**Section 405.106 Refuse Disposal**

a) A State or NPDES permit must include a refuse disposal plan as a condition.

b) The applicant's refuse disposal plan must be incorporated into the permit by reference if it meets the standard of Section 405.102(a); otherwise the Agency must deny the permit or issue it with a modified plan.

c) Seepage from a refuse disposal area is considered a mine discharge and is subject to 35 Ill. Adm. Code 406.

d) The mine refuse area must not encompass natural springs or an aquifer recharge area or intercept a drainage course unless special provisions protect them. The Agency has the burden to prove that an area is an aquifer recharge area.

e) Acid-producing solid mine refuse must be immediately spread, compacted in layers, and covered with suitable non-acid-producing material as necessary. If wetness prohibits immediate spreading, the refuse must be spread and compacted as soon as possible and prior to depositing a subsequent layer of refuse or cover material. The Agency may permit alternate refuse disposal methods.

f) Any refuse disposal plan constituting a change from the permitted refuse disposal plan is a revised refuse disposal plan.

g) Implementing a revised refuse disposal plan requires a new, modified, or supplemental NPDES or State permit. Applications must be submitted within the time limits in 35 Ill. Adm. Code 403.104 and 404.104 for the respective permits.

h) Subsection (e) does not apply to acid-producing solid mine refuse disposed of underground or in strip pits where disposal is below the level of natural drainage; however, a layer containing at least two feet of suitable non-acid-producing material must be applied no later than one year after completion of a refuse pile in an open pit.

(Source: Amended at 43 Ill. Reg. 11606, effective September 25, 2019)