

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>In the Matter of:</b>	)	
	)	
<b>COAL COMBUSTION WASTE (CCW)</b>	)	<b>R14-10</b>
<b>ASH PONDS AND SURFACE</b>	)	<b>(Rulemaking – Water)</b>
<b>IMPOUNDMENTS AT POWER</b>	)	
<b>GENERATING FACILITIES: PROPOSED</b>	)	
<b>NEW 35 ILL. ADM. CODE 841</b>	)	

**NOTICE OF FILING**

To: ALL PARTIES ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that today I have filed with the Office of the Clerk of the Illinois Pollution Control Board the attached **RESPONSE OF SOUTHERN ILLINOIS POWER COMPANY**, copies of which are herewith served upon you.



Leonard F. Hopkins, P.E.

Dated: March 9, 2017

Leonard F. Hopkins, P.E.  
Vice President Environmental and Safety  
Southern Illinois Power Cooperative  
11543 Lake of Egypt Road  
Marion, Illinois 62959  
(618) 964-2268

**AFFIDAVIT OF SERVICE**

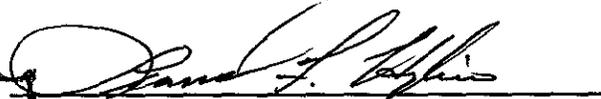
I, the undersigned, on oath state that on this 8<sup>th</sup> day of March, 2017, I have served the attached **RESPONSE OF SOUTHERN ILLINOIS POWER COMPANY** by first class mail, postage affixed, upon the persons on the attached service list.

I further state that I have electronically served a true and correct copy of the attached **RESPONSE OF SOUTHERN ILLINOIS POWER COMPANY**, upon the following Mr. Tim Fox, Hearing Officer at the email address of tim.fox@illinois.gov;

My e-mail address is lhopkins@sipower.org;

The number of pages in the e-mail transmission is \_\_\_\_\_.

The e-mail transmission took place before 5:00 p.m.

  
\_\_\_\_\_  
Leonard F. Hopkins

  
Notary Seal

SUBSCRIBED AND SWORN TO BEFORE ME this 9<sup>th</sup> day of March 2017.

  
\_\_\_\_\_  
Notary Public

Leonard Hopkins  
Vice President Environmental and Safety  
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<b>GENERATING FACILITIES: PROPOSED</b>	)	
<b>NEW 35 ILL. ADM. CODE 841</b>	)	

**RESPONSE OF SOUTHERN ILLINOIS POWER COOPERATIVE**

The Hearing Officer's January 20, 2017 order directed the Illinois Environmental Protection Agency (IEPA or Agency) to respond to seventeen questions attached to that order. The Agency filed responses to those questions on March 6, 2017. Southern Illinois Power Cooperative (SIPC) submits this response to the Agency's March 6, 2017 responses.

SIPC believes a Part 841 rule should apply only to surface impoundments that contain coal combustion waste or are otherwise subject to the Part 257 CCR Rule. Surface impoundments that do not contain coal combustion waste or are not otherwise covered by the Part 257 CCR Rule should be addressed by the IEPA consistent with the Agency's priorities. According to the Agency, one of the purposes of the Part 841 rule is to clarify the process for state evaluation and approval of closure of surface impoundments that contain coal combustion waste. None of the surface impoundments identified on IEPA's list of impoundments prepared in response to the Hearing Officer's question #17 are designed to manage coal combustion waste, contain more than *de minimis* amounts of coal combustion waste, or are regulated under the Part 257 CCR Rule.

Prior to the Agency's submittal of its response to the Hearing Officer's question #17, IEPA provided SIPC an opportunity to review the Agency's draft list of surface impoundments located at Marion Station. At that time, SIPC advised the Agency that the eight Marion Station

impoundments listed do not manage coal combustion waste, contain more than *de minimis* amounts of coal combustion waste, or are regulated under the Part 257 Rule. In particular, the Agency mistakenly lists 3 acre-ft. of coal combustion waste in Ponds 1 and 3A at the Marion Station. There is actually only a *de minimis* amount of coal combustion waste in Pond 3A and there is no coal combustion waste in Pond 1. Furthermore, while the Agency correctly identifies the maximum volume in acre feet for each listed facility, it incorrectly suggests that each of these impoundments manages coal combustion waste. They do not. The only impoundment that manages coal combustion waste is the Emery Pond, which is not on the Agency's list. The Emery Pond is a (volumetrically) less than 20-acre-ft. incised surface impoundment that receives small, infrequent amounts of coal combustion waste during various maintenance activities at the plant. SIPC has treated this pond as if it is subject to the Part 257 CCR Rule.



Leonard F. Hopkins, P.E.

Dated: March 9, 2017

Leonard F. Hopkins, P.E.  
Vice President Environmental and Safety  
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**R14-10 SERVICE LIST**

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<p>Robert Mool                  Office of Legal Services                  Illinois Department of Natural Resources                  One Natural Resources Way                  Springfield IL 62702-1271</p>	<p>Stephen Sylvester                  Division Chief of Environmental Enforcement                  Office of the Attorney General                  69 West Washington St., Suite 1800                  Chicago IL 60601</p>
<p>Deborah Williams                  City of Springfield                  Office of Public Utilities                  800 East Monroe, 4<sup>th</sup> Floor                  Municipal Building East                  Springfield, IL 62757</p>	<p>Jennifer L. Cassel                  Jessica Dexter                  Josh Zaharoff                  Environmental Law and Policy Center                  35 East Wacker Drive, Suite 1600                  Chicago, IL 60601</p>
<p>Michael Smallwood                  Ameren Services                  One Ameren Plaza                  P.O. Box 66149                  St. Louis, MO 63166</p>	<p>Jack Darin                  Faith Bugel                  Sierra Club                  70 East Lake Street, Suite 1500                  Chicago, IL 60601</p>
<p>Exelon Law Department                  10 South Dearborn, 49<sup>th</sup> Floor                  Chicago, IL 60603</p>	<p>Traci Barkley                  Prairie Rivers Network                  1902 Fox Drive, Suite 6                  Champaign, IL 61820</p>
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