

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
)	
STANDARDS FOR THE DISPOSAL OF)	R 2020-019(A)
COAL COMBUSTION RESIDUALS)	(Rulemaking – Land)
IN SURFACE IMPOUNDMENTS:)	
PROPOSED NEW 35 ILL. ADM.)	
CODE 845)	
)	
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)	

NOTICE OF ELECTRONIC FILING

To: Attached Service List

PLEASE TAKE NOTICE that on September 2, 2022, I electronically filed with the Clerk of the Illinois Pollution Control Board (“Board”) the Environmental Groups’ **MEMORANDUM IN SUPPORT OF MOTION TO MODIFY CERTAIN PROVISIONS OF PART 845**, copies of which are served on you along with this notice.

Dated: Sept. 2, 2022

Respectfully Submitted,
/s/ Jennifer Cassel
 Jennifer Cassel (IL Bar No. 6296047)
 Earthjustice
 311 S. Wacker Dr., Suite 1400
 Chicago, IL 60606
 (312) 500-2198
 jcassel@earthjustice.org

/s/ Mychal Ozaeta
 Mychal Ozaeta (ARDC No. #6331185)
 Earthjustice
 707 Wilshire Blvd., Suite 4300
 Los Angeles, CA 90017
 (213) 766-1069
 mozaeta@earthjustice.org

Attorneys for Prairie Rivers Network

/s/ Faith E. Bugel
 Faith E. Bugel
 1004 Mohawk Rd.

Wilmette, IL 60091
(312) 282-9119
fbugel@gmail.com

Attorney for Sierra Club

/s/ Kiana Courtney
Kiana Courtney (ARDC No. #6334333)
Environmental Law & Policy Center
35 E. Wacker Dr., Suite 1600
Chicago, Illinois 60601
kcourtney@elpc.org

Attorney for Environmental Law & Policy Center

/s/ Keith Harley
Keith Harley
Keith Harley
Greater Chicago Legal Clinic, Inc.
17 N. State St., Suite 1710
Chicago, IL 60602
kharley@kentlaw.iit.edu

*Attorney for Little Village Environmental Justice
Organization*

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ENVIRONMENTAL GROUPS’ MEMORANDUM IN SUPPORT OF MOTION TO MODIFY CERTAIN PROVISIONS OF PART 845

The Environmental Law & Policy Center (“ELPC”), Little Village Environmental Justice Organization (“LVEJO”), Prairie Rivers Network (“PRN”), and Sierra Club (collectively, “Environmental Groups”) submit this Memorandum in support of their Motion to Modify Certain Provisions of Part 845.

I. Introduction

The mandate for Illinois’ regulations addressing coal combustion residuals (“CCR” or coal ash”) surface impoundments to be “at least as protective” as the federal coal ash regulations set out at 40 C.F.R. Part 257, Subpart D (“the federal CCR rule”) is at the heart of Illinois’ coal ash regulatory scheme. It comes directly from the Illinois legislature, which, in 2019’s Coal Ash Pollution Prevention Act (“CAPPA”), required that Illinois’ rules be “at least as protective and comprehensive” as the federal CCR rule.¹ It is also a prerequisite for U.S. Environmental Protection Agency (“USEPA”) approval of State coal ash programs, which Illinois EPA (“the

¹ Pub. Act 101-171 (eff. July 30, 2019) (adding 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”)).

Agency” or “IEPA”) has made clear it plans to seek;² State programs must be “at least as protective as” the federal CCR rule in order for USEPA to authorize them in lieu of the federal CCR rule.³

Yet, in several instances, Illinois’ coal ash rules set out at 35 Ill. Adm. Code Part 845 fall short of that fundamental directive. First—as explained by Environmental Groups in the primary rulemaking,⁴ reiterated in a letter from USEPA filed with the Board in that rulemaking,⁵ and elaborated on herein—allowing additional coal ash to be placed in unlined impoundments before closure is not permitted under the federal CCR rule and is not as protective as that rule. Second, Part 845 provisions concerning “background” groundwater monitoring wells must be revised to ensure that such wells are not affected by leakage from a wide range of CCR, as specified by the federal CCR rule. Finally, current Part 845 rules for “temporary” CCR piles must be amended to add multiple safeguards, including duration limits, size limits, inspections, and other protections for water, air, and land,⁶ in order to be at least as protective as federal mandates.⁷ Accordingly, the Board should make the revisions requested in Appendix A to the accompanying Motion to

² IEPA, Statement of Reasons at 10, R2020-19 (Mar. 30, 2020) (“IEPA Statement of Reasons”); IEPA, Final Post-Hearing Comments at 10, 56–57, R2020-19 (Oct. 30, 2020) (“IEPA Post-Hearing Comments”).

³ 42 U.S.C. § 6945(d)(1)(B).

⁴ See ELPC, PRN, and Sierra Club, Initial Comments at Section VII(B), R2020-19PC (June 15, 2020) (“ELPC, PRN, and Sierra Club Initial Comments”); See Env’t Groups, Final Post-Hearing Comments at 106–109, R2020-19 (Oct. 30, 2020) (“Env’t Groups Post-Hearing Comments”); Env’t Groups, Public Comment #144, R2020-19PC (Feb. 24, 2021); JCAR, Public Comment #145, R2020-19PC (Mar. 2, 2021)

⁵ See JCAR, Public Comment #146, R2020-19PC (Mar. 9, 2021) (letter to JCAR from Edward Nam of USEPA Region V).

⁶ See Env’t Groups Comments on Env’t Groups’ Recommended Rules at 13-16, R2020-19(A) (June 3, 2022).

⁷ See ELPC, PRN, and Sierra Club Initial Comments at Section VII(B); Env’t Groups Post-Hearing Comments at 106–109; Env’t Groups, Response Comments on Env’t Groups’ Recommended Rules at 20–21, R2020-19(A) (Aug. 2, 2022).

Modify Certain Provisions of Part 845 to ensure that Part 845 is “at least as protective as” the federal CCR rule.

II. The Board Should Remove Provisions in Section 845.750(d) that Allow CCR to be Consolidated in Unlined CCR Surface Impoundments Before Closure.

USEPA has repeatedly made clear that the federal CCR rule bars adding more coal ash into coal ash impoundments that are required to close, which include unlined CCR surface impoundments and those that do not satisfy location restrictions. USEPA first emphasized that point in the preamble to the “Phase I” amendments to the original 2015 federal CCR rule, issued in 2018.⁸ It repeated that point in 2020 in the preamble to proposed “Part B” revisions to the original 2015 federal CCR rule.⁹ Most of those revisions—including one that would have allowed additional CCR to be placed in coal ash surface impoundments required to close—were never finalized by USEPA.¹⁰ Then in March 2021, Edward Nam, Director of the Land, Chemicals, and Redevelopment Division of USEPA, Region V, informed the Joint Committee on Administrative Rules that provisions allowing for “the consolidation of coal ash from one pond into another” should be excised from Part 845 because those requirements “have not been

⁸ Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Amendments to the National Minimum Criteria (Phase One): Proposed Rule, 83 Fed. Reg. 11,584, 11,605 (Mar. 15, 2018) (“Phase I Proposal”) (“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.”).

⁹ See Hazardous and Solid Waste Management System: Disposal of CCR; A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure, 85 Fed. Reg. 12,456, 12,462 (Mar. 3, 2020) (explaining that “the current CCR regulations expressly prohibit ‘placing CCR’ in a CCR unit required to close for cause pursuant to § 257.101 after dates established in the CCR regulations . . . [and] do 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—whether for beneficial use or disposal—is prohibited once the provisions of § 257.101 are triggered.”); 40 C.F.R. § 257.101(a)(1) (once closure is required, owners or operators “must cease placing CCR and non-CCR wastestreams into such CCR impoundment and either retrofit or close . . .”).

¹⁰ See Env’t Groups Post-Hearing Comments at 107–108.

incorporated into 40 CFR Part 257, Subpart D.”¹¹ And in January 2022, in a proposed decision on a “Part A” cease-receipt deadline extension application and a separate compliance letter, USEPA reiterated the federal CCR rule’s prohibition on placing additional coal ash into CCR surface impoundments that are required to close.¹²

This prohibition is necessary and justified. Adding more coal ash to an unsafe CCR surface impoundment creates more pollution: it extends the duration of contaminant release into the environment and, because coal ash may vary in the range and concentrations of pollutants, may change the concentrations or range of pollutants leaching into groundwater.¹³ Moreover, it adds to the mass of coal ash that threatens nearby waterways and communities when placed in CCR surface impoundments in unstable areas, such as floodplains,¹⁴ or in impoundments that pose stability concerns. As USEPA explained, there are “potentially *significant risks* associated with the continued placement of large volumes of CCR in a deficient unit”¹⁵—risks significant enough that USEPA refuses to deem the practice protective.¹⁶

¹¹ See JCAR, Public Comment #146, R2020-19PC (Mar. 9, 2021) (letter to JCAR from Edward Nam of USEPA Region V).

¹² USEPA, Proposed Decision: Proposed Denial of Alternative Closure Deadline for Ottumwa Generating Station at 35-36 (Jan. 25, 2022) (attached as Ex. B to Environmental Groups’ Comments on Environmental Groups’ Proposed Rules, R2020-19(A) (June 3, 2022)); USEPA, Letter on Duke Energy Gallagher at 3-4 (Jan 11, 2022) (attached as Ex. F to Environmental Groups’ Comments on Environmental Groups’ Proposed Rules, R2020-19(A) (June 3, 2022)).

¹³ See Env’t Groups Post-Hearing Comments at 108–109.

¹⁴ See *id.*

¹⁵ Phase I Proposal, 83 Fed. Reg. at 11,607 (further explaining that USEPA had not quantified those risks because its risk assessment “did not model the addition of CCR to partially-filled leaking units”).

¹⁶ See *id.* at 11,605–606 (“This proposal would not allow placement of CCR for the purposes of waste stabilization or to otherwise fill the unit to capacity. Placement of CCR for these purposes would involve the placement of substantial volumes of CCR into a leaking or otherwise deficient unit, and EPA lacks information that such further placement would be protective”); see also USEPA, Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals From Electric Utilities, 80 Fed. Reg. 21,302, 21,330 (Apr. 17, 2015) (“EPA recognizes that several proven damage cases involving the large-scale placement, akin to disposal, of CCR have occurred under the guise of “beneficial use”— the “beneficial” use being the filling up of old quarries or gravel pits EPA ... still does not consider this

In sum, allowing more coal ash to be placed in CCR surface impoundments that are required to close is not only inconsistent with the federal CCR rule, but also less protective than that rule. Accordingly, it is impermissible under CAPP and, unless removed, will hinder—and possibly prevent entirely—Illinois EPA’s desired outcome¹⁷ of obtaining USEPA authorization of Illinois’ coal ash regulatory program under the federal WIIN Act. The provisions of Part 845 that allow this impermissible practice—specifically, provisions of 35 Ill. Adm. Code § 845.750(d)—should be removed from Part 845, as shown in Appendix A to the accompanying Motion to Modify Certain Provisions of Part 845.

III. The Board Should Modify Part 845 to Ensure that Background Wells Are Not Affected by Any CCR Unit.

The Part 845 rules are less protective than the federal CCR rule concerning the placement of “background” monitoring wells in areas impacted by coal ash. The Illinois rule requires that background wells not be impacted by leakage from any CCR surface *impoundment* while the federal CCR rule more broadly disallows background wells affected by leakage from any CCR *unit*:

35 Ill. Adm. Code Section 845.630(a)(1): [Background wells must] Accurately represent the quality of background groundwater that has not been affected by leakage *from a CCR surface impoundment*. A determination of background quality may include sampling of wells that are not hydraulically upgradient of the CCR management area where:

- A) Hydrogeologic conditions do not allow the owner or operator of the CCR surface impoundment to determine what wells are hydraulically upgradient; or

type of use to be covered by the [beneficial use] exclusion. Therefore, the final rule explicitly removes these types of uses from the category of beneficial use ...”).

¹⁷ See IEPA Statement of Reasons at 10; IEPA Post-Hearing Comments at 10, 56-57; and IEPA, Public Comment No. 153 at 9, R2020-19 (Apr. 6, 2021) (“It is the Agency’s intent to have Part 845 serve in lieu of Part 257 as allowed by the WIIN Act”).

- B) Sampling at other wells will provide an indication of background groundwater quality that is demonstratively as representative or more representative than that provided by the upgradient wells¹⁸

Compare that with the federal mandate:

40 C.F.R. Section 257.91(a)(1):¹⁹ [Background wells must] Accurately represent the quality of background groundwater that has not been affected by leakage *from a CCR unit*. A determination of background quality may include sampling of wells that are not hydraulically upgradient of the CCR management area where:

- (i) Hydrogeologic conditions do not allow the owner or operator of the CCR unit to determine what wells are hydraulically upgradient; or
- (ii) Sampling at other wells will provide an indication of background groundwater quality that is as representative or more representative than that provided by the upgradient wells[...].

The federal CCR rule defines CCR unit to encompass both CCR surface impoundments and CCR landfills²⁰ and defines CCR landfills broadly, to include “any area of land or an excavation that receives CCR” and, with several exclusions, “any practice that does not meet the definition of a beneficial use of CCR.”²¹ Therefore, as recently clarified by USEPA’s proposed

¹⁸ 35 Ill. Adm. Code 845.630(a)(1) (emphasis added).

¹⁹ Emphasis added.

²⁰ 40 C.F.R. § 257.53.

²¹ *Id.* (excluding CCR surface impoundments, underground injection wells, salt dome formations, underground or surface coal mines, and caves from the definition of CCR landfill). “Beneficial use of CCR” is currently defined at 40 C.F.R. § 257.53 as CCR that meets *all* of the following:

- (1) The CCR must provide a functional benefit;
- (2) The CCR must substitute for the use of a virgin material, conserving natural resources that would otherwise need to be obtained through practices, such as extraction;
- (3) The use of the CCR must meet relevant product specifications, regulatory standards or design standards when available, and when such standards are not available, the CCR is not used in excess quantities; and
- (4) When unencapsulated use of CCR involving placement on the land of 12,400 tons or more in non-roadway applications, the user must demonstrate and keep records, and provide such documentation upon request, that environmental releases to groundwater, surface water, soil and air are comparable or lower than those from analogous products made without CCR, or that environmental releases to groundwater, surface water, soil and air will be at or below relevant health-based benchmarks for human and ecological receptors during use.

decision on the cease-receipt deadline extension application for the Clifty Creek power plant in Indiana,²² the federal CCR rule prohibits the siting of “background wells” in locations where the groundwater quality has been affected by leakage from CCR.²³

The broader prohibition on locating background monitoring wells in areas where the groundwater has been impacted by leakage from CCR has important practical implications that enhance groundwater protection at CCR surface impoundment sites. As USEPA explained in its proposed Clifty Creek decision, CCR-contaminated background wells may render inaccurate the comparisons between background and downgradient wells and the statistical analysis thereof:

A further concern is the use of these contaminated wells to conduct the analyses required by 40 C.F.R. § 257.93(h). This provision requires the facility to determine whether there has been a statistically significant increase (SSI) above background levels for each constituent in Appendix III to 40 C.F.R. Part 257, by comparing downgradient concentrations to concentrations in the background wells. Detection of concentrations of the constituents at SSIs serves as evidence that a CCR unit is leaking. Use of monitoring data from contaminated wells in the statistical background dataset . . . may have inflated the statistical background limits used for these comparisons. As a consequence, concentrations detected in the downgradient wells may be compared to an inaccurately high background level, *potentially masking detection of SSIs*. EPA cannot determine at this time whether additional SSIs would have been detected if background groundwater quality had been *properly characterized using wells that are not impacted by CCR*, but it is possible that appropriate background characterization could have resulted in additional SSIs or SSLs above a groundwater protection standard, resulting in assessment

²² USEPA, Proposed Decision: Proposed Denial of Alternative Closure Deadline for Clifty Creek Power Station at 46 (Jan. 25, 2022) (“Clifty Creek”) (attached as Ex. E to Env’t Groups, Comments on Env’t Groups’ Proposed Rules, R2020-19(A) (June 3, 2022)). In Clifty Creek, USEPA explains:

The boring logs for background wells WBSP-15-02 and WBSP-15-0322 show they were both installed through CCR and are contaminated by CCR. 40 C.F.R. § 257.91(a)(1) requires that groundwater monitoring wells be installed to yield groundwater samples that will accurately represent the quality of background groundwater that has not been affected by a CCR unit. The boring logs of these wells indicate that boiler slag is present throughout the well borings; the Demonstration indicates both systems utilize these wells as background wells. EPA is proposing to conclude that wells WBSP-15-02 and WBSP-15-03 are contaminated by CCR and therefore fail to meet the performance standard at 40 C.F.R. § 257.91(a)(1). For this reason, these wells cannot be used as background wells at either the multiunit system or the WBSP.

²³ *See id.*; 40 C.F.R. § 257.91(a)(1).

monitoring requirements for the [CCR surface impoundment] or additional corrective action requirements for the [other CCR unit].²⁴

In summary, a CCR-contaminated background well can “mask” contributions to groundwater pollution from a CCR surface impoundment, allowing the coal ash pond to avoid corrective action when such action is in fact warranted and necessary to protect groundwater quality from further pollution from the impoundment and remediate already-polluted groundwater.

This risk remains present under Illinois’ somewhat different formula for triggering corrective action. Under Part 845, an exceedance of the groundwater protection standards—which triggers corrective action²⁵—depends on the background concentration of a pollutant where the background concentration for that pollutant is higher than the corresponding numeric groundwater protection standard.²⁶ In that case, a statistical analysis is performed, just as under the federal CCR rule, to determine exceedances. The concerns that USEPA explained in its proposed Clifty Creek decision accordingly apply: the CCR-contaminated “background” well does not accurately reflect groundwater unaffected by leakage from CCR and thus may allow the owners/operators of the coal ash impoundment to evade corrective action, potentially leaving unsafe concentrations of CCR pollution from the impoundment in groundwater indefinitely.

²⁴ Clifty Creek at 46-47 (emphasis added).

²⁵ 35 Ill. Adm. Code § 845.650(d) (requiring commencement of an assessment of corrective measures where there is an exceedance of a groundwater protection standards unless Illinois EPA approves an “alternate source demonstration” for the exceedance); *Id.* § 845.670(b) (requiring the owner or operator of CCR surface impoundment that completed an assessment of corrective measures to submit a corrective measures permit application to IEPA); *Id.* § 845.680(a) (requiring the owner or operator of the CCR surface impoundment to initiate corrective action within 90 days of IEPA’s approval of the corrective action plan submitted as part of the corrective action permit application); *see also* Order at 63-64, R2020-19 (Feb. 4, 2021).

²⁶ *See* 35 Ill. Adm. Code § 845.120 (defining “exceedance of the groundwater protection standard” as, “[f]or existing CCR surface impoundments and inactive CCR surface impoundments: . . . when the up gradient background concentration of a constituent exceeds the numerical value listed in Section 845.600(a), an analytical result with a concentration at a statistically significant level above the up gradient background concentration, in a down gradient well.”).

Environmental Groups recognize that the Board discussed this concern to some degree in its February 4, 2021 Order in R2020-19.²⁷ However, in that Order, the Board did not discuss the problem highlighted by USEPA in its proposed Clifty Creek decision: how CCR-contaminated background wells may “mask” the pollution coming from the CCR surface impoundment and leave that pollution unaddressed by rendering inaccurate the statistical analysis of concentrations in the background wells versus those in downgradient wells. Because the federal CCR rule requires background wells to represent the quality of groundwater not affected by leakage from CCR units, not just from the CCR surface impoundment, and because Illinois’ coal ash rules must be “at least as protective” as the federal CCR rule for CCR surface impoundments, the Board should make the revisions proposed in Appendix A to the accompanying Motion to Modify Certain Provisions of Part 845.

IV. The Board Should Incorporate Additional Protections for CCR Piles in Part 845.

Finally, as discussed in Environmental Groups’ comments filed in this sub-docket on June 3, 2022, the federal CCR rule’s definition of CCR landfill encompasses CCR piles with the possible exception of piles that are subject to numerous protections.²⁸ Without such protections, CCR piles are clearly CCR landfills and are subject to the full slate of protective standards required for CCR landfills under the federal CCR rule.²⁹ Because Illinois’ rules include provisions for CCR piles, USEPA may not authorize Illinois’ coal ash regulatory program in its entirety unless those provisions are at least as protective as (a) those set out in the federal CCR rule, or (b) the safeguards USEPA described as likely sufficient to exclude CCR piles from the

²⁷ See Order at 66, R2020-19 (Feb. 4, 2021).

²⁸ See Env’t Groups, Comments on Env’t Groups’ Recommended Rules at 13-16, R2020-19(A) (June 3, 2022).

²⁹ See *id.*

federal CCR rule.³⁰ Currently, Illinois' provisions do not meet either standard.³¹ In order to ensure that USEPA may authorize the entirety of Illinois' Part 845 regulations, including provisions for CCR piles, the Board should require the additional safeguards requested by Environmental Groups in their comments filed in this sub-docket on June 3, 2022 and those referenced therein.

V. If Required, Section 102.202 Mandates Have Been Fulfilled Here.

Procedural mandates of Section 28(a) of the Act and Section 102.202 of the Board's rules are either inapplicable or satisfied here. First, as discussed at length in the comments submitted by Environmental Groups and the Attorney General in this sub-docket on August 2, 2022, the procedural mandates of Section 102.202 are not applicable to the draft rules Environmental Groups proposed, at the Board's request, on August 6, 2021.³² Those draft rules include the additional protections Environmental Groups here urge the Board to adopt for CCR piles. The Board should reject any argument that Section 102.202 procedural hurdles are required for it to proceed with and, if it sees fit, adopt those rules.

Second, Environmental Groups move for these amendments in this R2020-19(A) sub-docket, into which the Board incorporated the full record of the primary R2020-19 rulemaking docket.³³ In R2020-19, the Agency filed a forty-five page statement of reasons in which it

³⁰ *See id.*

³¹ *See id.*

³² *See* Env't Groups, Response Comments on Env't Groups' Recommended Rules at 1–10, R2020-19(A) (Aug. 2, 2022); Illinois Att'y Gen. Office, Public Comment #21 at 1–4, R2020-19(A) (Aug. 2, 2022).

³³ *See* Order at 1, R2020-19(A) (May 6, 2021) (“The Board incorporated the documents in R20-19 into this Sub-docket A.”); Order at 18, R2020-19(A) (Feb. 4, 2021) (“The Board shares the Environmental Groups' concerns about the environmental risks posed by CCR storage piles and temporary accumulation, particularly because the rules do not prescribe any time or volume limits. However, the Board prefers to develop *additional record information* in the sub-docket addressing CCR landfills and waste piles before deciding *whether to change* the proposed definitions and implementing regulations.”) (emphasis added).

explained, in detail, the legal and factual basis for regulating CCR surface impoundments and why such regulations must be at least as “protective and comprehensive” as the federal CCR rule.³⁴ The Agency supplied a technical feasibility and economic reasonable analysis for its proposed rules³⁵—which largely resemble the final rules adopted by the Board³⁶—and identified all affected facilities.³⁷ The full record of R2020-19—including multiple days of hearings, testimony by numerous witnesses, dozens of exhibits, and multiple Board orders—further bore out the legal and factual basis for regulating CCR surface impoundments in a manner that is at least as protective and comprehensive as the federal CCR rule.

The intent of Environmental Groups’ accompanying Motion to Modify Certain Provisions of Part 845 is to ensure that Illinois’ regulations for CCR surface impoundments and for removal of CCR from those impoundments are “at least as protective and comprehensive” as the federal CCR rule. Accordingly, if the Board finds that Section 102.202 applies here, it should conclude that IEPA’s detailed Statement of Reasons and the full record of R2020-19 satisfy 35 Ill. Adm. Code 102.202(b)–(d). Likewise, Appendix A to the accompanying Motion, together with previously submitted draft rules for coal ash piles, satisfies Section 102.202(a). Finally, given the recent issuance of Part 845 and the incorporation of the R2020-19 docket into this sub-docket, Environmental Groups respectfully request that, if the Board determines Section 102.202 applies here, it waive the signature requirement and certification requirements of subsections (g) and (i) of Sections 102.202, as it has repeatedly done in other dockets.³⁸

³⁴ See IEPA Statement of Reasons at, *e.g.*, 1–13, 33.

³⁵ *Id.* at 33–36.

³⁶ Compare *id.* at 49-192 to 35 Ill. Adm. Code Part 845.

³⁷ *Id.* at 36-38.

³⁸ See, *e.g.*, Order, R84-17 (Aug. 28, 1986) (incorporating the records of two other sub-dockets into sub-docket involving a proposal by a private company to amend existing rules, “[g]iven ‘the cumulative

VI. Conclusion

For the reasons set out herein and in the accompanying Motion to Modify Certain Provisions of Part 845, Environmental Groups respectfully request that the Board modify the provisions of Part 845 as set out in Appendix A to the Motion to Modify Certain Provisions of Part 845 and in the portion of Environmental Groups' comments filed June 3, 2022 that address CCR piles.

Dated: Sept. 2, 2022

Respectfully Submitted,

/s/ Jennifer Cassel
Jennifer Cassel (IL Bar No. 6296047)
Earthjustice
311 S. Wacker Dr., Suite 1400
Chicago, IL 60606
(312) 500-2198
jcassel@earthjustice.org

/s/ Mychal Ozaeta
Mychal Ozaeta (ARDC No. #6331185)
Earthjustice
707 Wilshire Blvd., Suite 4300
Los Angeles, CA 90017
(213) 766-1069
mozaeta@earthjustice.org
Attorneys for Prairie Rivers Network

/s/ Faith E. Bugel
Faith E. Bugel
1004 Mohawk Rd.
Wilmette, IL 60091
(312) 282-9119
fbugel@gmail.com
Attorney for Sierra Club

nature of this proceeding,” and waiving the signature requirement); Order, R88-30 (Apr. 6, 1989) (waiving signature requirement for rules proposed by public health organization).

/s/ Kiana Courtney

Kiana Courtney (ARDC No. #6334333)
Environmental Law & Policy Center
35 E. Wacker Dr., Suite 1600
Chicago, Illinois 60601
kcourtney@elpc.org

Attorney for Environmental Law & Policy Center

/s/ Keith Harley

Keith Harley
Greater Chicago Legal Clinic, Inc.
17 N. State St., Suite 1710
Chicago, IL 60602
kharley@kentlaw.iit.edu

*Attorney for Little Village Environmental Justice
Organization*

CERTIFICATE OF SERVICE

The undersigned, Jennifer Cassel, 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=16975>, a true and correct copy of the **MEMORANDUM IN SUPPORT OF MOTION TO MODIFY CERTAIN PROVISIONS OF PART 845**, before 5 p.m. Central Time on September 2, 2022. The number of pages in the email transmission is 19 pages.

Dated: Sept. 2, 2022

Respectfully Submitted,

/s/ Jennifer Cassel

Jennifer Cassel (IL Bar No. 6296047)
Earthjustice
311 S. Wacker Dr., Suite 1400
Chicago, IL 60606
(312) 500-2198
jcassel@earthjustice.org

<u>SERVICE LIST</u>	
<p>Illinois Pollution Control Board Don Brown – Clerk of the Board don.brown@illinois.gov Vanessa Horton – Hearing Officer vanessa.horton@illinois.gov James R. Thompson Center 100 W. Randolph St., Suite 11-500 Chicago, IL 60601</p>	<p>Illinois Environmental Protection Agency Christine M. Zeivel – Asst. Counsel christine.zeivel@illinois.gov Stefanie N. Diers – Asst. Counsel stefanie.diers@illinois.gov Clayton J. Ankney – Asst. Counsel clayton.ankney@illinois.gov John M. McDonough II – Asst. Counsel john.mcdonough@illinois.gov Nick M. San Diego – Deputy General Counsel nick.m.sandiego@illinois.gov 1021 North Grand Ave. East P.O. Box 19276 Springfield, IL 62794</p>
<p>Illinois Department of Natural Resources Robert G. Mool bob.mool@illinois.gov Paul Mauer - Senior Dam Safety Eng. paul.mauer@illinois.gov Renee Snow - General Counsel renee.snow@illinois.gov One Natural Resources Way Springfield, IL 62702-1271</p>	<p>Office of the Attorney General Matthew J. Dunn – Chief matthew.dunn@ilag.gov Stephen Sylvester - Sr. Asst. Attorney General stephen.sylvester@ilag.gov Arlene R. Haas – Asst. Attorney General arlene.haas@ilag.gov 69 W. Washington St., Suite 1800 Chicago, IL 60602</p>
<p>City of Springfield Deborah Williams – Regulatory Affairs Director deborah.williams@cwlp.com Office of Public Utilities 800 E. Monroe, 4th Fl. Municipal Bldg. East Springfield, IL 62757-0001</p>	<p>Prairie Rivers Network Kim Knowles kknowles@prairierivers.org Andrew Rehn arehn@prairierivers.org 1902 Fox Dr., Suite 6 Champaign, IL 61820</p>
<p>Faith E. Bugel fbugel@gmail.com 1004 Mohawk Rd. Wilmette, IL 60091</p>	<p>Environmental Law & Policy Center Kiana Courtney kcourtney@elpc.org Cantrell Jones cjones@elpc.org 35 E. Wacker Dr., Suite 1600 Chicago, IL 60601</p>

<p>Greater Chicago Legal Clinic, Inc. Keith I. Harley kharley@kentlaw.edu Cassandra Hadwen chadwen@kentlaw.iit.edu 211 W. Wacker Dr., Suite 750 Chicago, IL 60606</p>	<p>Ameren Michael Smallwood – Consulting Engineer msmallwood@ameren.com 1901 Chouteau Ave. St. Louis, MO 63103</p>
<p>McDermott, Will & Emery Mark A. Bilut mbilut@mwe.com 227 W. Monroe St. Chicago, IL 60606-5096</p>	<p>Environmental Integrity Project Abel Russ – Attorney aruss@environmentalintegrity.org 1000 Vermont Ave NW, Suite 1100 Washington, DC 20005</p>
<p>Nijman Franzetti, LLP Susan M. Franzetti sf@nijmanfranzetti.com Kristen Laughridge Gale kg@nijmanfranzetti.com Vincent R. Angermeier va@nijmanfranzetti.com 10 S. Lasalle St., Suite 3600 Chicago, IL 60603</p>	<p>IERG Alec M Davis – Executive Director adavis@ierg.org Jennifer M. Martin jmartin@heplerbroom.com Kelly Thompson kthompson@ierg.org 215 E. Adams St. Springfield, IL 62701</p>
<p>NRG Energy, Inc. Walter Stone - Vice President walter.stone@nrg.com 8301 Professional Place, Suite 230 Landover, MD 20785</p>	<p>Sierra Club Cynthia Skrukud cynthia.skrukud@sierraclub.org Jack Darin jack.darin@sierraclub.org Christine Nannicelli christine.nannicelli@sierraclub.org 70 E. Lake St., Suite 1500 Chicago, IL 60601-7447</p>

<p>ArentFox Schiff LLP Stephen J. Bonebrake stephen.bonebrake@afslaw.com Joshua R. More joshua.more@afslaw.com Amy Antonioli amy.antonioli@afslaw.com Bina Joshi bina.joshi@afslaw.com Sarah L. Lode sarah.lode@afslaw.com 233 S. Wacker Dr., Suite 6600 Chicago, IL 60606</p>	<p>HeplerBroom, LLC Jennifer M. Martin jennifer.martin@heplerbroom.com Melissa S. Brown melissa.brown@heplerbroom.com 4340 Acer Grove Dr. Springfield, IL 62711</p>
<p>Prairie Power, Inc. Alisha Anker – V.P. Reg. & Market Affairs aanker@ppi.coop 3130 Pleasant Run Springfield, IL 62711</p>	<p>USEPA, Region 5 Chris Newman newman.christopherm@epa.gov Jessica Schumacher – Physical Scientist schumacher.jessica@epa.gov 77 West Jackson Blvd. Chicago, IL 60604-3590</p>
<p>Gibson, Dunn & Crutcher, LLP Michael L. Raiff mraiff@gibsondunn.com 2001 Ross Ave., Suite 2100 Dallas, TX 75201</p>	<p>Earthjustice Jennifer Cassel jcassel@earthjustice.org 311 S. Wacker Dr., Suite 1400 Chicago, IL 60606</p>
<p>Brown, Hay & Stephens, LLP Claire A. Manning cmanning@bhslaw.com Anthony D. Schuering aschuering@bhslaw.com 205 S. Fifth St., Suite 700 P.O. Box 2459 Springfield, IL 62705</p>	<p>Earthjustice Mychal Ozaeta mozaeta@earthjustice.org 707 Wilshire Blvd., Suite 4300 Los Angeles, CA 90017</p>
<p>Earthjustice Melissa Legge mlegge@earthjustice.org 48 Wall St., 15th Fl. New York, NY 10005</p>	