

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
 ) R 2020-019  
STANDARDS FOR THE DISPOSAL )  
OF COAL COMBUSTION RESIDUALS ) (Rulemaking - Water)  
IN SURFACE IMPOUNDMENTS: )  
PROPOSED NEW 35 ILL. ADM. )  
CODE 845 )

**NOTICE OF FILING**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a **NOTICE OF FILING** and **MOTION FOR EXTENSION OF TIME** on behalf of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Respectfully submitted,

Dated: June 30, 2020

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Stefanie N. Diers  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-5544

BY: /s/ Stefanie N. Diers  
Stefanie N. Diers

**THIS FILING IS SUBMITTED ELECTRONICALLY**

**SERVICE LIST**

<p>ILLINOIS POLLUTION CONTROL BOARD                  Don Brown, Clerk                  Vanessa Horton, Hearing Officer                  James R. Thompson Center                  100 W. Randolph, Suite 11-500                  Chicago, IL 60601</p>	<p>ILLINOIS ENVIRONMENTAL PROTECTION AGENCY                  Christine Zeivel                  Stefanie Diers                  1021 North Grand Avenue East                  Springfield, IL 62794-9276</p>
<p>ILLINOIS ATTORNEY GENERAL                  Matt Dunn, Division Chief Environmental                  Stephen Sylvester, Sr. Asst. Attorney General                  Kathryn A. Pamenter, Asst. Attorney General                  69 W. Washington, Suite 1800                  Chicago, IL 60602</p> <p>Andrew Armstrong, Bureau Chief                  500 South Second Street                  Springfield, Illinois 62706</p>	<p>ILLINOIS DEPARTMENT OF NATURAL RESOURCES                  Renee Snow, General Counsel                  Virginia I. Yang, Deputy Counsel                  Nick San Diego, Staff Attorney                  Robert G. Mool                  Paul Mauer – Senior Dam Safety Eng.                  One Natural Resources Way                  Springfield IL 62702-1271</p>
<p>PRAIRIE RIVERS NETWORK                  Kim Knowles                  Andrew Rehn                  1902 Fox Dr., Ste. 6                  Champaign, IL 61820</p>	<p>PRAIRIE POWER, INC                  Alisha Anker, Vice President                  Regulatory &amp; Market Affairs                  3130 Pleasant Runn                  Springfield, IL 62711</p>
<p>CITY OF SPRINGFIELD                  Deborah Williams, Regulatory Affairs Director                  Office of Utilities                  800 E. Monroe, 4th Floor                  Municipal Building East</p>	<p>CHICAGO LEGAL CLINIC, INC.                  Keith Harley                  Daryl Grable                  211 W. Wacker, Suite 750                  Chicago, IL 60606</p>
<p>AMEREN                  Michael Smallwood                  1901 Choteau Ave.                  St. Louis, MO 63103</p>	<p>MCDERMOTT, WILL &amp; EMERY                  Mark A. Bilut                  227 W. Monroe Street                  Chicago, IL 60606-5096</p>
<p>ENVIRONMENTAL INTEGRITY PROJECT                  Abel Russ, Attorney                  1000 Vermont, Ave NW, Ste. 1100                  Washington, DC 20005</p>	<p>NRG ENERGY, INC.                  Walter Stone, Vice President                  8301 Professional Place, Suite 230                  Landover, MD 20785</p>
<p>ILLINOIS ENVIRONMENTAL REGULATORY GROUP                  Alec M. Davis, Executive Director                  Kelly Thompson                  215 E. Adams St.                  Springfield, IL 62701</p>	<p>NIJMAN FRANZETTI, LLP                  Susan M. Franzetti                  Kristen Laughridge Gale                  Vincent R. Angermeier                  10 S. Lasalle St., Ste. 3600                  Chicago, IL 60603</p>
<p>SIERRA CLUB                  Cynthia Skrukud                  Jack Darin                  Christine Nannicelli                  70 E. Lake Street, Ste. 1500                  Chicago, IL 60601-7447</p>	<p>SCHIFF HARDIN, LLP                  Stephen J. Bonebrake                  Joshua R. More                  Ryan C. Granholm                  233 S. Wacker Drive, Suite 7100                  Chicago, IL 60606-6473</p>
<p>HEPLERBROOM, LLC                  N. LaDonna Driver                  Jennifer M. Martin                  Melissa S. Brown                  4340 Acer Grove Drive                  Springfield, IL 62711</p>	<p>ENVIRONMENTAL LAW &amp; POLICY CENTER                  Jeffrey Hammons, Staff Attorney                  1440 G. Street NW                  Washington DC, 20005</p>
<p>EARTHJUSTICE</p>	<p>BROWN, HAY, &amp; STEPHENS, LLP</p>

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Jennifer Cassel Thomas Cmar 311 South Wacker Drive, Suite 311 Chicago, IL 60606	Claire A. Manning Anthony D. Schuering 205 S. Fifth Street, Suite 700 Springfield, IL 62705
U.S. EPA, REGION 5 Chris Newman 77 West Jackson Blvd. Chicago, IL 60604-3590	SIERRA CLUB Faith Bugel, Attorney 1004 Mohawk Wilmette, IL 60091

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**ILLINOIS EPA'S MOTION FOR AN EXTENSION OF TIME**

NOW COMES the Illinois Environmental Protection Agency (Illinois EPA or Agency), by and through one of its attorneys, and submits the following with respect to its Motion for an Extension of Time.

1. On March 30, 2020, the Illinois EPA filed a rulemaking, proposing new rules at 35 Ill. Adm. Code 845 concerning coal combustion residual surface impoundments at power generating facilities in the State.

2. Public Act 101-171, effective July 30, 2019, amended the Illinois Environmental Protection Act, by among other things, adding a new Section 22.59 (415 ILCS 5/22.59). Public Act 101-171 includes a rulemaking mandate in Section 22.59(g) which directs the Board to adopt rules “establishing construction permit requirements, operating permit requirements, design standards, reporting, financial assurance, and closure and post-closure care requirements for CCR surface impoundments.” 415 ICLS 5/22.59(g). The Board is required to adopt new rules for 35 Ill. Adm. Code part 845 by March 30, 2021.

3. The hearing officer has set pre-filing deadlines and hearing dates in this matter. Currently, hearing dates are July 21-23, 2020 and September 8-10, 2020. The first hearing is solely for the Illinois EPA testimony.

4. Along with hearing dates being scheduled, other deadlines were ordered by the

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hearing officer. Pre-filed testimony for the first hearing was due June 2, 2020. Pre-filed questions based on the testimony were due on June 23, 2020. Pre-filed answers based on the questions received are due by July 14, 2020.

5. The Agency timely filed pre-filed testimony for eight witnesses.

6. Based on the pre-filed testimony, Illinois EPA received over 545 questions submitted not counting subparts.

7. Illinois EPA strongly believes more time is needed to respond to pre-filed questions so that the first set of hearings are productive and efficient. It is highly unlikely that Illinois EPA will be able to answer all pre-filed questions by the current deadline of July 14, 2020, which will result in an unknown amount of additional time needed for hearing. Illinois EPA believes that all parties, including the Board, will benefit from extending the deadline for pre-filed questions to be answered in writing.

8. Illinois EPA has attempted to reach out to all parties and many have expressed they would not object to Illinois EPA's Motion, but if said Motion was granted parties are concerned about all previously set deadlines by the hearing officer and the need to discuss new hearing dates and deadlines.

9. Illinois EPA agrees that if said Motion is granted, a status call with the hearing officer is needed to discuss the impact of this Motion on current deadlines and hearing dates.

10. Illinois EPA asks that the deadline to file pre-filed answers be extended to August 3, 2020. Illinois EPA believes this would allow the necessary time needed for the witnesses to respond to the numerous amounts of pre-filed questions received on June 23, 2020.

WHEREFORE, the Agency respectfully requests the Board to grant its Motion for an Extension of Time to file pre-filed answers to **August 3, 2020**.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY

By: /s/Stefanie N. Diers  
Stefanie N. Diers  
Assistant Counsel  
Division of Legal Counsel

Date: June 30, 2020

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

**CERTIFICATE OF SERVICE**

I, STEFANIE N. DIERS, Assistant Counsel for the Illinois EPA, certify that I have served a copy of the foregoing NOTICE OF FILING and the IEPA'S MOTION FOR AN EXTENSION OF TIME, upon persons listed on the Service List, by sending an email from my email account (Stefanie.diers@illinois.gov) to the email addresses designated below with the following attached as a PDF document in an e-mail transmission on or before 5:00 pm on June 30, 2020.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:           /s/ Stefanie Diers            
Stefanie Diers  
Assistant Counsel  
Division of Legal Counsel

DATED: June 30, 2020

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