

Electronic Filing - Received, Clerk's Office, September 1, 2009

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMEREN ASH POND CLOSURE RULES) R09-021
(HUTSONVILLE POWER STATION)) (Rulemaking— Land)
PROPOSED: 35 Ill. Adm. Code 840.101)
Through 840.144)

NOTICE OF FILING

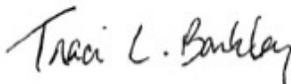
To: John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601

Tim Fox, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

Persons included on the
ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have electronically filed today with the Office of the Clerk of the Pollution Control Board the attached **Prefiled Questions in R09-021**, a copy of which is herewith served upon you.

Respectfully Submitted,



Traci L. Barkley
Water Resources Scientist
Prairie Rivers Network
1902 Fox Drive, Suite G
Champaign, Illinois 61820
(217) 344-2371

Date: September 1st, 2009

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**PREFILED QUESTIONS OF PRAIRIE RIVERS NETWORK REGARDING THE
AMEREN ASH POND CLOSURE RULES: R09-021**

The Prairie Rivers Network hereby files prefiled questions regarding R09-021:

From Ameren's Statement of Reasons:

1. Why is the site-specific rule proposed as Subchapter j, Part 840 and Subpart A rather than as another subpart under Subchapter i: Solid Waste and Special Waste Hauling, as the dry ash management and disposal of coal combustion waste is (Part 816: Alternative Standards for Coal Combustion Power Generating Facilities Waste Landfills)?
2. Since Ash Pond D is as close as 100 feet to the Wabash River, and the impoundment is unlined, have you determined how much loading of coal ash pollutants (sulfates, dissolved salts, boron, metals, etc) may be leaching into the river itself? Have these background concentrations been considered when considering the addition of the water from the groundwater trench collection system to the Outfall serving Pond B under the NDPES permit?
3. P. 14. "The City of Hutsonville's public water supply wells draw groundwater from the deep alluvial aquifer approximately one mile south of Ash Pond D." Can you please describe what effort has been made to determine whether these wells are experiencing any impact from Ash Pond D's operation?

From pre-filed testimony of Michael Bollinger:

4. P. 4. "Ameren believes that Pond D contains in total nearly a million cubic yards of ash with approximately one-third of this volume lying below the water table. Ameren anticipates that as part of final closure additional materials, including ash, may be needed to establish a final slope and grade of this impoundment." Why is Ameren adding material to the Pond D site, instead of removing it for final placement in a lined and permitted location?

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5. P. 5. “Existing regulations addressing waste, waste hauling, and landfills do not sufficiently address the closure of surface impoundments such as Hutsonville wherein the ash material is intended to remain in place.” This is an assumption on behalf of the applicant. What other options have been considered?

6. P.5. “More importantly existing landfill regulations impose requirements that cannot be met given the fact that ash ponds that pre-date modern landfill requirements are designed and regulated during their active service as water treatment facilities in connection with the management of coal combustion waste associated with coal-fired plants.” Please explain further how use during their active service prevents existing landfill regulations from being applied and met at the end of an ash impoundments active life.

7. P.8. “Water quality data from the deep alluvial aquifer consistently demonstrates compliance with Class I standards and we believe that the vertical migration of groundwater is restricted by a confining layer between the upper migration zone and deep alluvial aquifer. What leads you to this conclusion? If a confining layer were not preventing vertical movement of the water, can you estimate how long the contaminated water would take to travel to the groundwater well’s sampling point?

8. P. 10. “It is unlikely that the removal of such a large volume of material is technologically feasible. The saturated ash alone would require unconventional excavation techniques, such as dredging or mechanical sluicing and dewatering prior to transport to an off-site waste management facility.” Why couldn’t the dredged material be placed in a lined landfill on the Ameren property or on adjacent farmland (purchase land polluted by leachate) similar to the more recently placed coal ash waste?

9. P. 13. “Ameren also proposes to use, if necessary, coal combustion waste from Pond A as part of that final grading and slope.” Please describe the material characterization and leachate testing that will be conducted to ensure that use of this material will not contribute additional pollutant loading to the site.

10. P. 16. “Under the proposal, no groundwater quality standards apply within Zones A and B.” Please explain how this would affect the protection of existing uses and the application of the groundwater nondegradation standard.

From pre-filed proposed amendments from IEPA:

11. Section 840.114 Groundwater Monitoring Program. (a) “The owner and operator of Ash Pond D must monitor....: 35 Ill. Adm. Code 620.410(a) and (d) except radium-226 and radium-228.” Why are these two constituents excluded?

12. Per Section 3.135 (a)(9)(B), “CCB shall not exceed Class I Groundwater Standards for metals when tested utilizing test method ASTM D3987-85. The

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sample or samples tested shall be representative of the CCB being considered for use.” Why isn't this requirement referenced under Section 840.124?

13. Why doesn't the additional use of coal combustion byproduct require an independent approval pursuant to Section 3.135 of the Act, according to IEPA's suggested edits to Section 840.124?

From pre-filed testimony of Stephen Nightingale, IEPA:

14. We appreciate your request on behalf of the Agency for a moratorium on additional site-specific rules for closure of coal combustion waste surface impoundments. Can you tell us why, given the fact that new federal rules regarding the management of coal combustion wastes are likely forthcoming, the Agency is not requesting that Ameren's Hutsonville Pond D activities also be placed on hold?

15. If USEPA redetermines coal combustion waste to be “hazardous” in nature per RCRA, would Subchapter c, Part 724 regulations governing standards for hazardous waste treatment, storage and disposal facilities be sufficient to govern the closure of Ameren's Hutsonville Pond D?

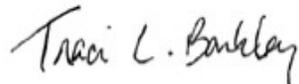
CERTIFICATE OF SERVICE

I, Traci Barkley, certify that I have served the attached **Prefiled Questions in R09-021** upon:

Mr. John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic filing on September 1st, 2009; and upon the attached service list by depositing said documents in the United States Mail, postage prepaid, in Chicago, Illinois on September 1st, 2009.

Respectfully Submitted,



Traci L. Barkley
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