**Section 404.103 Exemption from State Permit: Coal Piles and Small Mines**

a) Unless the Agency determines that the facility will cause or threaten water pollution or violate applicable regulations, the following facilities need not obtain State permits:

1) Domestic retail sales yards;

2) Consumer stockpiles located at the consuming facility, including power plants and steel mills; or

3) Any facility where mining occurs that affects less than ten acres of land per year and does not include a coal, fluorspar, lead or zinc mine related facility.

b) A facility operator claiming exemption under subsection (a)(3) must notify the Agency in writing of the facility's location and the basis for exemption. The exemption takes effect once the notice is mailed.

c) If the Agency determines that a facility will cause or threaten water pollution or violate applicable regulations, or that a facility claiming exemption is not exempt, the Agency must notify the operator that a permit is required. If the Agency has determined that an exempt facility will cause or threaten water pollution or violate applicable regulations, the exemption continues for 45 days after notification that the facility requires a permit and during the pendency of a permit application before the Agency.

(Source: Amended at 43 Ill. Reg. 11597, effective September 25, 2019)