

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 MOTION TO STAY, 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: January 20, 2015

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THIS FILING IS SUBMITTED ELECTRONICALLY AND SERVED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S
MOTION TO STAY

NOW COMES the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, (Illinois EPA or Agency) by and through its counsel, and pursuant to 35 Ill. Adm. Code 101.514, hereby moves the Illinois Pollution Control Board (Board) to stay proceedings in the above captioned matter for 90 days. In support thereof, the following statements are made:

- 1) This rulemaking proposal, filed on October 28, 2013, addresses monitoring, corrective action, and closure of coal combustion waste (CCW) surface impoundments at power generating facilities.
- 2) The Board's hearings in this matter concluded on July 24, 2014, and participants filed post hearing comments by October 20, 2014. The Board has not proceeded to first notice.
- 3) On December 19, 2014, the United States Environmental Protection Agency (U.S. EPA) finalized its rule for the disposal of coal combustion residuals (CCR) from electric utilities. A prepublication, unofficial copy of the rule can be found at: <http://www2.epa.gov/coalash/pre-publication-version-coal-combustion-residuals-final-rule>. This final rule has not yet been published in the Federal Register, and will be effective six months after publication in the Federal Register.

4) U.S. EPA's new rule governs CCR under Subtitle D of the Resource Conservation and Recovery Act, and contains national minimum criteria for existing and new CCR surface impoundments and CCR landfills. This regulation is self-implementing, with no direct federal oversight.

5) The federal rule contains minimum criteria for CCR surface impoundments consisting of location restrictions, design and operating criteria, groundwater monitoring, corrective action, closure requirements, post closure care, recordkeeping, and notification requirements. The scope and criteria of the federal rule is similar to the rules proposed by the Agency and other participants, but is not identical.

6) The Agency seeks to stay any action by the Board in this rulemaking proceeding for 90 days while the Agency evaluates whether changes to Agency's proposal are necessary as a result of the newly adopted minimum federal criteria, after which time the Agency will file a status report pursuant to Section 101.514.

WHEREBY, the Illinois EPA respectfully requests the Board grants the Agency's motion to stay these proceedings for 90 days.

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 MOTION TO STAY 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 January 20, 2015.

By: /s/Joanne M. Olson

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