

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) R14-10
COAL COMBUSTION WASTE (CCW))
SURFACE IMPOUNDMENTS AT POWER) (Rulemaking- Water)
GENERATING FACILITIES: PROPOSED)
NEW 35 ILL. ADM. CODE 841)

NOTICE OF FILING

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S PREFILED QUESTIONS FOR GARY KING, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/Joanne M. Olson
Joanne M. Olson
Assistant Counsel
Division of Legal Counsel

Date: April 30, 2014

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THIS FILING IS SUBMITTED ELECTRONICALLY AND SERVED ON RECYCLED PAPER

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**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S
PREFILED QUESTIONS FOR GARY KING**

NOW COMES the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, (Illinois EPA or Agency) by and through its counsel, and hereby submits prefiled questions for GARY KING.

Illinois EPA requests that the Hearing Officer allow follow-up questioning to be posed based on the answers provided.

Applicability

1. In your opinion, is closure under proposed Sections 841.400 through 841.445 substantially similar to closure under Part 840?
2. In your opinion do closure under proposed 841.400 through 841.445 and Part 840 both protect human health and the environment?
3. Is it the low permeability cover system included in Part 840 and proposed Part 841 that are protective of human health and the environment?
4. Is one purpose of groundwater monitoring to evaluate the effectiveness of liners and/or cover systems?

Recordkeeping

5. Would data stored in another state be accessible to the Agency?
6. Would a change to proposed Subsection 841.135(a) that after the text "on-site" added the text "or at another location approved by the Agency" resolve the same problem you've described in your testimony?

Hydrogeologic Site Characterization

7. Does proposed Section 841.200 require that new monitoring wells be drilled to collect the data required for a hydrogeologic site characterization of the proposed Section?
8. Is it possible in certain settings that a potential migration pathway could exist at 100 feet below land surface?

Determining Background Values

9. In your opinion, would an owner or operator typically be aware of activities on their site that may affect unit(s) potentially regulated by this proposed Part?
10. In your opinion, would an owner or operator typically be aware of activities at sites that they neither own nor operate, but could be affecting groundwater up gradient of unit(s) potentially regulated by this proposed Part?
11. Does proposed Section 841.235 require a preventive response plan when an owner or operator has determined that a statistically significant increase in a chemical concentration that does not exceed a numerical groundwater quality standard originated from a regulated unit?
12. Is the statistically significant increase in chemical concentration compared to a background chemical constituent concentration to determine compliance?
13. If a particular chemical constituent never exceeds a numerical groundwater quality standard during the active life of an impoundment, does the proposed Part allow the same chemical constituent to have a statistically significant increase after closure, with no action being taken?

Sampling Frequency

14. Does proposed Section 841.105(b)(3) exempt Hutsonville Ash Pond D from this proposed Part?
15. Based on the requirement in proposed Section 841.105(a)(2), would an impoundment that is not being operated after the effective date of this proposed rule and is not causing or contributing to an exceedence of a groundwater standard be subject to proposed Part 841?

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/Joanne M. Olson
Joanne M. Olson
Assistant Counsel
Division of Legal Counsel

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CERTIFICATE OF SERVICE

Joanne M. Olson, Assistant Counsel for the Illinois EPA, herein certifies that she has served a copy of the foregoing NOTICE OF FILING and ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S PREFILED QUESTIONS FOR GARY KING upon persons listed on the Service List by mailing, unless otherwise noted on the Service List, a true copy thereof in an envelope duly addressed bearing proper first class postage and deposited in the United States mail at Springfield, Illinois on April 30, 2014.

By: /s/Joanne M. Olson

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