

ILLINOIS POLLUTION CONTROL BOARD
June 3, 2021

IN THE MATTER OF:)
)
PETITION OF SOUTHERN ILLINOIS)
POWER COOPERATIVE FOR AN)
ADJUSTED STANDARD FROM 35 ILL.) AS 21-6
ADMIN. CODE PART 845 OR, IN THE) (Adjusted Standard - Land)
ALTERNATIVE, A FINDING OF)
INAPPLICABILITY)

ORDER OF THE BOARD (by A. Palivos):

On May 11, 2021, Southern Illinois Power Cooperative (SIPC) filed a petition (Pet.) pursuant to Section 28.1 of the Environmental Protection Act (Act) and Part 104 of the Board's procedural rules. *See* 415 ILCS 5/28.1 (2018); 35 Ill. Adm. Code 104 Subpart D. SIPC petitions the Board for an adjusted standard from Part 845 Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments. 35 Ill. Adm. Code 845. Specifically, SIPC asks that the Board issue a finding of inapplicability concerning current and former ponds at its Marion Generation Station in Williamson County. Specifically, for the De Minimus Units and the Former Fly Ash Holding Units, petitioner requests a finding that the requirements of 35 Ill. Adm. Code 845 are inapplicable. Pet. at 22-34. In the alternative, petitioner requests an adjusted standard from 35 Ill. Adm. Code 845.100 so that the requirements of Part 845 do not apply to specified areas. Pet. at 34-54.

Section 28.1 of the Act and Section 104.408 of the Board's procedural rules require publication of notice of an adjusted standard proceeding in a newspaper of general circulation in the area affected by the petitioner's activity. 415 ILCS 5/28.1(d)(1) (2018); 35 Ill. Adm. Code 104.408(a). Notice must be published within 14 days of filing a petition for an adjusted standard with the Board. 35 Ill. Adm. Code 104.408(a). As required by Section 104.410, SIPC timely filed a certificate of publication of notice on May 27, 2021. Notice of filing was published in the *Marion Republic* on May 19, 2021.

The Board finds that the notice and petition meet the requirements of Section 28.1 of the Act and Section 104.408 of the Board's procedural rules and accepts the petition for adjusted standard. *See* 415 ILCS 5/28.1 (2018); 35 Ill. Adm. Code 104.408. Section 104.416(a) of the Board's rules require that IEPA file a response including its recommendation concerning the Board's proposed action on this petition within 45 days after the service of the petition. *See* 35 Ill. Adm. Code 104.416(a). In this case, IEPA has timely filed an unopposed motion for a 90-day extension of time to file its response. Mot. at 1. The Board grants the motion to extend the deadline for IEPA to file its response to September 23, 2021.

SIPC requests that the Board hold a hearing on its petition. Pet. at 55; *see* 35 Ill. Adm. Code 104.406(j), 104.422(a)(1). This order makes no determination on the informational

sufficiency or the merits of SIPC's petition. The Board through its own orders or its hearing officer's orders may direct SIPC to provide additional information.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 3, 2021, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board