ILLINOIS
DEPARTMENT OF NATURAL RESOURCES

Illinois Department of
Natural Resources

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Bruce Rauner, Governor
Wayne A. Rosenthal, Director

OPERATOR MEMORANDUM 2015-04

To: All Coal Mine Operators/Consultants

From: Scott K. Fowler, Supervisor
Land Reclamation Division

Date: August 28, 2015

Re: Proper and Timely Surface Water Excursion Notifications

The regulations at 62 Ill. Adm. Code 1816/1817.41 (e)(2) require when surface water data monitoring indicates noncompliance with the permit conditions, the operator shall notify the Department within 5 days and immediately take the actions provided for in 62 Ill. Adm. Code 1773.17(e) and 1780.21(h). These reporting requirements do not exempt the Operator from meeting any NPDES reporting requirements.

Effective immediately, the Operator shall implement the following procedures:

1) Within 5 business days of the Operator becoming aware of a non-compliant surface water sample (excursion), the Department must be notified.

   a) This notification shall consist of a written letter to the Department explaining the excursion (date, Outfall, parameter, sample result and applicable NPDES Permit limit must be included), providing a reason for the excursion and providing an explanation of the steps that have been, or will be, taken to prevent a future excursion from occurring.
   b) The Operator may choose to notify the Inspector via telephone or email to meet the 5 day requirement however a written notification must be received by the Department as outlined in Item 1a above.

2) The Department tracks all excursions reported and will compare the reported excursions to the quarterly Discharge Monitoring Reports (DMR's) as they are received.

3) Failure to properly notify the Department of an excursion will result in the issuance of a Notice of Violation (NOV).

Please note that both the Land Reclamation Division and the Illinois EPA have reporting requirements for NPDES-related excursions. Both Regulatory Authorities notification processes must be fulfilled.