31/2024

The Order HAS BEEN complied with within the time specified and therefore the order has been TERMINATED.

The Order HAS NOT been complied with within the time specified. Further administrative actions may be forthcoming.

The Order has been MODIFIED.

The Order has been VACATED.

This action has been authorized by: Muel J. Leach
Division Representative/Date

Comments: _____

xc: Columbus
Inspector
Surety Company
Operator
Mt. Vernon/ File