

Bond Release Decision

Peabody Midwest Mining, LLC, Permit No. 342
Riola Mine – Vermilion Grove Portal

The Department of Natural Resources, Office of Mines and Minerals, Land Reclamation Division, the Regulatory Authority in Illinois under the Surface Coal Mining Land Conservation and Reclamation Act, has reviewed the bond release application dated July 17, 2024. Pursuant to 62 Ill. Adm. Code 1800.40, the Department has decided to approve the bond release, as discussed herein. The Department's decision is based upon a review of the record as a whole as outlined in Part II and III below. The following parties are being notified of the Department's final administrative decision: the county in which the mine is located (via certified mail), the nearest municipality to the mine (via certified mail), the permittee, the surety or other persons with an interest in bond collateral who have requested notification under Section 1800.21(e), and any person who either filed objections in writing or objectors who were a party to the public hearing proceedings, if held. Administrative review of the final administrative decision, carried out in accordance with Section 1847.3, may be requested by the permittee or persons who either filed objections in writing or objectors who were a party to the public hearing proceedings.

I. Summary of Bond Release Application

The permittee has requested release of 5.8 acres of Phase I bond, 9.5 acres of Phase II bond, and 42.6 acres of Phase III bond. Pursuant to Section 1800.40(c), the Department may release all or part of the bond held for the entire permit area or incremental areas if the Department is satisfied that all the reclamation or a phase of the reclamation covered by the bond or portion thereof has been accomplished in accordance with the following schedules of reclamation of Phases I, II, and III:

Phase I – completion of backfilling, regrading (which includes the replacement of topsoil), and establishment of drainage control of a bonded area in accordance with the approved reclamation plan,

Phase II – completion of revegetation of the affected areas in accordance with the approved reclamation plan, stabilization of the area to ensure no contribution of suspended solids to stream flow or runoff outside the permit area in excess of the requirements set by Section 3.10 of the State Act and by 62 Ill. Adm. Code 1817.41(d) and 1817.45, for prime farmland, if applicable, the productivity has returned to the equivalent level yields as the surrounding area in accordance with Section 1823, and

Phase III - completion of all surface coal mining and reclamation activities, reclamation activities as required in the State Act and permit, and after expiration of the applicable responsibility periods as outlined in Section 1817.116.

The official filing date of the bond release application, the date on which all the required copies of the application were received by the Department in the Springfield office, was July 17, 2024.

The total amount of bond in force for the permit prior to this final administrative decision was \$656,326.00. The Department has determined the total amount of bond eligible for release is \$653,326.00, which is not more than 60% for Phase I, not more than the cost to cover any required additional revegetation for Phase II, and for Phase III represents full release of final bond and liability for the applicable acreage. The total bond remaining for the permit after the release following this decision will be \$3,000.00.

II. Administrative Criteria for Bond Release

Section 1800.40(a)(2): A copy of the newspaper advertisement was submitted with the application. The applicant placed a newspaper advertisement of the bond release request in the Danville Commercial News, a paper of general circulation in the locality of the permit area, once a week for four consecutive weeks beginning August 10, 2024. The advertisement contained the information required by this regulation. The certification of publication for the newspaper advertisement was received by the Department on September 25, 2024.

The application contains copies of letters sent by the applicant to the parties listed in Section 1800.40(a)(2). The requirements of Section 1800.40(a)(2) have been met.

Section 1800.40(a)(3): The applicant has included a notarized statement which certifies that all applicable reclamation activities have been accomplished in accordance with the requirements of the State Act, the regulatory program, and the approved reclamation plan.

Section 1800.40(b)(1): The surface owners and/or lessees were informed by certified mail dated July 29, 2024, that an inspection and evaluation of the reclamation work involved at the proposed release area would be conducted. The official bond release inspection and evaluation was conducted on August 8, 2024, within thirty (30) days of the filing of the application for bond release.

Section 1800.40(b)(2): The Department's decision is not being rendered within sixty (60) days of the filing of the application as required by this rule. The newspaper notification advertisement and request for publication was submitted to the local newspaper in the required timely manner, however the newspaper failed to print the advertisement. The advertisement was subsequently published beginning August 10, 2024. Therefore, the Department issues the final administrative decision five (5) days after the close of the public comment period as allowed by Section 1800.40(b)(2). This decision is being sent by certified mail to the county in which the mine is located and the municipality nearest the mine. The parties which participated in the public hearing or submitted written comments may request administrative review within thirty (30) days of this decision, pursuant to Section 1847.3.

III. Evaluation of Requested Acreage and Final Administrative Decision

The evaluation considered field conditions as related to the approved reclamation plan, any subsequent relevant permitting actions, the Phase I, II, and III schedules of reclamation, as applicable, and the degree of difficulty to complete any remaining reclamation within the permitted area. In addition, the evaluation of the bond release request considered whether

pollution of surface and subsurface water was occurring, the probability of future occurrence of such pollution, and the estimated cost of abating such pollution.

After a review of the information gathered, the Department has determined that no surface or subsurface impacts are occurring off permit in relation to the requested release area, and that the probability of such impact occurring is negligible. Therefore, impacts to the hydrologic balance have been minimized on permit. The evaluation was based upon the site inspection, current surface water quality and quantity, review of regular monthly inspections as required by Section 1840.11, status of current groundwater quality and quantity, a review of the permittee's adherence to the approved surface and groundwater monitoring programs outlined in Section 1816.41, and the history of compliance and subsequent actions as noted throughout the life of the permit.

It should also be noted that, as part of its evaluation of hydrologic recharge, the Department has considered that all of the incised impoundments that exist on-site have reached a stable, final pool elevation. In addition, the evaluation considered that the land surface has been re-contoured to its approximate original topography where reasonable, much of the site has been re-vegetated similar to pre-mining conditions, and compaction of the surface soils and vadose zone has been avoided as evidenced by the cropland productivity success. In addition, after this release there will be approximately 3.00 acres of cropland left under bond and reclamation liability.

Section 1800.40(c): The Department, upon completing its review of the bond release application, has decided to approve the release request. The Department bases the final decision upon the following:

A. Phase I bond is being released for the following:

Soil Capability	Acres Requested
Limited Capability	0.9
High Capability	4.9
Prime Farmland	0.0
TOTAL PHASE I ACRES	5 8

Completion of backfilling, grading, topsoil replacement and establishment of drainage control in accordance with the approved reclamation plan has been verified and documented during the Department's inspections conducted on a continuous basis as required by Section 1840.11.

B. Phase II bond is being released for the following:

Soil Capability and Post-Mining Land Use	Acres Requested
HC Cropland	8.6
LC Industrial/Commercial "Roads"	0.9
TOTAL PHASE II ACRES	9.5

*HC = High Capability, LC = Limited Capability

The Department has determined that the lands to be Phase II released are not contributing suspended solids to stream flow or runoff outside the permit area in excess of the requirements set by Section 3.10 of the State Act and by 62 Ill. Adm. Code 1817.41(d) and 1817.45.

- C. Phase III bond is being released for the following [remove rows that are not applicable]:

Soil Capability and Post-Mining Land Use	Acres Requested
HC Cropland	20.0
LC Fish and Wildlife Water	21.7
LC Industrial/Commercial "Roads"	0.9
TOTAL PHASE III ACRES	42.6

*HC = High Capability, LC = Limited Capability

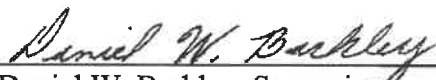
The applicant has successfully completed all surface coal mining and reclamation activities, the applicable revegetation liability period has expired, the applicable revegetation success criteria has been met, and the reclamation requirements of the State Act and permit have been met.

It has been determined that all temporary structures have been removed and reclaimed and all permanent sediment impoundments meet the requirements for permanent structures, have been maintained properly, and meet the requirements of the approved reclamation plan for permanent structures and impoundments. It has been determined that renovation of the permanent structures and impoundments as addressed at Section 1817.56 is not necessary.

Section 1800.40(d) & (e): No written objections or requests for hearings have been filed with the Department with regard to this bond release application.

Based upon information contained in the bond release application and information otherwise available, the Department hereby issues this final administrative decision approving the requested bond release, as outlined above. The release of bond does not relieve the permittee of liability under 62 Ill. Adm. Code 1817.121 for material damage to surface lands or to structures or facilities that existed at the time of the coal extraction under or adjacent to the materially damaged structure. This liability is perpetual.

Illinois Department of Natural Resources


Daniel W. Barkley, Supervisor
Land Reclamation Division

Dated: October 15, 2024