BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:	)	
PETITION OF ELECTRIC ENERGY, INC. FOR A FINDING OF INAPPLICABILITY OR, IN THE ALTERNATIVE, AN ADJUSTED STANDARD FROM 35 ILL. ADMIN. CODE PART 845	)	AS 2021-005 (Adjusted Standard - Land)

NOTICE OF ELECTRONIC FILING

To: Attached Service List

PLEASE TAKE NOTICE that on July 25, 2024, I electronically filed with the Clerk of the Illinois Pollution Control Board ("Board") the **Comments of Earthjustice, Prairie Rivers Network, and Sierra Club on Electric Energy, Inc.'s Response to Illinois Environmental Protection Agency's Recommendation,** copies of which are attached hereto and herewith served upon you.

Dated: July 25, 2024

Respectfully Submitted,

/s/ Faith E. Bugel

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COMMENTS OF EARTHJUSTICE, PRAIRIE RIVERS NETWORK, AND SIERRA CLUB ON ELECTRIC ENERGY, INC.'S RESPONSE TO ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S RECOMMENDATION

Contents

Earthjustice, Prairie Rivers Network, and Sierra Club (collectively, "Commenters"), hereby submit these comments in the above-referenced docket regarding Electric Energy, Inc.'s ("Petitioner" or "EEI") Response to Illinois Environmental Protection Agency's Recommendation on EEI's Petition for a Finding of Inapplicability or, in the Alternative, an Adjusted Standard ("Petition" or "Request") from 35 Ill. Admin. Code Part 845 ("Part 845") for its Joppa West Ash Pond ("Joppa West").

I. Introduction

The Illinois Pollution Control Board ("Board") should deny Petitioner's Request to exempt Joppa West from the regulations that this Board carefully considered and promulgated to protect Illinois' communities and environment from dangerous coal ash pollution. Exempting Joppa West from certain provisions of Part 845 and allowing EEI to cherry pick the provisions it wants to adhere to is incompatible with the Coal Ash Pollution Prevention Act ("CAPPA"), would render Illinois' coal ash regulations less protective than the federal coal combustion residuals ("CCR" or "coal ash") rule, and would pose a risk to human health and the environment in Illinois. Therefore, the Board should deny Petitioner's Request and the Illinois Environmental Protection Agency's ("IEPA") Recommendation

II. Argument

A. The Requested Adjusted Standard Poses the Risk of Adverse Effects on Health and the Environment

EEI argues that the "interim" adjusted standard that it requests "is protective of the environment."[1] EEI also argues that "The interim adjusted standard will not result in any impacts on human health or the environment that are substantially or significantly more adverse than the effects considered by the Board in adopting Part 845."[2] EEI is incorrect: there are significant and substantial risks that would be posed if the adjusted standard is granted and Joppa West is allowed to remain open with free liquids present. These risks render any deviation from the closely-evaluated mandates of Part 845 (and the corresponding mandates in the federal CCR rule at 40 Code of Federal Regulations ("CFR") Part 257) both inappropriate and inconsistent with the Illinois Environmental Protection Act ("the Act").

The risks of older, unlined, not-yet-closed units like Joppa West have been repeatedly evaluated and described by United States Environmental Protection Agency ("U.S. EPA"). The risks associated with such surface impoundments "may be even higher than EPA modeled on a national scale in the 2014 Risk Assessment for active units. First, … these units have been present onsite for longer and had more time to leak."[3] Second, the management practices historically used with older units pose the risk of higher leakage.[4] Those management practices include: "(1) The greater prevalence of unlined units; (2) The greater likelihood of co-management of CCR with coal refuse and other wastes in surface impoundments, making the

[1] EEI, Resp. to Recommendation of the IEPA to Pet. for Adjusted Standard, PCB AS 2021-005 at 17 (June 5, 2024) [hereinafter "EEI Resp. to IEPA Recommendation"].
[2] EEI Resp. to IEPA Recommendation at 21.
[3] Hazardous and Solid Waste Mgmt. Sys.: Disposal of Coal Combustion Residuals from Elec. Utils.; Legacy CCR Surface Impoundments, 89 Fed. Reg. 38950, 38957 (May 8, 2024) (amending 40 CFR § 257) ("2024 Federal CCR Rule").
[4] *Id.*

overall waste pH far more acidic and (3) The potential for the units to be constructed below the water table or to have become inundated with groundwater after construction."[5] While Joppa West is, as explained in prior comments[6] and reiterated here, an *inactive impoundment* regulated by the federal CCR rule since 2015 and Illinois' regulations since their adoption in 2021, the risk analyses of older units discussed by U.S. EPA in the 2024 Federal CCR Rule are equally applicable to it.

EEI also argues that the adjusted standard is protective of the environment because the proposed adjusted standard would allow the Illinois Groundwater Protection Standards in Section 845.600 to remain in place plus provide for Part 845 groundwater monitoring. This is essentially the regulatory regime that applied to CCR surface impoundments prior to the adoption of the Part 845 regulatory program: application of Illinois Groundwater Quality Standards in 35 Ill. Admin. Code Part 620 ("Part 620") with groundwater monitoring that IEPA requested for CCR surface impoundments.[7] Both the Illinois Legislature with CAPPA and the Illinois Pollution Control Board with Part 845 identified a need to go above and beyond the preexisting regulatory regime for CCR surface impoundments. The Illinois Legislature with CAPPA found that "CCR generated by the electric generating industry has caused groundwater contamination and other forms of pollution at active and inactive plants throughout this State [and] … environmental laws should be supplemented to ensure consistent, responsible regulation of all existing CCR surface impoundments … ."[8] This Board, in the Part 845 rulemaking, found that "Unlined surface impoundments risk allowing contaminants to leach from CCR into the groundwater, affecting the groundwater's potential use. In Illinois, CCR has caused groundwater contamination and other forms of pollution that are harmful to human health and the environment."[9]

And in *Utility Solid Waste Activities Group v. EPA* ("*USWAG*"), the U.S. Court of Appeals for the District of Columbia ("D.C. Circuit"). Circuit found that allowing unlined CCR surface impoundments to remain open (unclosed) until monitoring reveals groundwater contamination is inadequately protective under the Resource Conservation and Recovery Act ("RCRA"). Among other things, the court held that, in light of the well-documented high likelihood of contamination caused by unlined CCR surface impoundments, U.S. EPA's decision to allow unlined impoundments to continue operating until contamination was formally confirmed fell short of the directive of the RCRA to ensure that CCR disposal poses "no reasonable probability of adverse effects on health or the environment."[10] In light of data in U.S. EPA's record, the court found that delays of several months in addressing leakage were unacceptable.[11] The court explained:

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[5] *Id.*
[6] *See* P.C. #1, Comments of Earthjustice, Env't Law & Pol'y Ctr., Prairie Rivers Network, and Sierra Club on Elec. Energy, Inc.'s Pet. for a Finding of Inapplicability or Adjusted Standard, PCB AS 2021-005 (Feb. 14, 2022), *available at* https://pcb.illinois.gov/documents/dsweb/Get/Document-105318 [hereinafter "Commenters Initial Comments"].
[7] *See, e.g., Sierra Club v. Ill. Power Generating*, Compl. at paras. 16-21, Exs. C-1—C-3, F-1—F-2.
[8] 415 ILCS 5/22.59(a)(3)-(4).
[9] Op. and Order of Bd., PCB R20-19 at 3 (Feb. 4, 2021).
[10] *Util. Solid Waste Activities Grp. v. EPA*, 901 F.3d 414, 427 (D.C. Cir. 2018) ("*USWAG*"); *see also* 42 USC § 6944(a).
[11] *USWAG*, 901 F.3d at 429.

> Leakage from unlined impoundments is typically quicker, more pervasive, and at larger volumes than that from lined impoundments . . . Unlike lined impoundments, in which leaks are usually caused by some localized or specific defect in the liner system than can more readily be identified and corrected, leakage from unlined impoundments is more pervasive and less amenable to any quick, localized fix. [] When an unlined impoundment begins to leak, Coal Residual sludge will flow through the unit and into the environment unrestrained … .[12]

Given those threats, the court held that unlined impoundments must be closed as soon as physically possible, regardless of whether proof already exists that they are leaking and regardless of the cost or inconvenience of finding alternate disposal capacity for the CCR.[13]

The proposed adjusted standard, however, would do just the opposite. It would relieve EEI of the obligation to close Joppa West consistent with Part 845 and Part 257. This in turn would allow EEI to leave CCR saturated with groundwater and exposed to the elements present in Joppa West, with no clear deadline—let alone one that requires Joppa West to close as soon as physically possible—in place for closure. As both the D.C. Circuit and U.S. EPA have concluded, such a scheme poses unacceptable and unlawful risks to communities and the environment.[14]

EEI's proposal for a human health and ecological risk assessment as part of its adjusted standard does nothing to overcome the grave risks to health and the environment that U.S. EPA and Illinois lawmakers already determined are posed by older unlined impoundments like Joppa West. Under EEI's proposal, "The report shall also include a human health risk assessment and ecological risk assessment verifying that Joppa West Ash Pond [sic] that the above action are [sic] protective of human health and the environment."[15] The risks posed by Joppa West are not subject to debate despite EEI's attempts to reopen the question of risk through a human health and ecological risk assessment. U.S. EPA relied on its 2014 risk analysis in developing the 2015 Federal CCR Rule, which—with additional protections ordered by the D.C. Circuit Court in its 2018 review of the rule—was upheld as providing the necessary protections to safeguard human health and the environment.[16]

With the backdrop of the 2015 Federal CCR Rule and the D.C. Circuit decision, the Illinois Legislature and governor determined that Illinois' regulatory scheme must be "at least as protective and comprehensive" as the federal rule; accordingly, Illinois has already weighed the risks and made a reasoned decision to regulate these sites.[17] EEI may not second-guess

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[12] *Id*. (internal quotations and citations omitted).
[13] *Id*. at 427-430, 447-449. Note that there is no need for EEI to find alternate disposal capacity for additional CCR from the Joppa West facility, which, Vistra reported to U.S. EPA, closed on August 31, 2022. *See* Letter from Cynthia Vodopivec, Vistra, to Cecilia DeRobertis, U.S. EPA (Oct. 24, 2023), *available at* https://www.luminant.com/documents/ccr/Illinois/Joppa/2023/2023-Joppa-%20Request%20to%20Withdraw%20Part%20A%20Submission%2010%2024%202023.pdf, attached hereto as Ex. A.
[14] *See USWAG*, 901 F.3d at 427-430, 447-449; 89 Fed. Reg. at, *e.g.,* 38989, 38991.
[15] EEI Resp. to IEPA Recommendation at 11.
[16] *Util. Solid Waste Activities Grp. v. Env't Prot. Agency*, 901 F.3d 414, 449–50 (D.C. Cir. 2018).
[17] 415 ILCS 5/22.59(g)(1).

lawmakers' conclusions, nor may EEI rewrite the scope of Part 845—which was just upheld in full by an Illinois appellate court[18]—in an adjusted standard proceeding.

Further, the Board has concluded that contamination of groundwater alone establishes environmental risk. There need not be receptors to establish environmental or health risk:

> [T]he Board believes that among the most necessary facets of the State's groundwater protection program is the need to protect all drinkable water at a drinkable level. Similarly, the Board does not believe that current actual use should be the sole control of whether potable groundwater is afforded the protection necessary to maintain potability; we simply cannot allow the sullying of a resource that future generations may need.[19]

The Illinois Supreme Court went on to adopt the Board's determination that water pollution exists not only when actual harm has occurred or will occur, but rather whenever "harm would occur if the contaminated water were to be used."[20]

Based upon all of the risks identified by the Illinois Legislature when adopting CAPPA, the U.S. EPA, the Illinois Supreme Court, the D.C. Circuit, and this Board, it is clear that the adjusted standard proposed for Joppa West poses heightened risks of environmental and health effects substantially or significantly more adverse than the effects considered by the Board in adopting the rule of general applicability.

B. The Requested Adjusted Standard Undermines the Public Participation Objectives of CAPPA

CAPPA mandates the incorporation of meaningful public participation requirements into the Illinois CCR regulations.[21] The proposed adjusted standard impermissibly cherry picks the elements of Part 845 that EEI is willing to adhere to at Joppa West while rejecting the elements that EEI finds less desirable. For instance, EEI eliminates the pre-application public notification and public meeting requirements of Part 845.240 and eliminates all of Part 845.710 on closure alternatives. One of the provisions of Part 845.710 includes the requirements for notice and discussion of the closure alternatives in a public meeting. As a result, the adjusted standard would impermissibly evade some of the meaningful public participation provisions in Part 845.

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[18] *Midwest Generation, LLC v. Ill. Pollution Control Bd.*, 2024 IL App (4th) 210304 (Mar. 13, 2024) ("*MWG v. IPCB*").

[19] Final Order, slip op. at 11, PCB R89-14(B) (Nov. 7, 1991) (emphasis in original); 35 Ill. Admin. Code Part 620 (Groundwater Quality Standards).

[20] *Cent. Ill. Pub. Serv. Co. v. Ill. Pollution Control Bd.*, 116 Ill.2d 397, 409 (Ill. 1987) (emphasis in original).

[21] 415 ILCS 5/22.59(g)(6) ("The rules must, at a minimum, …specify meaningful public participation procedures for the issuance of CCR surface impoundment construction and operating permits, including, but not limited to, public notice of the submission of permit applications, an opportunity for the submission of public comments, an opportunity for a public hearing prior to permit issuance, and a summary and response of the comments prepared by the Agency.").

C. Joppa West is not "Substantially or Significantly Different" from Other Regulated CCR Surface Impoundments

EEI argues that the "factors relating to Joppa West are substantially and significantly different than the factors relied upon by the Board in adopting Part 845."[22] EEI argues that those factors include that "Joppa West stopped operating and holding ponded water many years ago, is capped with soil (and clay in certain areas), as well as mature vegetation, shrubs and trees, and includes potential habitat for federally endangered bats."[23] There is nothing "substantially or significantly different" about Joppa West or the environmental and health risks it poses as compared to other regulated CCR surface impoundments. EEI's attempts to prove otherwise fail.

U.S. EPA has disproved the argument that ponds that have stopped operating and stopped holding ponded water are different or less risky. Contrary to EEI's argument, older ponds continue to pose the same risks of groundwater contamination as ponds that stopped receiving coal ash more recently;[24] in fact, as explained above, they may pose even more risks than newer impoundments. U.S. EPA has concluded that older ponds like Joppa West are subject to regulation under the federal CCR rule, regardless of when they stopped receiving coal ash,[25] because the data demonstrates that both ponds with ponded water and those without ponded water pose a risk. As U.S. EPA observes in the preamble to the 2024 Federal CCR Rule:

> [W]ithout an effective cover system many 'dewatered' impoundments can nevertheless contain significant volumes of water simply as a consequence of the amount of precipitation that continually percolates through the unit . . . In the absence of any action taken to remove the water, over time it will continue to accumulate in the unit.[26]

At Joppa West, the risks posed by saturation via precipitation from above the ash pond are exacerbated by the fact that Joppa West has not been "dewatered"—rather, free liquids, in the form of both groundwater and precipitation, remain in the CCR.[27] Nor would EEI be required to dewater Joppa West under the proposed adjusted standard because EEI's proposal relieves it of compliance with virtually all of the requirements in Subpart G on Closure, including the closure performance standard when leaving CCR in place. The D.C. Circuit just last month confirmed that free liquids do, as one would presume, include groundwater. The Court explained that the 2015 Federal CCR Rule "was clear" that:

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[22] EEI Resp. to IEPA Recommendation at 19.
[23] *Id.*
[24] *See, e.g.*, Interim Op. and Order, PCB 2013-15 at 92 (June 20, 2019) (finding that coal ash in the "Old Pond" at Midwest Generation's Waukegan Station caused groundwater contamination).
[25] Letter from Edward Nam to Owen R. Schwartz, U.S. EPA at 1 (Jan. 11, 2022), attached hereto as Ex. B [hereinafter "Gallagher Decision"].
[26] 89 Fed. Reg. at 38990.
[27] *See*, *e.g.*, P.C. #1, Commenters Initial Comments at 12 ("As IEPA discusses in its Recommendation, test pits and borings drilled in Joppa West show that 'ash remains below the surface and more than half of the ash volume below the surface is below the static groundwater table.' From this and other data, IEPA concludes that Joppa West 'is fully saturated with static groundwater recharged directly through the CCR material in [Joppa West], and [Joppa West's] cover is not sufficient to prevent infiltration.'" (citing IEPA Recommendation at 27)).

A unit operator closing a surface impoundment with waste saturated feet-deep in groundwater has neither eliminated "free liquids" from the impoundment nor controlled the "infiltration of liquids" into that unit. The 2015 Rule, standing on its own, makes clear that operators cannot close their surface impoundments with groundwater leaching in and out of the unit and mixing with the coal residuals.[28]

U.S. EPA and this Board have also disproved the argument that ponds with soil, mature vegetation, shrubs and trees are different and less risky. U.S. EPA has recognized that vegetation, shrubs, and trees growing on top of an impoundment do not make it less risky. That presence of vegetation was immaterial to U.S. EPA's decision to regulate the Duke Energy Gallagher Station as an inactive CCR surface impoundment under the federal CCR rule,[29] a decision upheld by the D.C. Circuit as consistent with the 2015 Federal CCR Rule.[30]

Statements in the preamble to the 2024 Federal CCR Rule further underscore that Joppa West is not unique in terms of either its characteristics or risks:

> A number of commenters also claimed that their units are heavily vegetated or developed and that reopening or other removal/remediation activities may disrupt the current use of the site. EPA acknowledges some old units may be heavily vegetated. However, no commenter submitted any data or analysis to demonstrate that, over the short or long term, removal or remediation activities would be more detrimental to health and the environment than either cleaning up the contaminated groundwater or taking measures to prevent the legacy CCR surface impoundment from contaminating groundwater. Moreover, **the fact that some impoundments have become heavily vegetated or redeveloped does not resolve the risks these unlined legacy CCR surface impoundments continue to pose . . . the risks associated with such units can be substantial . . . Consequently, the current record does not support an exemption for units that still contain both liquid and CCR even if the closure or remediation may disrupt the current use of the land**.[31]

U.S. EPA also describes extensive evidence of the risks that old, unlined, and inadequately covered units pose—including cancer and non-cancer health risks as well as disproportionate risks to environmental justice communities—leading the agency to conclude that regulating such

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[28] *Elec. Energy, Inc. v. Env't Prot. Agency*, No. 22-1056, 106 F.4th 31, at para. 5 (D.C. Cir. June 28, 2024) (internal citations omitted); *see also id.* ("[T]he fact that the Rule includes distinct definitions of 'free liquids' and 'groundwater' gives us no reason to doubt that, when groundwater makes its way into a coal residual unit, it 'readily separate[s] from the solid portion of a waste under ambient temperature and pressure,' becoming a free liquid").
[29] Ex. B, Gallagher Decision at 1.
[30] *See Elec. Energy, Inc.*, No. 22-1056, 106 F.4th 31, at para. 6 (rejecting the claim that the Gallagher letter, among other documents, unlawfully expanded the scope of regulated units and explaining that "the plain text of the 2015 Rule applies to 'inactive service impoundments,' 40 C.F.R. § 257.50(c), which the Rule defines as 'surface impoundment[s] that no longer receive[] [coal residuals] on or after October 19, 2015 and still contain[] both [coal residuals] and liquids on or after October 19, 2015," *id*. § 257.53. Consistent with that regulatory text, EPA's letter to Duke Energy [regarding the Gallagher site] contemplated applying the 2015 Rule to surface impoundments that no longer receive coal residuals but still contain coal residuals and groundwater").
[31] 89 Fed. Reg. at 38985 (emphasis added).

units "will have significant quantified and unquantified public health and environmental benefits."[32]

This is consistent with the Illinois Appellate Court's opinion in *MWG v. IPCB*, which affirms the risk that units like Joppa West pose when, upholding the Board's definition of "inactive CCR surface impoundment," the court agreed with the Board's reasoning that even dry CCR surface impoundments "can pose a risk to groundwater."[33]

In sum, Joppa West is similar to numerous other CCR surface impoundments, and both U.S. EPA's analysis of similar impoundments and IEPA's detailed, site-specific review of this one strongly suggest that it is just as dangerous—if not more so—to human health and the environment than others regulated under Part 845 and federal Part 257. EEI fails to meet its burden of proving that the adjusted standard it requests are justified under Illinois law.

D. The Proposed Adjusted Standard Is Not Consistent with Federal Requirements Because Joppa West Is an "Inactive CCR Surface Impoundments" Under the Federal CCR Rule

Petitioner cannot meet its burden of proving that the adjusted standard it requests for Joppa West is compatible with federal law. EEI argues that "The proposed interim adjusted standard meets the Section 28.1 criteria of consistency with federal law."[34] Petitioner's argument on this factor relies almost exclusively on its claim that "Joppa West is not subject to the 2015 [F]ederal CCR [R]ule."[35]

U.S. EPA has made clear that ponds like Joppa West are subject to regulation under the federal CCR rule as "inactive CCR surface impoundment[s]."[36] In U.S. EPA's non-compliance letter regarding Duke Energy's Gallagher Station, recently upheld by the D.C. Circuit as a reasonable application of the 2015 Federal CCR Rule,[37] the Agency confirms that coal ash ponds like Joppa West meet the definition of an "inactive CCR surface impoundment" under the federal CCR rule. Part 845 must regulate, at a minimum, the same coal ash ponds as the federal CCR rule because CAPPA requires Illinois' coal ash regulatory program to be "at least as protective and comprehensive" as the federal CCR rule.[38] Illinois' program also must be "at least as protective as" the federal CCR rule if it is to operate in lieu of the federal rule.[39]

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[32] *Id.* at 38951.
[33] *MWG v. IPCB*, 2024 IL App (4th) 210304, at 21.
[34] EEI Resp. to IEPA Recommendation at 22.
[35] *Id.* at 25 ("IEPA has noted that 'Petitioner does not consider the [Joppa West] to be regulated by Part 257 ….'"); *see also* EEI, Pet. for a Finding of Inapplicability or, in the Alternative, an Adjusted Standard from 35 Ill. Admin. Code Part 845, PCB AS 2021-005 at 35 (May 11, 2021) [hereinafter "Petition"].
[36] Commenters Initial Comments at 9-12.
[37] *Elec. Energy, Inc.*, No. 22-1056, 106 F.4th 31, at para. 6.
[38] 415 ILCS 5/22.59(g)(1) ("The rules must, at a minimum: (1) be at least as protective and comprehensive as the federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency in Subpart D of 40 CFR 257 governing CCR surface impoundments[.]").
[39] *See* 42 USC § 6945(d)(1)(B) (requiring the EPA Administrator to approve a state's coal ash permitting program if it requires each impoundment in that state to achieve compliance with criteria that is "at least as protective as the criteria" in the federal CCR rule); *see also id.* § 6945(d)(1)(C).

The definition of "CCR surface impoundment" in CAPPA is "identical"[40] to the definition in the federal CCR rule. Both define "CCR surface impoundment" as a "natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of CCR and liquids, and the [surface impoundment or unit] treats, stores, or disposes of CCR."[41] The definition of "inactive CCR surface impoundment" is similar under Part 845 and the federal CCR rule, differing only in that Part 845's definition says "still contains CCR"[42] while the federal definition says "still contains *both* CCR *and liquids*."[43]

U.S. EPA confirmed that a coal ash unit is "designed to hold an accumulation of CCR and liquids" under the federal CCR rule—and therefore meets the federal definition of a "CCR surface impoundment"—even if the unit does not impound water on its surface.[44] U.S. EPA further explained that a coal ash unit "still contains both CCR and liquids"—and therefore meets the federal definition of an "*inactive* CCR surface impoundment"—when "its base (or any part of its base) is in contact with groundwater."[45]

U.S. EPA's Gallagher letter makes clear that Joppa West is an "inactive CCR surface impoundment" under the federal CCR rule because, like the ash pond at Gallagher, Joppa West's base is in contact with groundwater. As IEPA discusses in its Recommendation, test pits and borings drilled in Joppa West show that "ash remains below the surface and more than half of the ash volume below the surface is below the static groundwater table."[46] From this and other data, IEPA concludes that Joppa West "is fully saturated with static groundwater recharged directly through the CCR material in [Joppa West], and [Joppa West's] cover is not sufficient to prevent infiltration."[47] As a result—and regardless of the fact that Joppa West stopped receiving ash in the 1970s and has since been covered by soil and clay[48]—Joppa West is subject to regulation as an "inactive CCR surface impoundment" under the federal CCR rule.

EEI argues that "the proposed interim adjusted standard's consistency with federal law is not impacted by the possibility that Joppa West may be subject to Part 257 at a future date under the 2024 federal CCR[] rule."[49] The scope and effective date of the 2024 Federal CCR Rule is completely irrelevant to the Board's determination of whether EEI has met the requirements for an adjusted standard. Because Joppa West is an inactive CCR surface impoundment under Part 845 and the 2015 Federal CCR Rule, the scope and effective date of the 2024 Federal CCR Rule have no bearing here.

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[40] Petition at 4.
[41] *Compare* 35 Ill. Admin. Code § 845.120 *with* 40 CFR § 257.53.
[42] 35 Ill. Admin. Code § 845.120.
[43] 40 CFR § 257.53 (emphasis added).
[44] Ex. B, Gallagher Decision at 1. ("The definition of a CCR surface impoundment does not require that the unit prevent groundwater from flowing through the unit, but merely requires that the unit be 'designed to hold an accumulation of CCR and liquid.' 40 C.F.R. § 257.53").
[45] *Id.* at 2 (internal citation omitted).
[46] Recommendation of the IEPA regarding Elec. Energy's Pet. for an Adjusted Standard for Joppa West, PCB AS 2021-005 at 27 (Nov. 22, 2021) [hereinafter "IEPA Recommendation"].
[47] *Id.*
[48] Petition at 15, 60.
[49] EEI Resp. to IEPA Recommendation at 26.

In short, if the Board granted EEI the adjusted standard for Joppa West under the Part 845, Joppa West would still need to comply with all of the requirements of the Part 257 federal regulations—indeed, EEI acknowledges as much.[50] However, because Joppa West is subject to regulation as an "inactive CCR surface impoundment" under the federal CCR rule, and because Illinois' coal ash regulatory program must be at least as protective and comprehensive as the federal CCR rule, Joppa West therefore also is an "inactive CCR surface impoundment" subject to regulation under Part 845. Petitioner's adjusted standard—which seeks to exempt Joppa West from requirements under Part 845 that are also requirements under the federal CCR rule—is inconsistent with federal law.

E. U.S. EPA's Inclusion of Joppa West on a List of CCR Units Not Covered by the 2015 Rule Is Not Determinative

EEI argues that U.S. EPA included Joppa West on a list of CCR management units that are not covered by the 2015 Federal CCR Rule.[51] However, this list is not a definitive identification of units subject to the 2024 Federal CCR Rule. First, U.S. EPA clearly identifies the list as consisting of "potential" CCR management units ("CCRMU"),[52] and makes clear that the list is merely an "estimate."[53] Second, the list is not part of the rule itself or the language of the regulations. It is the actual provisions of the rule that guide how to identify a CCR legacy surface impoundment or management unit covered by the 2024 Federal CCR Rule versus a CCR surface impoundment covered by the 2015 Federal CCR Rule or Illinois Part 845.[54] It is the language of the rule that governs as opposed to attachments or appendices setting out "potential" regulated units. Based upon the language of the rule, including definitions, Joppa West is covered by the 2015 Federal CCR Rule and Illinois Part 845.

F. The Board Should Deny Petitioner's Request for an Adjusted Standard Because It Would Be Incompatible with Both CAPPA and Federal Law, and Accordingly Could Preclude Federal Approval of Illinois' Coal Ash Regulatory Program

As discussed in Commenters' prior comments,[55] adjusted standards from Part 845 are both incompatible with CAPPA's mandate and put U.S. EPA approval of Illinois' state program at risk. First, the Illinois General Assembly was clear when it enacted CAPPA that Illinois' coal ash regulations must be "at least as protective and comprehensive as" the federal CCR rule.[56]

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[50] EEI Resp. to IEPA Recommendation at 24.

[51] EEI Resp. to IEPA Recommendation at 25-26 ("Additionally, concurrently with finalizing the 2024 federal CCR[] rule, USEPA included Joppa West on a published list of units that it identified as CCR management units that are not regulated by the 2015 federal CCR rule." (citing U.S. EPA, *List of CCR Mgmt. Units*, *available at* https://www.epa.gov/system/files/documents/2024-04/copy-of-universe-of-ccr-management-units.-april-2024_0.pdf; 89 Fed. Reg. at 39,100)).

[52] 89 Fed. Reg. at 39,035, n. 64 ("An updated list of known *potential* CCRMU can be found in the docket for this action. See document titled 'Universe of CCR Management Units. April 2024'") (emphasis added).

[53] *Id*. at 39035 ("EPA *estimates* that there are 179 CCRMU at 92 active facilities and 16 CCRMU at 12 inactive facilities that will be subject to the requirements of this final rule.") (emphasis added).

[54] *Compare* 40 CFR § 257.53, 2015 Federal CCR Rule (definitions of CCR surface impoundment and CCR unit) *with* 40 CFR § 257.53, 2024 Federal CCR Rule (definitions of CCR management unit, CCR surface impoundment and CCR unit); 89 Fed. Reg. at 39100.

[55] Commenters Initial Comments at 13-15.

[56] 415 ILCS 5/22.59(g)(1) ("The rules must, at a minimum: (1) be at least as protective and comprehensive as the federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency in Subpart D of 40 CFR 257 governing CCR surface impoundments.").

Part 845 and the federal CCR rule share many of the same requirements and, as a result, adjusted standards could in many cases exempt a coal ash pond from requirements that are codified in *both* Part 845 *and* the federal CCR rule. The practical result would be to render Part 845 less protective than the federal rule, which is contrary to CAPPA, and risks leading to a denial of primacy for Illinois' coal ash regulatory program.

IEPA is seeking authorization from U.S. EPA to operate its own permitting program for Illinois coal ash impoundments.[57] To operate in lieu of the federal CCR program, Illinois' coal ash regulatory program must be "at least as protective" as the federal CCR rule.[58] Not only must the regulations be at least as stringent as the federal requirements, but the way the program is implemented must also maintain that level of stringency. EEI acknowledges that any adjusted standards that the Board grants providing relief from Part 845 requirements will be reviewed by U.S. EPA for approval of Illinois' coal ash program and that the Part 845 must be at least as stringent as the federal program—Part 257.[59]

U.S. EPA recently underscored this point by directing Georgia—which previously received approval to operate its coal ash program in lieu of the federal CCR rule—to reevaluate its decisions on coal ash permits in light of U.S. EPA's recent Part A decisions.[60] U.S. EPA elaborated on a similar point regarding Alabama's program:

> While the statutes and regulations of the Alabama CCR permit program provide the State with sufficient authority to require compliance with the Federal requirements or equivalent State requirements, EPA is proposing to determine

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[57] *See, e.g.,* IEPA, Statement of Reasons, PCB R2020-19 at 10 (Mar. 30, 2020) ("The third purpose and effect of this proposed rule is to adopt the federal CCR rules in Illinois and obtain federal approval of Illinois' CCR surface impoundment program"); IEPA, Resp. to Final Post-Hr'g Comments, PCB R2020-19 at 36 (Nov. 6, 2020) ("Further, the Agency intends to get approval by USEPA to manage CCR surface impoundments in place of Part 257.").

[58] 42 USC § 6945(d)(1)(B) ("[T]he Administrator . . . shall approve, in whole or in part, a permit program or other system of prior approval and conditions . . . if the Administrator determines that the program or other system requires each coal combustion residuals unit located in the State to achieve compliance with (i) the applicable criteria for coal combustion residuals units under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 6907(a)(3) and 6944(a) of this title); or (ii) such other State criteria that the Administrator, after consultation with the State, determines to be *at least as protective as* the criteria described in clause (i).") (emphasis added); *id.* § 6945(d)(1)(C) ("The Administrator shall approve under subparagraph (B)(ii) a State permit program or other system of prior approval and conditions that allows a State to include technical standards for individual permits or conditions of approval that differ from the criteria under part 257 of title 40, Code of Federal Regulations (or successor regulations promulgated pursuant to sections 6907(a)(3) and 6944(a) of this title) if, based on site-specific conditions, the Administrator determines that the technical standards established pursuant to a State permit program or other system are *at least as protective as* the criteria under that part.") (emphasis added).

[59] EEI Resp. to IEPA Recommendation at 24-25 ("USEPA will review the program to ensure that Part 845 (including any adjusted standard granted to its requirements) is at least as stringent as the requirements of Part 257." (citing AS 2009-004, *In the Matter of: Pet. of Royal Fiberglass Pools, Inc. For An Adjusted Standard From 35 Ill. Admin. Code 215.301*, Order and Op. of the Bd. at 14 (Feb. 18, 2010); AS 2000-012, *In the Matter of: Pet. of Vonco Products, Inc. For An Adjusted Standard From 35 Ill. Admin. Code Sections 218.401(a), (b), and (c)*, Op/ and Order of the Bd. at 6 (Jan. 18, 2001)).

[60] U.S. EPA, Letter Re: Georgia Coal Combustion Residuals Permit Program at 1 (Jan. 11, 2022), attached hereto as Ex. C (requesting that Georgia's Environmental Protection Division "review its pending and issued CCR permits to determine whether the permits are consistent with" recent Part A decisions from U.S. EPA).

> that permits issued by ADEM [Alabama Department of Environmental Management] allow CCR units in the State to comply with alternative requirements that are less protective than the requirements in the Federal CCR regulations with respect to groundwater monitoring, corrective action, and closure. For example, as discussed in more detail in subsequent sections, ADEM has issued multiple permits allowing CCR in closed units to remain saturated by groundwater, without requiring any engineering measures to control the groundwater flowing into and out of the closed unit.[61]

Because adjusted standards from Part 845 in general—and the particular adjusted standard requested and recommended here—could transform Illinois' coal ash program into one that is less protective than the federal CCR program, allowing adjusted standards from Part 845 presents a serious risk that Illinois will not be able to obtain U.S. EPA approval to administer its own coal ash regulatory program in lieu of the federal CCR rule.

III. Conclusion

Given the significant additional risks the proposed adjusted standard would pose, the fact that Joppa West is characteristic of numerous similar coal ash ponds regulated by Part 845, and the major inconsistencies between the proposed adjusted standard and federal requirements applicable to Joppa West, the Board should reject EEI's proposed adjusted standard and direct EEI to immediately comply in full with Part 845.

Dated: July 25, 2024

Respectfully Submitted,

/s/ Faith E. Bugel
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On Behalf of Sierra Club

/s/ Lauren Piette
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[61] Ala.: Denial of State Coal Combustion Residuals Permit Program, 88 Fed. Reg. 55220, 55225 (Aug. 14, 2023).

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On Behalf of Earthjustice

/s/ Andrew Rehn
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On Behalf of Prairie Rivers Network

CERTIFICATE OF SERVICE

The undersigned, Faith E. Bugel, an attorney, certifies that I have served by email the Clerk and by email the individuals with email addresses named on the Service List provided on the Board's website, *available at* https://pcb.illinois.gov/Cases/GetCaseDetailsById?caseId=17036, a true and correct copy of the **Comments of Earthjustice, Prairie Rivers Network, and Sierra Club on Electric Energy, Inc.'s Response to Illinois Environmental Protection Agency's Recommendation**, before 4:30 p.m. Central Time on July 25, 2024. The number of pages in the transmission is 27 pages.

Dated: July 25, 2024

Respectfully Submitted,

/s/ Faith E. Bugel

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SERVICE LIST	
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Exhibit A

From: Vodopivec, Cynthia
To: DeRobertis, Cecilia
Cc: Mitchell, David; Morris, Phil; Voelker, Brian
Subject: Joppa Part A Demonstration Withdrawal
Date: Tuesday, October 24, 2023 3:50:45 PM

Dear Ms. DeRobertis,

On November 24, 2020, Electric Energy, Inc. submitted a complete demonstration to the U.S. Environmental Protection Agency (EPA) that requested approval of a site-specific alternative deadline to initiate closure pursuant to 40 C.F.R. § 257.103(f)(2) for the East Ash Pond located at the Joppa Power Station near Joppa, Illinois. On January 11, 2022, EPA determined that the demonstration was complete, confirming that the deadline to cease receipt of waste is tolled.

The Joppa Power Plant was retired on August 31, 2022, and all waste flows to the East Ash Pond have now ceased. Closure of the East Ash Pond will now proceed under 40 C.F.R. 257.102. Accordingly, it is no longer necessary for EPA to act on the Part A submission for Joppa. Therefore, Electric Energy, Inc. is withdrawing the Part A demonstration request that was submitted on November 24, 2020.

Please let me know if you have any questions or concerns.

Best Regards,

Cynthia E. Vodopivec, P.E.
SVP – Environmental, Health & Safety
Vistra Corp.
Cynthia.vodopivec@vistracorp.com
m. 860-604-4844

Exhibit B

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
L-17J

Mr. Owen R. Schwartz
Duke Energy
1000 East Main Street
Plainfield, Indiana 46168

Dear Mr. Schwartz,

This letter provides written confirmation of the discussion between the Environmental Protection Agency (EPA) and Duke Energy Gallagher staff during our conference calls on August 27 and September 17, 2021 regarding the history of the site and the closure of Coal Combustion Residuals (CCR) surface impoundments at Duke Energy's Gallagher Generating Station in New Albany, Indiana. This letter also serves to notify you that, based on the information provided in those telephone conversations, EPA has concluded that the North Ash Pond and the Primary Pond Ash Fill Area are subject to the requirements of 40 C.F.R. Part 257 Subpart D ("the CCR Regulations").

On the August 27 conference call, Duke Energy stated that two impoundments (i.e., North Ash Pond, Primary Pond Ash Fill Area) were removed from service, drained of ponded surface water, and subsequently covered with soil and grass in 1989. Further, EPA's understanding is that Duke has taken no engineering measures to remove any of the groundwater from either unit and both of these unlined units are sitting in approximately 20 feet of groundwater.

As an initial matter, we disagree with Duke Energy's argument that neither of these units are CCR surface impoundments within the meaning of the CCR Regulations. We understand that you interpret the definition of a CCR surface impoundment to exclude units such as the North Ash Pond, where liquid remains in the unit because the base of the unit intersects with groundwater. You argue that such units do not "hold" liquid because groundwater flows through the unit (instead of staying within the unit). EPA disagrees with your interpretation. The definition of a CCR surface impoundment does not require that the unit prevent groundwater from flowing through the unit, but merely requires that the unit be "designed to hold an accumulation of CCR and liquid." 40 C.F.R. § 257.53. Following your interpretation would lead to the incongruous result that impoundments where contaminants can migrate out in the groundwater would not be regulated by the CCR Regulations, while those that prevent that type of migration would be regulated.

Primary Pond Ash Fill Area

The Primary Pond Ash Fill Area is not an existing CCR surface impoundment because (to EPA's knowledge) it has not received CCR after October 19, 2015. However, because it still contains CCR and liquids, it meets the definition of an inactive CCR surface impoundment. An inactive CCR surface impoundment is one "that no longer receives CCR on or after October 19, 2015 and still contains both CCR and liquids on or after October 19, 2015." EPA interprets the word "contains" to mean "to have or hold (someone or something) within" based on the ordinary meaning of the word. (e.g., Oxford English Dictionary, Merriam-Webster). Accordingly, an impoundment "contains" liquid if there is liquid in the impoundment, even if the impoundment does not prevent the liquid from migrating out of the impoundment. This means that if a CCR surface impoundment contains liquid because its base (or any part of its base) is in contact with groundwater, it would meet the definition of an inactive CCR surface impoundment. Under both the regulatory and dictionary definitions of the term, groundwater (or water) falls within the plain meaning of a "liquid." See 40 C.F.R. 257.53. Therefore, because the Primary Pond Ash Fill Area is sitting in approximately 20 feet of groundwater, it holds or contains liquids and is an inactive surface impoundment.

As an inactive CCR surface impoundment, the Primary Pond Ash Fill Area is regulated pursuant to 40 C.F.R. § 257.50(c), which specifies that "[t]his subpart also applies to inactive CCR surface impoundments at active electric utilities or independent power producers, regardless of the fuel currently used at the facility to produce electricity."

North Ash Pond

On the September call, Duke Energy confirmed that the North Ash Pond has received CCR after the October 19, 2015 effective date of the CCR Rule. Therefore, that pond meets the definition of an existing CCR surface impoundment. An existing CCR surface impoundment is one that "receives CCR both before and after October 19, 2015." 40 C.F.R. § 257.53. Accordingly, the North Ash Pond falls within the ambit of 40 C.F.R. § 257.50(b), which specifies that "[t]his subpart applies to owners and operators of…existing CCR surface impoundments…that dispose or otherwise engage in solid waste management of CCR." Even if the North Ash Pond had not received CCR after October 19, 2015, it would be an inactive CCR surface impoundment for the same reasons that the Primary Pond Ash Fill Area is an inactive CCR surface impoundment and would fall within the ambit of 40 C.F.R. § 257.50(c).

Applicability of the Closure Requirements to these Impoundments

For the reasons set out in the discussion above, the North Ash Pond and Primary Pond Ash Fill Area are regulated under 40 C.F.R. Part 257 Subpart D and Duke Energy will need to take action to bring these ponds into compliance by meeting all the requirements of the regulations. Significant among these is the requirement to close, because the North Ash Pond and the Primary Pond Ash Fill Area are unlined CCR surface impoundments. See, 40 C.F.R. § 257.101(a).

The applicable closure regulations are those that address closing with waste in place (assuming EPA's understanding is correct that Duke Energy's plan is to close both impoundments with waste in place). The Part 257 requirements applicable to impoundments closing with waste in place include general performance standards and specific technical standards that set forth individual engineering requirements related to the drainage and stabilization of the waste and to the final cover system. The general performance standards and the technical standards complement each other, and both must be met at every site. The general performance standards

under 40 C.F.R. § 257.102(d)(1) require that the owner or operator of a CCR unit "ensure that, at a minimum, the CCR unit is closed in a manner that will: (i) Control, minimize or eliminate, to the maximum extent feasible, post-closure infiltration of liquids into the waste and releases of CCR, leachate, or contaminated run-off to the ground or surface waters or to the atmosphere; and (ii) Preclude the probability of future impoundment of water, sediment, or slurry." The specific technical standards related to the drainage of the waste in the unit require that "free liquids must be eliminated by removing liquid wastes or solidifying the remaining wastes and waste residues" prior to installing the final cover system. 40 C.F.R. § 257.102(d)(2)(i).

If Duke Energy plans to close with waste in place and the base of the impoundment does, in fact, intersect with groundwater, Duke Energy will need to implement engineering measures to remove groundwater from the unit prior to the start of installing the final cover system, as required by 40 C.F.R. § 257.102(d)(2)(i). This provision applies both to the free-standing liquid in the impoundment and to all separable porewater in the impoundment, whether the porewater was derived from sluiced water or groundwater that intersects the impoundment. The definition of free liquids in 40 C.F.R. § 257.53 encompasses all "liquids that readily separate from the solid portion of a waste under ambient temperature and pressure," regardless of whether the source of the liquids is from sluiced water or groundwater. The regulation does not differentiate between the sources of the liquid in the impoundment (e.g., surface water infiltration, sluice water intentionally added, groundwater intrusion). Furthermore, the performance standard at 40 C.F.R. § 257.102(d)(2)(i) was modeled on the regulations that apply to interim status hazardous waste surface impoundments, which are codified at 40 C.F.R. § 265.228(a)(2)(i). Guidance on these interim status regulations clarifies that these regulations require both the removal of free-standing liquids in the impoundment as well as sediment dewatering. See US EPA publication titled "Closure of Hazardous Waste Surface Impoundments," publication number SW-873, September 1982.

Similarly, Duke Energy will need to ensure that the impoundments are closed in a manner that will "control, minimize or eliminate, to the maximum extent feasible, post-closure infiltration of liquids into the waste and releases of CCR, leachate, or contaminated run-off to the ground or surface waters or to the atmosphere." 40 C.F.R. § 257.102(d)(1). EPA views the word "infiltration" as a general term that refers to any kind of movement of liquids into a CCR unit. That would include, for example, any liquid passing into or through the CCR unit by filtering or permeating from any direction, including the sides and bottom of the unit. This is consistent with the plain meaning of the term. For example, Merriam-Webster defines infiltration to mean "to pass into or through (a substance) by filtering or permeating" or "to cause (something, such as a liquid) to permeate something by penetrating its pores or interstices." Neither definition limits the source or direction by which the infiltration occurs. In situations where the groundwater intersects the CCR unit, water may infiltrate into the unit from the sides and/or bottom of the unit because the base of the unit is below the water table. This contact between the waste and groundwater provides a potential for waste constituents to be dissolved and to migrate out of (or away from) the closed unit that is similar to infiltration from above. In this case, the performance standard requires the facility to take measures, such as engineering controls that will "control, minimize, or eliminate, to the maximum extent feasible, post-closure infiltration of liquids into the waste" as well as "post-closure releases to the groundwater" from the sides and bottom of the unit.

Finally, because the North Ash Pond and the Primary Pond Ash Fill Area must close pursuant to 40 C.F.R. § 257.101(a), any further receipt of CCR into those units is prohibited. EPA also made this clear in the preamble to the March 15, 2018 proposed rule (83 FR 11605) where EPA stated:

> The current CCR rules require that certain units must close for cause, as laid forth in § 257.101(a)–(c). As written, the regulation expressly prohibits ‘‘placing CCR’’ in any units required to close for-cause pursuant to § 257.101….Note that the rule does not distinguish between placement that might be considered beneficial use and placement that might be considered disposal. All further placement of CCR into the unit is prohibited once the provisions of § 257.101 are triggered.

If you have any questions about the information provided in this letter or if you have additional information that you would like EPA to consider, you may contact Angela Mullins at mullins.angela@epa.gov. Alternatively, Duke Energy counsel can contact Laurel Celeste at celeste.laurel@epa.gov in EPA's Office of General Counsel for any questions on the Agency's position set forth in the letter.

Sincerely,

Edward Nam
Director
Land, Chemicals and Redevelopment Division

cc: Peggy Dorsey,
Assistant Commissioner
Office of Land Quality
Indiana Department of Environmental Management

Exhibit C

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

January 11, 2022

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

Mr. Richard E. Dunn
Director
Georgia Environmental Protection Division
2 Martin Luther King, Jr. Drive
Suite 1456, East Tower
Atlanta, Georgia 30334

Re: Georgia Coal Combustion Residuals Permit Program

Dear Mr. Dunn:

Thank you for meeting with us yesterday in advance of the announcement about the actions the Agency is taking to advance EPA's commitment to protecting groundwater from CCR contamination. Today, the U.S. Environmental Protection Agency (EPA) explained portions of the CCR regulations regarding the closure performance standards at 40 Code of Federal Regulations (CFR) § 257.102(d) applicable to CCR surface impoundments and landfills. Specifically, EPA explained how these performance standards apply in situations where waste in the closing CCR unit is in contact with groundwater. You can find our explanation in EPA's proposed denial notice of Gavin Power LLC's extension request pursuant to 40 C.F.R. § 257.103(f)(1). The closure discussion is in Section III.E.1 of the proposed decision, which can be found at *https://www.epa.gov/coalash/coal-combustion-residuals-ccr-part-implementation.*

We appreciate the continued dialogue between EPA's CCR Program and the Georgia Environmental Protection Division (EPD) to continue to work together on these issues. For example, on June 3, 2021, EPA and EPD met to discuss the closure-in-place performance standards codified in the CCR regulations. The primary topic of discussion was to hear from EPD how they were interpreting and applying the closure performance standards in the permitting of CCR facilities/units in Georgia.

Giving consideration to the closure discussion provided in the proposed action for Gavin Power LLC, EPA is requesting that EPD review its pending and issued CCR permits to determine whether the permits are consistent with this explanation and whether they need to be modified or reissued. We understand that EPD may need some time to complete this review. EPA is proposing to meet the week of January 24, 2022 to discuss the results of your review and we will reach out to you to confirm the details of the virtual meeting.

EPA is committed to working with EPD to ensure that CCR permits address all applicable requirements and are consistent with the federally approved Georgia CCR Permit Program. If you have any questions or wish to discuss this further, please contact Richard Huggins of my

staff, in EPA's Office of Resource Conservation and Recovery at Huggins.Richard@epa.gov or at (202) 566-0543.

Sincerely,

Carolyn Hoskinson, Director
Office of Resource Conservation and Recovery

cc: Mr. John Eunice
Deputy Director, Georgia Department of Natural Resources
Mr. Chuck Mueller
Branch Chief, Georgia Department of Natural Resources
Mr. William Cook
Program Manager, Georgia Department of Natural Resource
Mr. Casey Katims
Deputy Associate Administrator for Intergovernmental Relations, EPA
Mr. Daniel Blackman
Regional Administrator, EPA Region 4
Mr. John Blevins
Associate Regional Administrator, EPA Region 4
Mr. Cesar Zapata
Director, Land Chemicals and Redevelopment Division, EPA Region 4
Mr. Ramon Torres
Deputy Director, Land Chemicals and Redevelopment Division, EPA Region 4
Ms. Meredith Anderson
Branch Chief, EPA Region 4
Ms. Carol Kemker
Director, Enforcement and Compliance Assurance Division, EPA Region 4
Ms. Dee Rodgers-Smith
Section Chief, Land Chemicals and Redevelopment Division, EPA Region 4
Mr. David Egetter
Section Chief, Land Chemicals and Redevelopment Division, EPA Region 4
Mr. Andy Crossland
Director, Materials Recovery and Waste Management Division, Office of Resource Conservation and Recovery
Mr. Richard Huggins
Chief, Energy Recovery and Waste Disposal Branch, Office of Resource Conservation and Recovery