

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) AS 2021-003
PETITION OF MIDWEST)
GENERATION, LLC FOR AN)
ADJUSTED STANDARD FROM) (Adjusted Standard)
845.740(a) AND FINDING OF)
INAPPLICABILITY OF PART 845)

NOTICE OF FILING

To: See attached Service List

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board Midwest Generation, LLC's Motion to Stay Proceedings and Memorandum in Support of Its Motion to Stay Proceedings, a copy of which is served upon you.

Dated: July 28, 2023

MIDWEST GENERATION, LLC

By: /s/Kristen L. Gale

Kristen L. Gale
Susan M. Franzetti
Genevieve J. Essig
NIJMAN FRANZETTI LLP
10 South LaSalle Street Suite 3400
Chicago, IL 60603
(312) 251-5590
kg@nijmanfranzetti.com
sf@nijmanfranzetti.com
ge@nijmanfranzetti.com

SERVICE LIST

Don Brown, Clerk of the Board
Bradley Halloran, Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren Street, Suite 630
Chicago, IL 60605
don.brown@illinois.gov
brad.halloran@illinois.gov

Stefanie Diers
Sara Terranova
Division of Legal Counsel
Illinois Environmental Protection
Agency 1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Stefanie.Diers@illinois.gov
Sara.terranova@illinois.gov

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
Petition of Midwest Generation, LLC)
for an Adjusted Standard from 845.740(a))
and Finding of Inapplicability of Part 845) PCB AS 2021-003
for the Waukegan Station)
)
)

MIDWEST GENERATION, LLC'S MOTION TO STAY PROCEEDINGS

Pursuant to 35 Ill. Adm. Code 101.514, Midwest Generation, LLC (“MWG”) respectfully requests that the Illinois Pollution Control Board (“Board”) enter an order staying this proceeding until the earlier of one year from the present date, or the date on which the U.S. Environmental Protection Agency (“U.S. EPA”) takes final action on its proposed Legacy Coal Combustion Residual Surface Impoundment rulemaking, Docket No. EPA–HQ–OLEM–2020–0107, “Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Legacy CCR Surface Impoundments,” 88 Fed. Reg. 31982, (May 18, 2023) (“Proposed Rule”). Any decision the Board might issue in the present proceeding potentially may conflict with or be rendered moot by this imminent federal rulemaking, creating issues involving several of the factors on which the Board may base a decision to stay a proceeding, including comity and multiplicity, vexation, and harassment. Further, a stay in this proceeding will not result in environmental harm or threats to public health, while moving forward at this time will greatly prejudice the Petitioner. Therefore, a stay is necessary to ensure that any adjusted standard issued by the Board is consistent with federal law and to avoid unnecessarily wasting the time and resources of both the Board and the parties.

In support of its Motion to Stay, MWG submits its Memorandum in Support of its Motion to Stay and states as follows:

1. On July 30, 2019, Illinois enacted the Coal Ash Pollution Prevention Act, which amended the Illinois Environmental Protection Act (“Act”) and added new sections regarding the regulation, management, and permitting of Coal Combustion Residuals (“CCR”) and CCR surface impoundments (“CCRSI”). 2019 ILL. ALS 171, 2019 Ill. Laws 171, 2019 ILL. P.A. 171, 2019 Ill. SB 9. The General Assembly delegated to the Illinois EPA (“IEPA” or “Agency”) the oversight and regulation of CCRSI and ordered the Board to adopt rules proposed by the Agency. 415 ILCS 5/22.59(b)(2), (d), (g).

2. On April 15, 2021, the Board adopted 35 Ill. Adm. Code 845, Illinois Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments (“Illinois CCR Rule”), with an effective date of April 21, 2021, initiating the many deadlines established in the rule. The Board also opened a sub docket in the Illinois CCR Rulemaking in part to evaluate whether historic fill areas of CCR should be subject to additional regulation. *In the Matter of: Coal Combustion Waste (CCW) Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841*, PCB R20-19 (April 15, 2021).

3. The Illinois CCR Rule delegates to the Agency the authority to review and approve the permit applications for operating the CCRSI, and permit applications for retrofitting or closing the CCRSI via either closure by removing the CCR or closure in place. 35 Ill. Adm. Code 845, Part G. Owners/operators must prepare and submit operating permit applications and construction permit applications to the Agency for its review and approval. 35 Ill. Adm. Code 845, Parts B and G.

4. While independent of the federal CCR rule at 40 C.F.R. § 257, Subpart D, the Illinois CCR Rule at Part 845 must comply with the statutory mandate in 415 ILCS 5/22.59(g)(1) that the rules adopted by the Board establishing requirements for CCRSI must 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....” *See also In the Matter of: Standards for Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845, R2020-019, Order* (February 4, 2021), at 11 (“Part 845’s scope is dictated by the General Assembly’s mandate to the Board in Section 22.59 (415 ILCS 5/22.59).”).

5. On May 11, 2021, MWG filed its Petition for an Adjusted Standard from 845.740(a) and Finding of Inapplicability of Part 845 seeking an adjusted standard with respect to the Waukegan Station’s (“Station”) East Pond to allow the decontamination and retention of its existing liner rather than the liner’s removal, as well as a finding that Part 845 of the Board rules is inapplicable to the area of the Station known as the Grassy Field. MWG asserted in its petition that the Grassy Field, a historic area of unconsolidated CCR fill, does not satisfy the regulatory definition of a CCRSI and therefore is not subject to Part 845.

6. On September 17, 2021, MWG filed an Amended Petition for an Adjusted Standard and a Finding of Inapplicability for Waukegan Station modifying its petition to request an adjusted standard with respect to the Station’s West Pond instead of for the Station’s East Pond, allowing the decontamination and retention of the West Pond’s existing liner rather than the liner’s removal, but left its Petition unchanged with respect to the relief requested for the Grassy Field.

7. On October 31, 2022, the Agency filed its recommendation with respect to MWG’s Petition (“Recommendation”), recommending that the Board deny MWG’s request for an adjusted standard with respect to both the West Pond and the Grassy Field. The Agency asserts in its Recommendation that the Grassy Field is a CCRSI which is subject to Part 845.

8. Concurrently with this Motion to Stay, MWG is also filing today its Response to the Agency’s Recommendation as well as a Second Amended Petition for an Adjusted Standard from 845.740(a)

and Finding of Inapplicability of Part 845 withdrawing its request for an adjusted standard allowing the reuse of the West Pond's existing liner but again leaving its request with respect to the Grassy Field in place. Therefore, the only remaining request in MWG's Petition is for an adjusted standard finding that Part 845 of the Board rules is inapplicable to the Grassy Field.

9. On May 18, 2023, U.S. EPA promulgated a proposed rule in the federal rulemaking Legacy Coal Combustion Residual Surface Impoundment rulemaking, U.S. EPA Docket No. EPA-HQ-OLEM-2020-0107, "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Legacy CCR Surface Impoundments," 88 Fed. Reg. 31982 (May 18, 2023) ("Proposed Rule"). In this Proposed Rule, U.S. EPA proposes to expand the scope of the federal CCR rule "to establish regulatory requirements for inactive surface impoundments at inactive facilities" and "to establish groundwater monitoring, corrective action, closure, and post-closure care requirements for all CCR management units (regardless of how or when that CCR was placed)." *Id.* at 31982.

10. As described in MWG's Memorandum in Support of this Motion to Stay, U.S. EPA's Proposed Rule, *inter alia*, states that historic areas of unconsolidated CCR fill such as and including the Waukegan Station "Old Pond" and "Historic Fill" (either of which presumably refer to the Grassy Field) are not regulated under the CCRSI framework but would be under the framework applicable to a new category of units it proposes for inclusion in 40 C.F.R. 257 Subpart D called CCR management units ("CCRMU"). *See* "Potential CCR Management Unit Universe", EPA-HQ-OLEM-2020-0107-0155, attached as Exhibit 1. CCRMU would consist of "CCR surface impoundments and landfills that have closed prior to the effective date of the 2015 CCR Rule, inactive CCR landfills, and any area at a facility where solid waste management involving the past or present placement or receipt of CCR directly on the land has or is occurring." 88 Fed. Reg. at 32017. The Proposed Rule would impose a set of regulatory requirements on CCRMU "tailored to

the characteristics of such units and the risks that they present,” *id.*, in contrast, *i.e.*, to CCRSI. The U.S. EPA expects to finalize its Proposed Rule for CCRMU by April 2024. U.S. EPA Agenda, EPA-HQ-OLEM-2020-0107.

11. The decision to grant or deny a motion for stay is “vested in the sound discretion of the Board.” *Sierra Club, et. al v. Midwest Generation, LLC*, PCB 13-15, *slip op* at 4 (April 16, 2020) *citing People v. State Oil Co.*, PCB 97-103 (May 15, 2004). In determining whether a stay is justified, the Board may consider these factors: (1) comity; (2) prevention of multiplicity, vexation, and harassment; (3) likelihood of obtaining complete relief in the foreign jurisdiction; and (4) the *res judicata* effect of a foreign judgment in the local forum, *i.e.*, in the Board proceeding. *Sierra Club, et. al v. Midwest Generation, LLC*, PCB 13-15, *slip op* at 4 (April 16, 2020). “The Board may also weigh the prejudice a stay would cause the nonmovant against the policy of avoiding duplicative litigation,” and “must also consider any ongoing environmental harm should the stay be granted.” *Id.*

12. Any decision the Board might issue in the present proceeding could conflict with or be rendered moot by this imminent federal rulemaking, creating issues of comity and multiplicity, vexation, and harassment and wasting time and resources of both the Board and the parties. If the Board were to deny MWG’s petition and find the Grassy Field is a CCRSI subject to the requirements of the Illinois CCR Rule, the holding will be in conflict with federal law if the Proposed Rule is promulgated as proposed. Under the Proposed Rule, historic areas of unconsolidated CCR fill including the Grassy Field are not CCRSI and not subject to the current federal CCR rule or any state CCR rule. Further, because U.S. EPA has already made clear this position in the preamble to its Proposed Rule, even prior to finalization, there would be an issue of comity if the Board were to issue a contrary holding. If the Board were to grant MWG’s petition and hold the Grassy Field is not a CCRSI, upon finalization of the Proposed Rule stating that historic areas of unconsolidated CCR

fill such as and including the Grassy Field are to be regulated as CCRMU, MWG will have to shift gears and comply with the new and different requirements applicable to CCRMU, resulting in multiplicity, vexation, and harassment associated with the related confusion and extra costs. If a stay is granted until the Proposed Rule can be finalized, however, the Board and parties could proceed with clarity and efficiency.¹

13. A stay in this proceeding will not result in environmental harm or threats to public health. There are no potable wells downgradient of the Station, and Environmental Land Use Controls are established at the Station which prevent any access to the groundwater. MWG's experts have evaluated ten years of groundwater data from the Waukegan Station and concluded the groundwater presented no risk to Lake Michigan. Concurrent with and in support of this Motion to Stay, MWG is filing a Motion to Incorporate the experts' analysis (*Sierra Club et. al. v. Midwest Generation, LLC*, PCB13-15, MWG Exhibits 901, 903, 907, 1701 and 1702 and the hearing transcripts for February 1 and 2, 2018 and June 12-14, 2023; *See* Petition Exhibits 29-39). Further, as explained in MWG's Second Amended Petition being filed concurrently with this motion, MWG's is withdrawing its request for an adjusted standard with respect to reuse of the liner in the Station's West Pond so the only area remaining at issue in MWG's petition is the Grassy Field.

14. Without a stay, MWG will be highly prejudiced due to uncertainty regarding the regulatory requirements that apply to the Grassy Field, particularly because it could potentially be required to initiate complex and costly actions, only later to be required to perform different ones.

WHEREFORE, Midwest Generation, LLC, respectfully requests that the Board grant its Motion to Stay the proceeding and order MWG to submit an update to the Board on the status of the matter

¹ In a similar matter, a Petitioner for an adjusted standard or finding of inapplicability recently requested the Board stay the proceeding until the U.S. EPA's action on the Proposed Rule, or May 6, 2024. *See In the Matter of: Petition of Southern Illinois Power Cooperative for an Adjusted Standard from 35 Ill. Adm. Code Part 845 or, in the Alternative, a Finding of Inapplicability*, PCB AS21-06 (July 12, 2023).

on the earlier of one year from the date the stay is granted or the date on which the U.S. EPA takes final action on its Proposed Rule. 35 Ill. Adm. Code 101.514(b).

Respectfully submitted,

MIDWEST GENERATION, LLC

Petitioner,

By: /s/ Kristen L. Gale
One of its Attorneys

Kristin L. Gale
Susan M. Franzetti
Genevieve J. Essig
Nijman Franzetti LLP
10 S. LaSalle Street, Suite 3400
Chicago, IL 60603
(312) 251-5590
kg@nijmanfranzetti.com
sf@nijmanfranzetti.com
ge@nijmanfranzetti.com

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**MIDWEST GENERATION, LLC'S MEMORANDUM IN SUPPORT OF ITS
MOTION TO STAY PROCEEDINGS**

The Illinois Pollution Control Board (“Board”) should stay this proceeding in light of the U.S. Environmental Protection Agency’s (“U.S. EPA”) issuance on May 18, 2023, of its proposed Legacy Coal Combustion Residual Surface Impoundment rulemaking, U.S. EPA Docket No. EPA-HQ-OLEM-2020-0107, “Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Legacy CCR Surface Impoundments,” 88 Fed. Reg. 31982 (May 18, 2023) (“Proposed Rule”), which, *inter alia*, states that historic areas of unconsolidated CCR fill such as and including areas at the Waukegan Station (“Station”), are not regulated under the Coal Combustion Residuals (“CCR”) surface impoundment (“CCRSI”) framework but would be under the framework applicable to a new category of units proposed for inclusion in 40 C.F.R. 257 Subpart D called “CCR management units” (“CCRMU”).

Any decision the Board might issue in the present proceeding could conflict with or be rendered moot by this imminent federal rulemaking, involving several factors on which the Board may base a decision to stay a proceeding, including issues of comity and multiplicity, vexation, and harassment. Further, a stay in this proceeding will not result in environmental harm or threats to public health, while moving forward at this time will greatly prejudice the Petitioner. In addition, as explained in MWG’s Second Amended Petition being filed concurrently with this motion, MWG’s is withdrawing its request for an adjusted standard with respect to reuse of the liner in the Station’s West Pond, so

the only area remaining question in MWG's Petition is the Grassy Field.

Therefore, a stay is necessary to ensure that any adjusted standard issued by the Board avoids conflict with federal law and a waste of time and resources of both the Board and the parties.²

I. APPLICABLE STANDARD FOR A STAY

The decision to grant or deny a motion for stay is “vested in the sound discretion of the Board.” *Sierra Club, et. al v. Midwest Generation, LLC*, PCB 13-15, *slip op* at 4 (April 16, 2014), *citing People v. State Oil Co.*, PCB 97-103 (May 15, 2004). In determining whether a stay is justified, the Board may consider these factors: (1) comity; (2) prevention of multiplicity, vexation, and harassment; (3) likelihood of obtaining complete relief in the foreign jurisdiction; and (4) the *res judicata* effect of a foreign judgment in the local forum, *i.e.*, in the Board proceeding. *Sierra Club, et. al v. Midwest Generation, LLC*, PCB 13-15, *slip op* at 4 (April 16, 2014). “The Board may also weigh the prejudice a stay would cause the nonmovant against the policy of avoiding duplicative litigation.” *Id.* Additionally, the Board must consider any ongoing environmental harm should the stay be granted. *Id.* The Board does not have to consider all of these cited factors in granting a stay but instead may rely upon one factor to conclude a stay is necessary. For example, in *U.S. Steel v. Illinois EPA*, PCB 10-23, U.S. Steel requested the Board stay a permit appeal because of the uncertainty created by a third-party objection to the permit issued to U.S. EPA. *U.S. Steel v. Illinois EPA*, PCB 10-23 (Feb. 2, 2012) at *3. In granting the stay, the Board only considered the effect of U.S. EPA proceeding on the appeal, and none of the other factors, finding that the uncertainty over the impact of the U.S. EPA proceeding on the appeal merited a stay. *Id.* at 12. *See also North Shore*

² In a similar matter, a Petitioner for an adjusted standard or finding of inapplicability recently requested the Board stay the proceeding until the U.S. EPA's action on the Proposed Rule, or May 6, 2024. *See In the Matter of: Petition of Southern Illinois Power Cooperative for an Adjusted Standard from 35 Ill. Adm. Code Part 845 or, in the Alternative, a Finding of Inapplicability*, PCB AS21-06 (July 12, 2023).

Sanitary District v. Illinois EPA, PCB 03-146 (March 20, 2003), *3 (In granting the stay, Board only considered whether the movant would suffer irreparable harm without the stay).

II. BACKGROUND

A. Procedural Background

On May 11, 2021, MWG filed its Petition for an Adjusted Standard from 845.740(a) and Finding of Inapplicability of Part 845 seeking an adjusted standard with respect to the Station's East Pond to allow the decontamination and retention of its existing liner rather than the liner's removal as well as a finding that Part 845 of the Board rules is inapplicable to the area of the Station known as the Grassy Field because the Grassy Field does not satisfy the regulatory definition of a CCRSI. Subsequently, on September 17, 2021, MWG filed an "Amended Petition for an Adjusted Standard and a Finding of Inapplicability for Waukegan Station" modifying its petition to request an adjusted standard with respect to the Station's West Pond instead of for the Station's East Pond, allowing the decontamination and retention of the West Pond's existing liner rather than the liner's removal, but left its petition with respect to the Grassy Field in place. On October 31, 2022, the Agency filed its recommendation with respect to MWG's Petition with the Board ("Recommendation"), recommending that the Board deny both of MWG's requests for an adjusted standard. The Agency asserts in its Recommendation that the Grassy Field is a CCRSI subject to Part 845.

On May 18, 2023, while MWG was preparing its Response to the Agency's Recommendation, U.S. EPA issued its Proposed Rule impacting the scope and application of the federal CCR rule.

Concurrent with this Motion to Stay, MWG is filing its Response to the Agency's Recommendation and a Second Amended Petition for an Adjusted Standard from Section 845.740(a) and Finding of Inapplicability of Part 845, withdrawing its request for an adjusted standard allowing reuse of the existing liner at the Station's West Pond but not changing MWG's request for an order stating Part 845 of the Board rules is inapplicable to the Grassy Field. Therefore, MWG's Response

to the Agency's Recommendation addresses only the Agency's arguments with respect to the classification of the Grassy Field.

B. U.S. EPA's Proposed Rule

U.S. EPA's Proposed Rule, in part, proposes to "extend a subset of the existing requirements in [40 C.F.R.] part 257, subpart D to CCR surface impoundments and landfills that closed prior to the effective date of the 2015 CCR Rule, inactive CCR landfills, and other areas where CCR is managed directly on the land." 88 Fed. Reg. at 31984. The Proposed Rule creates a new category for these newly regulated units called "CCR management units," or "CCRMU," which are defined as "any area of land on which any non-containerized accumulation of CCR is received, placed, or otherwise managed at any time, that is not a CCR unit," 88 Fed. Reg. 31982 at 32034. In the preamble to the Proposed Rule, U.S. EPA further clarifies that this definition is intended to include "historical solid waste management units such as CCR landfills and surface impoundments that closed under then-existing law prior to the effective date of the 2015 CCR Rule, as well as inactive CCR landfills (including abandoned piles)" and "any other areas where the solid waste management of CCR on the ground has occurred, such as structural fill sites, CCR placed below currently regulated CCR units, evaporation ponds, or secondary or tertiary finishing ponds that have not been properly cleaned up..." *Id.* at 32018.

Under the Proposed Rule, the requirements applicable to CCRMU would be "tailored to the characteristics of such units and the risks that they present." *Id.* at 32017. U.S. EPA additionally states: "Because...CCRMU are new types of federally regulated units, no state is currently approved to issue state CCR permits to such units in lieu of the federal CCR regulations." *Id.* at 32028.

In support of its proposal, U.S. EPA prepared a list of "Potential CCR Management Units," included in the rulemaking docket at EPA-HQ-OLEM-2020-0107-0155. *See* "Potential CCR Management Unit Universe", EPA-HQ-OLEM-2020-0107-0155, attached as Exhibit 1. This list is

attached to MWG's Response to the Agency's Recommendation as Petition Exhibit 26.³ U.S. EPA states with respect to this list: "...EPA identified a total of 134 areas at 82 active facilities where CCR is being managed, but which remain exempt under existing federal CCR regulations. These areas include inactive CCR landfills, closed CCR landfills, closed CCR surface impoundments, and other solid waste management areas of CCR." 88 Fed. Reg. 31982 at 32013 (footnote omitted). The list includes two units at the Waukegan station, the "Old Pond" and "Historic Fill," either of which presumably refer to the Grassy Field. Given that U.S. EPA specifically includes the units at the Waukegan Station on this list, it is evident that U.S. EPA does not consider the Grassy Field to be a CCRSI that is already regulated.

The comment period for the Proposed Rule closed on July 17, 2023. 88 Fed. Reg. 31982. The U.S. EPA expects to finalize its Proposed Rule by April 2024. U.S. EPA Agenda, EPA-HQ-OLEM-2020-0107.

III. THE BOARD SHOULD STAY THIS PROCEEDING

The Board should stay this proceeding because any decision the Board might issue in the present proceeding could conflict with or be rendered moot by this imminent federal rulemaking, creating issues of comity and multiplicity, vexation, and harassment and wasting time and resources of both the Board and the parties. If the Board were to deny MWG's petition and hold the Grassy Field is a CCRSI subject to the requirements of the Illinois CCR Rule, the holding will be in conflict with federal law upon the finalization of the Proposed Rule, which states that historic areas of unconsolidated CCR fill such as and including the Grassy Field are not CCRSI and not subject to the current federal CCR rule or any state CCR rule. Further, as U.S. EPA has already made clear this

³ To avoid confusion, MWG continued the sequential numbering of exhibits from its Original Petition in its Amended Petition. MWG again continued this sequential numbering of exhibits in its Response to the Agency's Recommendation. All such exhibits are referred to herein as "Petition" exhibits.

position in the preamble to its Proposed Rule, even prior to finalization, there would be an issue of comity if the Board were to issue a contrary holding. If the Board were to grant MWG's petition and hold the Grassy Field is not a CCRSI, upon finalization of the Proposed Rule stating that historic areas of unconsolidated CCR fill, such as an including the Grassy Field, are to be regulated as CCRMU, MWG will have to shift gears and comply with the new and different requirements applicable to CCRMU, resulting in multiplicity, vexation, and harassment associated with the related confusion and extra costs. If a stay is granted until the Proposed Rule can be finalized, however, the Board and parties could proceed with clarity and efficiency.

In addition, there is no risk of harm to the public health or the environment if a stay is granted. It is undisputed that there are no potable wells downgradient of the Station, and there is no risk to the surface waters adjacent to the Station. In addition, without a stay, MWG will be highly prejudiced by the likelihood of conflicting and shifting requirements. Therefore, in order to avoid potential obligation conflicts and expending unnecessary time and resources of the Board and the parties, the Board should stay this proceeding for a year or until after U.S. EPA promulgates a final rule.

A. The Board Must Defer to U.S. EPA's Regulation of Historic Areas of Unconsolidated Fill to Avoid Conflict With Federal Law and Issues of Comity.

Comity is the principle under which a decision-making body gives effect to the decisions of a body in another jurisdiction as a matter of deference and respect. *Commonwealth Edison Co. v. Illinois EPA*, 2006 Ill. ENV LEXIS 200, *15, PCB04-215, April 6, 2006). Comity is not limited to deference to courts and applies equally to agencies. *In Commonwealth Edison Co. v. Illinois EPA*, the Board granted Commonwealth Edison's motion to stay a trade secret appeal due to potentially conflicting decisions between Illinois EPA and U.S. EPA. *Id.*, at *15- 16. The Board stated that a "stay diminishes the opportunity for potentially conflicting determinations." *Id.* at *16. *See also Midwest Generation EME, LLC v. IEPA*, PCB 04-216 (Apr. 6, 2006), at 7-8 (Board granted stay in

part to diminish the opportunity for potentially conflicting determinations by U.S. EPA); *Midwest Generation, LLC v. Illinois EPA*, PCB 04-185, April 6, 2006, *7. The Board will generally grant a stay to avoid inconsistent relief. *In Weglarz Hotel III, LLC, et al. v. The Belt Railway Company of Chicago*, 2019 Ill. ENV LEXIS 7, PCB 19-64 (Jan. 17, 2019) the Board granted a motion to stay pending resolution of a federal court action filed in federal court. *Id.* at *5. The Board weighed the comity factor in the movant's favor, because "if both actions proceed independently of one another, the Board and the federal court could conceivably grant inconsistent relief," and "administrative efficiency weighs in favor of granting the stay." *Id.*

Also, Section 28.1 of the Illinois Environmental Protection Act requires that the Board ensure an adjusted standard is "consistent with any applicable federal law." 415 Ill. Comp. Stat. 5/28.1(c)(4). Any final rule adopting the Proposed Rule could significantly alter the scope and content of the "applicable federal law." As a result, any finding the Board might make on applicability or relief that it might grant could, depending on the content of the final rule, be valid only until issuance of the final rule, which is expected by April 2024. U.S. EPA Agenda, EPA-HQ-OLEM-2020-0107.

In this proceeding, MWG seeks a determination that Part 845 is inapplicable to the Grassy Field because the Grassy Field is not a CCRSI and that relief should be granted from Part 845 requirements. Part 845 is based upon the federal CCR rule. *In the Matter of: Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845*, PCB R2020-019, Order (Feb. 4, 2021), p. 5. If the Board were to deny MWG's petition and hold the Grassy Field is a CCRSI and subject to the requirements of the Illinois CCR Rule as such, the holding could be rendered moot and be in conflict with federal law if the Proposed Rule is adopted. The Proposed Rule states that historic areas of unconsolidated CCR fill such as and including the Grassy Field are

not regulated as CCRSI⁴ but will be regulated as CCRMU, a new category of regulated entities, if the Proposed Rule is adopted. In the preamble for the Proposed Rule, U.S. EPA highlights that there are meaningful differences between CCRSI and CCRMU, which is why U.S. EPA has proposed to establish the new category of related units “that would be subject to a set of requirements tailored to the characteristics of such units and the risks that they present.” 88 Fed. Reg. at 32017. For example, U.S. EPA points out that CCRSI contain liquids and CCRMU do not. *See* 88 Fed. Reg. 31982 at 31993, stating, “EPA is not proposing to expand the definition of a legacy CCR surface impoundment to include units that contain no liquid. Units that contain liquid present different risks than those that do not, and the applicable requirements should differentiate among them accordingly on that basis.”

In addition, as described above, U.S. EPA specifically identified the Grassy Field as meeting its proposed CCRMU classification in the supporting documentation for the Proposed Rule. Therefore, to avoid conflicts with federal law and issues of comity, the Board should grant a stay in this proceeding.

B. A Stay Will Avoid Multiplicity in Applicable Requirements and Prevent Vexation and a Waste of Resources.

The Board has previously granted a stay to avoid “multiplicity and the potential for unnecessarily expending the resources of the Board and those before it.” *Commonwealth Edison*, 2006 Ill. ENV LEXIS 200, at *18; *Midwest Generation, LLC v. Illinois EPA*, PCB 04-185, April 6, 2006, *7 (Board granted stay in part to avoid wasteful multiplicity of litigation, even though there was no finding of likelihood of obtaining complete relief in foreign jurisdiction nor a *res judicata* effect.); *Weglarz Hotel III, LLC*, 2019 Ill. ENV LEXIS 7, *5 (Board granted stay in part to avoid wasting resources of

⁴ The Board has also agreed that such areas, including the Grassy Field, “do not fit the definition of ‘CCR surface impoundment’ and would therefore not be regulated by the framework of Part 845, nor were they included in the mandate of Section 22.59(g).” *In the Matter of: Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845*, PCB 20-19, Order (February 4, 2021), at 12. The Board found “that regulation of these unconsolidated coal ash fills and piles is beyond the scope of Section 22.59(g)...,” the statute for regulated CCRSIs (415 ILCS 5/22.59(g)). *Id.*

the Board and the parties); *Herrin Security Bank v. Shell Oil Company*, PCB 94-178, May 18, 1995

*1-2 (Board granted stay where relevant regulatory actions could resolve the issues, thus avoiding wasting the Board's and Parties time and resources.).

Continuing this matter likely will generate multiplicity and vexations. If the Board were to deny MWG's petition with respect to the Grassy Field and leave the Grassy Field to regulation under the Illinois CCR Rule as a CCRSI, and then U.S. EPA subsequently finalizes its Proposed Rule regulating the Grassy Field as a CCRMU, there is a real possibility that MWG would be faced with conflicting requirements because the requirements applicable to CCRSI under the federal CCR rule and the Illinois CCR rule are not the same as those in the Proposed Rule. U.S. EPA explains in the preamble to its Proposed Rule: "EPA is proposing to extend only a subset of the existing requirements in part 257, subpart D to CCRMU," *id.* at 32019, because "[t]he other existing requirements in part 257 are not necessary for CCRMU. For example, since CCRMU do not contain sufficient liquids to create a hydraulic head or to otherwise cause the conditions that might lead to a structural failure, the structural stability requirements are unnecessary." *Id.* at 32017. Thus, the set of requirements that will be applicable to CCRMU such as and including the Grassy Field will not be the same as the set of requirements imposed on CCRSI under the federal CCR rule and the Illinois CCR rule. MWG could be forced to perform actions with respect to the Grassy Field, such as obtaining a permit from the Agency and conducting corrective actions under its oversight, which may not be required or will have to be done differently under the differing federal CCR regime created by the Proposed Rule when finalized.

Conversely, if the Board were to grant MWG's Petition, any relief may only be temporary until the Proposed Rule is finalized.⁵ As a result, MWG could be subjected to a multiplicity of actions

⁵ As noted above, Section 28.1 of the Illinois Environmental Protection Act requires that the Board ensure an adjusted standard is "consistent with any applicable federal law." 415 Ill. Comp. Stat. 5/28.1(c)(4). However, any final rule

relating to the Grassy Field and resulting in unnecessary costs and waste of materials. The only way to avoid this result is to stay this matter so regulatory requirements applying to such historic areas of unconsolidated CCR fill are resolved prior to the Board and parties investing any more time and resources in determining what requirements should apply to the Grassy Field and implementing them, only to face changes shortly thereafter.

C. A Stay is Appropriate Because There is No Risk of Environmental Harm

A stay in this manner is further justified because these proceedings do not involve a risk of ongoing environmental harm. *See North Shore Sanitary District v. Illinois EPA*, PCB 03-146, March 20, 2003, slip op. at 3 (Board granted stay of permit appeal in part because “no environmental harm will come from granting a stay”). The Waukegan Station at issue here has operated for over 60 years. It is undisputed that there are no potable wells downgradient of the Station, and there are ELUCs established at the Station preventing any potable use of the groundwater.

In related proceedings, *Sierra Club et al. v. Midwest Generation, LLC*, PCB 13-15, PCB 13-15, expert analyses demonstrated that there was no risk to surface waters near the MWG stations at issue, including Waukegan Station. As a part of that proceeding, MWG’s expert, Weaver, determined that despite potential impact from the Grassy Field, no ash constituents were reaching the nearest water body (Lake Michigan). Concurrent with this Motion and MWG’s Response, MWG is filing a Motion to Incorporate the expert analysis from PCB13-15 (Exhibits 901, 903, 907, 1701 and 1702 and the hearing transcripts for February 1 and 2, 2018 and June 12-14, 2023; *See* Petition Exhibits 29-39).

adopting the Proposed Rule could significantly alter the scope and content of the “applicable federal law.” As a result, any finding the Board might make on applicability or relief that it might grant could, depending on the content of the final rule, be valid only until April 2024, when U.S. EPA expects to finalize its Proposed Rule. U.S. EPA Agenda, EPA-HQ-OLEM-2020-0107.

In addition, MWG is withdrawing its petition for an adjusted standard with respect to reuse of the liner at the West Pond in the previously planned conversion of the West Pond to a stormwater retention pond. Therefore, a stay of MWG's Petition will not impact continuing progress with respect to any required actions for the West Pond.

D. MWG will be Prejudiced without a Stay

The potential prejudice to MWG without a stay is considerable because MWG will otherwise be forced to act without regulatory certainty. As discussed above, MWG faces the specter of implementing measures that are inconsistent with future requirements under U.S. EPA's Proposed Rule, ultimately making its work both costly and unnecessary in whole or in part. A stay now to await finalization of U.S. EPA's Proposed Rule likely will limit the scope of facts and issues for the parties and Board to review. A stay also will allow MWG the regulatory certainty necessary to appropriately and efficiently manage the Grassy Field without a waste of resources and time.

IV. CONCLUSION

A stay of this proceeding is appropriate given the need for comity to U.S. EPA based on the potential for conflict between a possible ruling by the Board and U.S. EPA's Proposed Rule with respect to the Grassy Field. A stay is also necessary to avoid multiplicity of decisions relating to the Grassy Field and to prevent waste of resources by the Board and the parties. There is no environmental harm in granting the stay, but without one, MWG will be highly prejudiced because of the potential to be subject to conflicting and changing requirements. Based on the above, MWG respectfully requests that the Board grant MWG's Motion to Stay, and order MWG to submit to the Board a status update on the earlier of one year from the date the stay is granted or the date on which the U.S. EPA takes final action on its Proposed Rule, pursuant to 35 Ill. Admin. Code § 101.514(b).

Respectfully submitted,

MIDWEST GENERATION, LLC

Petitioner,

BY: /s/Kristen L. Gale
One of its Attorneys

Dated: July 28, 2023

Kristin L. Gale
Susan M. Franzetti
Genevieve J. Essig
Nijman Franzetti LLP
10 S. LaSalle Street, Suite 3600
Chicago, IL 60603
(312) 251-5590
kg@nijmanfranzetti.com
sf@nijmanfranzetti.com
ge@nijmanfranzetti.com

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing, and Midwest Generation, LLC's Motion to Stay Proceedings and Memorandum in Support of Its Motion to Stay Proceedings was electronically filed on July 28, 2023 with the following:

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60 E. Van Buren Street, Suite 630
Chicago, IL 60605
don.brown@illinois.gov

and that copies were sent via e-mail on July 28, 2023 to the parties on the service list.

Dated: July 28, 2023

/s/Kristen L. Gale

Kristen L Gale
Susan M. Franzetti
Genevieve J. Essig
Nijman Franzetti LLP
10 S. LaSalle Street, Suite 3600
Chicago, IL 60603
(312) 251-5590
kg@nijmanfranzetti.com
sf@nijmanfranzetti.com
ge@nijmanfranzetti.com

Exhibit 1

Docket (EPA-HQ-OLEM-2020-0107) (/docket/EPA-HQ-OLEM-2020-0107) / Document



SUPPORTING & RELATED MATERIAL

Potential CCR Management Unit Universe

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Region	State	Plant Name	CCR Weblink	Unit Name	Unit Type	Closed	Potential GW Contamination from CCRMU	Source(s)	PDF Page Number	Key Source Link	Notes
10	AK	Healy	https://www.gvea.com/ccr-rule-compliance/?doing_wp_cron=1613578909.1270420551300048828125	Historical Ash Handling Area	Closed CCR Surface Impoundment	Excavated with some CCR left in place	Yes	GWMR - 2021	14	https://gvea.com/wp-content/uploads/2022/02/Amended-FINAL2021-GW/MCA-Report_20220204.pdf	
6	AR	Flint Creek	https://www.aep.com/about/codeofconduct/CCRRule/	CADL Roadbed BU	Other Solid Waste Management Area	Unknown		GWMR - 2021	136	https://cdn.entropy-arkansas.com/userfiles/content/ccr/indy/docs/2021_Groundwater_Monitoring_Corrective_Action_Report_Independence_Landfill.pdf?_ga=2.226943774.200280567.1655476808-1481874884.1655476808	BU for roadbed construction;
6	AR	Flint Creek	https://www.aep.com/about/codeofconduct/CCRRule/	CADL Cells 1-11	Closed CCR Landfill	Unknown		GWMR - 2021	136	https://cdn.entropy-arkansas.com/userfiles/content/ccr/indy/docs/2021_Groundwater_Monitoring_Corrective_Action_Report_Independence_Landfill.pdf?_ga=2.226943774.200280567.1655476808-1481874884.1655476808	Closed cells adjacent to active cells;
5	AR	Independence Steam Electric Station	http://www.entropy-arkansas.com/ccr/indy/	CADL Cells 1-11	Closed CCR Landfill	Yes	Yes	GWMR - 2021	136	https://cdn.entropy-arkansas.com/userfiles/content/ccr/indy/docs/2021_Groundwater_Monitoring_Corrective_Action_Report_Independence_Landfill.pdf?_ga=2.136327792.1598427598.1655763935-1481874884.1655476808	
6	AR	Independence Steam Electric Station	http://www.entropy-arkansas.com/ccr/indy/	CADL Roadbed BU	Other Solid Waste Management Area	Unknown		GWMR - 2021	136	https://cdn.entropy-arkansas.com/userfiles/content/ccr/indy/docs/2021_Groundwater_Monitoring_Corrective_Action_Report_Independence_Landfill.pdf?_ga=2.136327792.1598427598.1655763935-1481874884.1655476808	BU for roadbed construction;
6	AR	White Bluff	http://www.entropy-arkansas.com/ccr/WB/	CADL Roadbed BU	Other Solid Waste Management Area	Unknown		GWMR - 2021	186	https://cdn.entropy-arkansas.com/userfiles/content/ccr/wb/docs/2021_Groundwater_Monitoring_Corrective_Action_Report_White_Bluff_Landfill.pdf?_ga=2.473656.200280567.1655476808-1481874884.1655476808	BU for roadbed construction;
6	AR	White Bluff	http://www.entropy-arkansas.com/ccr/WB/	Ravines	Other Solid Waste Management Area	Unknown		GWMR - 2021	186	https://cdn.entropy-arkansas.com/userfiles/content/ccr/wb/docs/2021_Groundwater_Monitoring_Corrective_Action_Report_White_Bluff_Landfill.pdf?_ga=2.473656.200280567.1655476808-1481874884.1655476808	"CCR was placed into ravines"; Unclear if this included in the closed landfill or if it's separate
6	AR	White Bluff	http://www.entropy-arkansas.com/ccr/WB/	CADL Historical Section	Closed CCR Landfill	Unknown		GWMR - 2021	186	https://cdn.entropy-arkansas.com/userfiles/content/ccr/wb/docs/2021_Groundwater_Monitoring_Corrective_Action_Report_White_Bluff_Landfill.pdf?_ga=2.473656.200280567.1655476808-1481874884.1655476808	Closed landfill is underneath existing landfill;
8	CO	Arapahoe	https://www.xcelenergy.com/stateselector?stateSelected=true&sort=2Foal_ash_management	Discharge Pond	Closed CCR Surface Impoundment	Closure By Removal		ANPRM Comments			
8	CO	Arapahoe	https://www.xcelenergy.com/stateselector?stateSelected=true&sort=2Foal_ash_management	Emergency Pond	Closed CCR Surface Impoundment	Closure By Removal		ANPRM Comments			
3	DE	Indian River Generating Station	http://www.nrg.com/legal/coal-combustion-residuals/	Phase 1 Landfill	Closed CCR Landfill	Yes	Yes	GWMR - 2021	6	http://3659839d00e4f8ab17-3929cea8f28e01ec3cb6bbf40cae69f0.r20.cf1.rackcdn.com/NR_IRLF_GMI21.pdf	Phase 2 landfill constructed on top of phase 1;
7	IA	Burlington	http://ccr.alliantenergy.com/	Ash Disposal Basin #2	Closed CCR Surface Impoundment	Unknown		HoC	7	https://ccr.alliantenergy.com/media/aecrcr/ccrdocuments/burlington/surfaceimpoundment/designcriteria/bghistoryofconstructionrev1final.pdf?ia=en	Ash Disposal Pond #1 is the Ash Seal Pond, and therefore not a separate unit
7	IA	Burlington	http://ccr.alliantenergy.com/	North Ash Pond	Closed CCR Surface Impoundment	Unknown	Yes	HoC	28	https://ccr.alliantenergy.com/media/aecrcr/ccrdocuments/burlington/surfaceimpoundment/designcriteria/bghistoryofconstructionrev1final.pdf?ia=en	Ash Disposal Pond #1 is the Ash Seal Pond, and therefore not a separate unit
7	IA	Lansing	http://ccr.alliantenergy.com/lansing/index.htm	Original CCR Surface Impoundment	Closed CCR Surface Impoundment	Yes		HoC	6	https://ccr.alliantenergy.com/media/aecrcr/ccrdocuments/lansing/surfaceimpoundment/designcriteria/lanhistoryofconstruction2021.pdf?ia=en	Primary Ash Settling Basin is the LAN Primary Ash Pond
7	IA	Prairie Creek	https://ccr.alliantenergy.com/PrairieCreek?utm_source=WS&utm_campaign=PrairieCreek	Former Hydrated Fly Ash Storage Pile	Other Solid Waste Management Area	Unknown		GWMR - 2021	28	https://ccr.alliantenergy.com/media/aecrcr/ccrdocuments/sutherland/surfaceimpoundment/designcriteria/sghistoryofconstructionfinal.pdf?ia=en	ndwatermonitoring
7	IA	Sutherland	http://ccr.alliantenergy.com/Sutherland/index.htm	Original CCR Surface Impoundment	Closed CCR Surface Impoundment	Unknown		HoC	6	https://ccr.alliantenergy.com/media/aecrcr/ccrdocuments/sutherland/surfaceimpoundment/designcriteria/sghistoryofconstructionfinal.pdf?ia=en	Also known as Ash Disposal Pond, Ash Pit; existing units are within the footprint but unclear if they fully overlap
5	IL	Baldwin Energy Complex	https://www.luminant.com/ccr/	Secondary Pond	Other Solid Waste Management Area	Unknown		HoC	5, 9, 30	https://www.luminant.com/documents/ccr/Illinois/Baldwin/2016/History%20of%20Construction.pdf	May not receive/store CCR, but clearly connects to CCR units
5	IL	Baldwin Energy Complex	https://www.luminant.com/ccr/	Tertiary Pond	Other Solid Waste Management Area	Unknown		HoC	30	https://www.luminant.com/documents/ccr/Illinois/Baldwin/2016/History%20of%20Construction.pdf	Only visible on map
5	IL	Hennepin Power Station	https://www.luminant.com/ccr/hennepin	Ash Pond No. 4	Closed CCR Surface Impoundment	Yes	Yes	ACM	7	https://www.luminant.com/documents/ccr/Illinois/Hennepin/2019/2019-Hennepin-Assessment%20of%20Corrective%20Measures%20Report-Ash%20Pond%20No.%202.pdf	"Non-CCR unit capped or otherwise maintained"; "classified as capped or otherwise maintained"
5	IL	Joppa	https://www.luminant.com/ccr/joppa	West Pond 1	Closed CCR Surface Impoundment	Unknown		ANPRM Comments			
5	IL	Lincoln Generating Facility	http://www.nrg.com/legal/coal-combustion-residuals/	West Filled Area	Closed CCR Surface Impoundment	Yes		GWMR - 2021	13	http://3659839d00e4f8ab17-3929cea8f28e01ec3cb6bbf40cae69f0.r20.cf1.rackcdn.com/LSQ_LSQ1-GMI22.pdf	
5	IL	Newton	https://www.luminant.com/ccr/newton	Secondary Ash Pond	Closed CCR Surface Impoundment	Yes		HoC	16	https://www.luminant.com/documents/ccr/Illinois/Newton/2016/History%20of%20Construction.pdf	See Map
5	IL	Newton	https://www.luminant.com/ccr/newton	Landfill 1	Inactive CCR Landfill	Yes	Yes	CAR - 2021	53	https://www.luminant.com/documents/ccr/Illinois/Newton/2012/2012-Newton-2012%20Annual%20Groundwater%20Monitoring%20and%20Corrective%20Action%20Report-Landfill%202.pdf	It appears landfill 1, LF1, closed prior to CCR, now they use LF2 only
5	IL	Waukegan	https://www.nrg.com/legal/coal-combustion-residuals.html	Old Pond	Closed CCR Surface Impoundment	Unknown		ANPRM Comments			
5	IL	Waukegan	https://www.nrg.com/legal/coal-combustion-residuals.html	Historic Fill	Other Solid Waste Management Area	Unknown	Yes	IL EPA documents		IL EPA documents - will add to docket	
5	IL	Will County	https://www.nrg.com/legal/coal-combustion-residuals.html	Pond 1 North	Closed CCR Surface Impoundment	Unknown		ANPRM Comments			
5	IL	Will County	https://www.nrg.com/legal/coal-combustion-residuals.html	Pond 1 South	Closed CCR Surface Impoundment	Unknown		ANPRM Comments			
5	IL	Wood River	https://ccrwoodriver.com/	Secondary East Polishing Pond	Other Solid Waste Management Area	Unknown	Yes	HoC	7	https://ccrwoodriver.com/wp-content/uploads/sites/6/2020/09/History-of-Construction.pdf	
5	IN	AES Petersburg	http://ccr-petersburg.com/Home/default.aspx	Ash Pond D	Closed CCR Surface Impoundment	Unknown	Yes	GWMR - 2021	Figure 1-1, 9	https://www.aesi-petersburg.com/AP-2021-Annual-GWM-and-CA-Rpt-1-31-2022-FINAL.pdf	If you look at the figures, there is an Ash Pond D and B. They are "non CCR" as per earlier reports/figures, but later reports (see 2019 CAR) have them all lumped together as one area, so I added them.

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5	IN	AES Petersburg	http://ccr-petersburg.com/Home/default.aspx	Ash Pond B	Closed CCR Surface Impoundment	Unknown	Yes	GWMR - 2021	Figure 1-1, 9	AES-Petersburg-AP-2021-Annual-GWM-and-CA-Rpt-1-31-2022-FINAL.pdf (q4cdm.com)	If you look at the figures, there is an Ash Pond D and B. They are 'non CCR' as per earlier reports/figures, but later reports (see 2019 CAR) have them all lumped together as one area, so I added them.
5	IN	Breed	(not regulated)	Landfill	Inactive CCR Landfill	Unknown		ANPRM Comments			
5	IN	Cayuga (IN)	https://www.duke-energy.com/environment/reports/ccr-compliance.asp	Historical Ash Ponds	Closed CCR Surface Impoundment	Unknown		GWMR - 2018	153	https://desitecoreprod.cd.azureedge.net/media/pdfs/our-company/ash-management/190484/cav-annl-amcr-ff-2018.pdf?la=en&rev=61d682b2a8921471385497d014e23f40b	on the map there appear to be two ponds, but the documentation doesn't specifically label either.; on the map there appear to be two ponds, but the documentation doesn't specifically label either
5	IN	Clifty Creek	http://www.ovec.com/CCRClify.php	Type III Landfill	Closed CCR Landfill	Unknown		ASD - 2019	13	Clifty Creek Landfill: Alternative Source Demonstration Appendix III Boron.pdf (ovec.com)	Below new Type 1 landfill (different permits); Leaking Type 3 Landfill (identified via ASD) below new Type 1 landfill that was constructed on top
5	IN	Eagle Valley	http://ccr-eaglevalley.com/Home/default.aspx	Exempt Pond D	Closed CCR Surface Impoundment	Yes	Yes	ACM	All figures, see 34-37	http://s2.q4cdm.com/262924254/files/doc_downloads/2019/PI-EV-CMA-Final.pdf	Both are labeled exempt, but are also in the figure. None of the reports have any reason behind why they are not included. Pond D was explicitly within the CCR lines in the figure, so I added these.
5	IN	Eagle Valley	http://ccr-eaglevalley.com/Home/default.aspx	Exempt Pond E	Closed CCR Surface Impoundment	Yes	Yes	ACM	All figures, see 34-37	http://s2.q4cdm.com/262924254/files/doc_downloads/2019/PI-EV-CMA-Final.pdf	Both are labeled exempt, but are also in the figure. None of the reports have any reason behind why they are not included. Pond D was explicitly within the CCR lines in the figure, so I added these.
5	IN	Harding Street	http://ccr-hardingstreet.com/Home/default.aspx	Former Pond 2	Closed CCR Surface Impoundment	Yes		GWMR - 2022	See Page 9 and 10 (figures)	AES-Indiana-HSS-2021-Annual-GWM-and-CA-Rpt-1-29-2022-FINAL.pdf (q4cdm.com)	See page 10, all areas are around the ash pond system boundary, not sure why they were all left out. (Also, 2a and 2b are different than 2, see map)
5	IN	Harding Street	http://ccr-hardingstreet.com/Home/default.aspx	Former Pond 4A	Closed CCR Surface Impoundment	Yes		GWMR - 2022	See Page 9 and 10 (figures)	AES-Indiana-HSS-2021-Annual-GWM-and-CA-Rpt-1-29-2022-FINAL.pdf (q4cdm.com)	See page 10, all areas are around the ash pond system boundary, not sure why they were all left out. (Also, 2a and 2b are different than 2, see map)
5	IN	Harding Street	http://ccr-hardingstreet.com/Home/default.aspx	Former Pond 4B	Closed CCR Surface Impoundment	Yes		GWMR - 2022	See Page 9 and 10 (figures)	AES-Indiana-HSS-2021-Annual-GWM-and-CA-Rpt-1-29-2022-FINAL.pdf (q4cdm.com)	See page 10, all areas are around the ash pond system boundary, not sure why they were all left out. (Also, 2a and 2b are different than 2, see map)
5	IN	Harding Street	http://ccr-hardingstreet.com/Home/default.aspx	Former Pond 4	Closed CCR Surface Impoundment	Yes		GWMR - 2022	See Page 9 and 10 (figures)	AES-Indiana-HSS-2021-Annual-GWM-and-CA-Rpt-1-29-2022-FINAL.pdf (q4cdm.com)	See page 10, all areas are around the ash pond system boundary, not sure why they were all left out. (Also, 2a and 2b are different than 2, see map)
5	IN	Michigan City	https://www.nipsco.com/about-us/ccr-rule-compliance-data-information	Historical fill under ash ponds	CCR Disposed Below Regulated CCR Unit	Unknown	Yes	Closure Plan	28	https://www.nipsco.com/docs/librariesprovider11/rates-and-tariffs/ccr/michigan-city-generating-station/closure-and-post-closure-care/michigan-city-generating-station-ccr-surface-impoundments-closure-and-post-closure-plan.pdf?srsltid=7e823d51_4	
5	IN	Noblesville	(not regulated)	Ash Disposal Site	Inactive CCR Landfill	Waste In Place		ANPRM Comments			
4	IN	R M Schahfer	https://www.nipsco.com/about-us/ccr-rule-compliance-data-information	Landfill Phases 1 and 2	Closed CCR Landfill	Yes	Yes	GWMR - 2021	21	https://www.nipsco.com/docs/librariesprovider11/rates-and-tariffs/ccr/r.m.schahfer/r.m.schahfer-generating-station-groundwater-monitoring-and-corrective-action/rm-schahfer-2021-final-landfill-v-vi-vii.pdf?srsltid=8c51351_4	
5	IN	R M Schahfer	https://www.nipsco.com/about-us/ccr-rule-compliance-data-information	Berm around Phased Landfill	Other Solid Waste Management Area	Unknown		GWM System Design Manual	7	https://www.nipsco.com/docs/librariesprovider11/rates-and-tariffs/ccr/r.m.schahfer/r.m.schahfer-generating-station-groundwater-monitoring-and-corrective-action/rm-schahfer-generating-station-groundwater-monitoring-system-design-manual-june-2022.pdf?srsltid=8c51351_1	
5	IN	Rockport	https://www.aep.com/about/codeofconduct/CCRRule/	Closed Landfill	Closed CCR Landfill	Yes		GWMR - 2021	11	https://www.aep.com/Assets/docs/requiredpostings/ccr/2022/2-18-2022/RK-LF-GWMMonitoringCorrectiveActionRpt-01312022.pdf	Only identified on map: "The majority of fly ash and FGD solids generated at Cane Run were combined with other additives to form a concrete-like material known as Poz-o-Tec for final placement into the legacy CCR Landfill."
4	KY	Cane Run	https://je-ku.com/CCR	Legacy Landfill	Inactive CCR Landfill	Unknown		ACM	6	https://ccr.je-ku.com/sites/ccr/files/ccr/W_CR_ATB_GMCA_NACAM_122120.pdf	
4	KY	Cooper	https://www2.ekpc.coop/CCR_Rule_Compliance_Data_and_Information.html	Former surface impoundment	Closed CCR Surface Impoundment	Yes	Yes	ASD - 2019 (2019 GWMR)	24	https://www2.ekpc.coop/Cooper_Reports_files/PDFs/Cooper%20%20Annual%20Groundwater%20Monitoring%20and%20Corrective%20Action/Annual%20Groundwater%20Monitoring%20and%20Corrective%20Action%20Report%20257_90%20(a)/Cooper_Landfill_20190131_Annual%20GWM%20%20CA%20Report.pdf	"Before construction of the CCR unit, ash was originally managed in an unlined surface impoundment that is located beneath the CCR unit."
4	KY	Dale Station	https://www2.ekpc.coop/CCR_Rule_Compliance_Data_and_Information.html	Ash Pond 3	Closed CCR Surface Impoundment	Closure By Removal		ANPRM Comments			
4	KY	E W Brown	https://je-ku.com/CCR	Main Ash Pond	Closed CCR Surface Impoundment	Yes	Yes	CAR - 2019	3, 41 (search for 'legacy')	https://ccr.je-ku.com/sites/ccr/files/ccr/W_BR_GNST_GMCA_ANGWA_021120.pdf	Legacy unit that closed in 2011, cannot find map. "Cannot find a map of this one. "The CCR Landfill is a permitted facility located in the northern portion" of the Multi-Unit, constructed atop a closed legacy CCR impoundment identified as the Main Ash Pond (MAP). It is this former ash treatment basin, closed in 2011, that has been identified as the likely source of the CCR constituents observed in the groundwater on the east side of the CCR Landfill in the northern portions of the Multi-Unit.
4	KY	Paradise	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	Jacob's Creek Ash Pond	Closed CCR Surface Impoundment	Yes		GWMR - 2018	4	https://www.tva.com/docs/default-source/ccr/paf/surface-impoundment-neabody-ash-pond/groundwater-monitoring/annual-groundwater-report-2121-2018-annual-groundwater-monitoring-report_paf_neabody-ash-pond_2018.pdf?srsltid=4a4116b6_2	
3	MD	Dickerson	https://www.genom.com/ccr-rule-compliance	Cell C	Closed CCR Landfill	Yes		GWMR - 2021	5 (text), 14-16 (figures)	https://static1.squarespace.com/static/5b64a999a2772ef1e10e54/f/6222aad52e16c33d4295799/1646439132430/Westland_Annual_GW_and_CA_Report_2021.pdf	Closed before CCR Rule

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5	MI	Dan E Karn	https://www.consumersenergy.com/community/sustainability/environment/waste-management/coal-combustion-residuals#de-karn	Underlying Fill	CCR Disposed Below Regulated CCR Unit	Unknown	Yes	EPA discussions with regions/states			Ash used as surficial fill underneath lined impoundment;
			https://www.consumersenergy.com/community/sustainability/environment/waste-management/coal-combustion-residuals#de-karn	Bottom Ash Pond	Closed CCR Surface Impoundment	Unknown		GWMR - 2021 (for the Lined Impoundment)	25 (see 2 bottom ash ponds)	https://www.consumersenergy.com/media/CE/Documents/sustainability/coal-combustion-residuals/dsk/lined-impoundment/2022-01-dek-ktl-2021-ccr-annual-gw-report-final-ashx	Maps show two Bottom Ash Pond, one N, one S, not sure which one is marked already, ASDs all natural/do not cite the CCR units as the source Forebay and Retention Pond are only part of former Impoundment System, do not take up whole footprint
5	MI	Dan E Karn	https://www.consumersenergy.com/community/sustainability/environment/waste-management/coal-combustion-residuals#de-karn	Bottom Ash Pond	Closed CCR Surface Impoundment	Unknown		GWMR - 2021 (for the Lined Impoundment)	25 (see 2 bottom ash ponds)	https://www.consumersenergy.com/media/CE/Documents/sustainability/coal-combustion-residuals/dsk/lined-impoundment/2022-01-dek-ktl-2021-ccr-annual-gw-report-final-ashx	Maps show two Bottom Ash Pond, one N, one S, not sure which one is marked already, ASDs all natural/do not cite the CCR units as the source Forebay and Retention Pond are only part of former Impoundment System, do not take up whole footprint
5	MI	Erickson Station	http://www.lbw.com/CCR-Rule-Compliance-Data-and-Information/	Impoundment system	Closed CCR Surface Impoundment	Yes	Yes	ACM	7	https://www.lbw.com/sites/default/files/documents/acm_lbw_2021_10s.pdf	Former Impoundment System, do not take up whole footprint
5	MI	J B Sims	https://ghblp.org/about-us/reports/ccr-rule-compliance-data-and-information/	Ash and waste fill materials	Other Solid Waste Management Area	Unknown	Yes	ASD - 2020 (Unit 3 Impoundments)	5, 7, 11, 12	https://ghblp.org/wp-content/uploads/2021/01/Alternate-Source-Demonstration-JB-Sims-Unit-3-Impoundments-min.pdf	See unit name;
5	MI	J B Sims	https://ghblp.org/about-us/reports/ccr-rule-compliance-data-and-information/	CCR Disposed below Unit 3 Impoundment	CCR Disposed Below Regulated CCR Unit	Unknown		EPA discussions with regions/states			Could be the same as the general fill used at site noted in ASD
5	MI	J H Campbell	https://www.consumersenergy.com/community/sustainability/environment/waste-management/coal-combustion-residuals	Pond B	Closed CCR Surface Impoundment	Yes	Yes	GWMR - 2021	22	https://www.consumersenergy.com/media/CE/Documents/sustainability/coal-combustion-residuals/jhc/dry-ash-landfill/202201-ihcfc-ccr-2021-annual-gw-report-trc-ashx	*See Figures, for all of the closed pond locations, Various ASDs that are inconclusive
5	MI	J H Campbell	https://www.consumersenergy.com/community/sustainability/environment/waste-management/coal-combustion-residuals	Pond C	Closed CCR Surface Impoundment	Yes	Yes	GWMR - 2021	22	https://www.consumersenergy.com/media/CE/Documents/sustainability/coal-combustion-residuals/jhc/dry-ash-landfill/202201-ihcfc-ccr-2021-annual-gw-report-trc-ashx	*See Figures, for all of the closed pond locations, Various ASDs that are inconclusive
5	MI	J H Campbell	https://www.consumersenergy.com/community/sustainability/environment/waste-management/coal-combustion-residuals	Pond D (North, Mid, Mid south, and South)	Closed CCR Surface Impoundment	Yes	Yes	GWMR - 2021	22	https://www.consumersenergy.com/media/CE/Documents/sustainability/coal-combustion-residuals/jhc/dry-ash-landfill/202201-ihcfc-ccr-2021-annual-gw-report-trc-ashx	*See Figures, for all of the closed pond locations, Various ASDs that are inconclusive
5	MI	J H Campbell	https://www.consumersenergy.com/community/sustainability/environment/waste-management/coal-combustion-residuals	Pond F	Closed CCR Surface Impoundment	Yes	Yes	GWMR - 2021	22	https://www.consumersenergy.com/media/CE/Documents/sustainability/coal-combustion-residuals/jhc/dry-ash-landfill/202201-ihcfc-ccr-2021-annual-gw-report-trc-ashx	*See Figures, for all of the closed pond locations, Various ASDs that are inconclusive
5	MI	J H Campbell	https://www.consumersenergy.com/community/sustainability/environment/waste-management/coal-combustion-residuals	Pond G (G1 and G2)	Closed CCR Surface Impoundment	Yes	Yes	GWMR - 2021	22	https://www.consumersenergy.com/media/CE/Documents/sustainability/coal-combustion-residuals/jhc/dry-ash-landfill/202201-ihcfc-ccr-2021-annual-gw-report-trc-ashx	*See Figures, for all of the closed pond locations, Various ASDs that are inconclusive
5	MI	J H Campbell	https://www.consumersenergy.com/community/sustainability/environment/waste-management/coal-combustion-residuals	Pond H	Closed CCR Surface Impoundment	Yes	Yes	GWMR - 2021	22	https://www.consumersenergy.com/media/CE/Documents/sustainability/coal-combustion-residuals/jhc/dry-ash-landfill/202201-ihcfc-ccr-2021-annual-gw-report-trc-ashx	*See Figures, for all of the closed pond locations, Various ASDs that are inconclusive
5	MI	J H Campbell	https://www.consumersenergy.com/community/sustainability/environment/waste-management/coal-combustion-residuals	Pond K	Closed CCR Surface Impoundment	Yes	Yes	GWMR - 2021	22	https://www.consumersenergy.com/media/CE/Documents/sustainability/coal-combustion-residuals/jhc/dry-ash-landfill/202201-ihcfc-ccr-2021-annual-gw-report-trc-ashx	*See Figures, for all of the closed pond locations, Various ASDs that are inconclusive
5	MI	Presque Isle	http://www.we-energies.com/environmental/coal-combustion.htm	PIP Landfill #2	Closed CCR Landfill	Unknown	Yes	GWMR - 2018	23	https://www.we-energies.com/environment/pdf/presque-isle-annualreport2018.pdf	
5	MI	Presque Isle	http://www.we-energies.com/environmental/coal-combustion.htm	PIP Landfill #1	Closed CCR Landfill	Unknown	Yes	GWMR - 2018	23	https://www.we-energies.com/environment/pdf/presque-isle-annualreport2018.pdf	
5	MN	Austin Northeast	https://www.austinutilities.com/pages/CCRRule/	Solid waste disposal area	Closed CCR Landfill	Yes		EPA discussions with regions/states	1	https://www.austinutilities.com/assetmanager/downloads/documents/7pdf/Austin%20Utilities%20Notice%20of%20Intent.pdf	A polishing pond is present but no evidence it received CCR
5	MN	B C Cobb	https://merg-ccrrule.com/	CCR disposed below Bottom Ash Pond	CCR Disposed Below Regulated CCR Unit	Unknown		EPA discussions with regions/states			
5	MN	B C Cobb	https://merg-ccrrule.com/	CCR disposed below Ponds 0-8	CCR Disposed Below Regulated CCR Unit	Unknown		EPA discussions with regions/states			
5	MN	Black Dog	https://www.xcelenergy.com/coal_ash_management	Legacy On site Ash Basin	Closed CCR Surface Impoundment	Yes		GWMR - 2019	8, 18	https://www.xcelenergy.com/staticfiles/xcelresponsive/Environment/Coal%20Ash%20Management/NSPM-Black-Dog-GW-System-Cert-Report-signed.pdf	Doesn't say what they were split up as, but page 18 shows the old outline of the Ash Basin that closed in the 1970s, much larger than what is currently on site. Extends current Pond A past Former Pond 4. No actual GWMR available, just the system certification.
5	MN	Clay Boswell	http://mp-ccr.azurewebsites.net/Boswell	Closed Fly Ash Pond	Closed CCR Surface Impoundment	Unknown		GWMR - 2021	24	https://www.xcelenergy.com/staticfiles/xcelresponsive/Environment/Coal%20Ash%20Management/BAP%20CCR%202021%20Annual%20GW%20Mon%20%20%20Corrective%20Action%20Report.pdf	Closed Fly Ash Pond is not listed under Master Compliance Report
5	MN	Sherburne County	https://www.xcelenergy.com/coal_ash_management	Pond #1	Closed CCR Surface Impoundment	Yes		CAR - 2021 (for Bottom Ash Pond)	27	https://www.xcelenergy.com/staticfiles/xcelresponsive/Environment/Coal%20Ash%20Management/BAP%20CCR%202021%20Annual%20GW%20Mon%20%20%20Corrective%20Action%20Report.pdf	See figures with labeled inactive CCR units.
5	MN	Sherburne County	https://www.xcelenergy.com/coal_ash_management	Pond #2	Closed CCR Surface Impoundment	Yes		CAR - 2021 (for Bottom Ash Pond)	27	https://www.xcelenergy.com/staticfiles/xcelresponsive/Environment/Coal%20Ash%20Management/BAP%20CCR%202021%20Annual%20GW%20Mon%20%20%20Corrective%20Action%20Report.pdf	See figures with labeled inactive CCR units.
5	MN	Sherburne County	https://www.xcelenergy.com/coal_ash_management	Bottom Ash pond #2	Closed CCR Surface Impoundment	Unknown		CAR - 2021 (for Bottom Ash Pond)	27, also listed on website but not in Master Compliance Report	https://www.xcelenergy.com/staticfiles/xcelresponsive/Environment/Coal%20Ash%20Management/BAP%20CCR%202021%20Annual%20GW%20Mon%20%20%20Corrective%20Action%20Report.pdf	See figures and website - website has it listed as a CCR unit already. Says bottom ash pond is closed, and bottom ash pond #2 is the active one.
7	MO	John Twitty Energy Center	https://www.cityutilities.net/corporate/legal/ccr/	Process Wastewater Pipeline	Other Solid Waste Management Area	Unknown		ASD - (2020 GWMR)	272	https://www.cityutilities.net/wp-content/uploads/ccr-itcc-groundwater-monitoring-report-2020.pdf	It is a "failed" pipeline that has been retired and replace; Given that it has been replaced, the ASD states that SS concentration will likely decrease below GW protection standard over next several years
7	MO	Meramec	https://www.ameren.com/Environment/ccr-rule-compliance	Surface Impoundment MOPF	Closed CCR Surface Impoundment	Yes		GWMR - 2020	3 (text), 24 (figure)	https://www.ameren.com/media/corporate-site/files/environment/ccr-rule/2020/annual-groundwater-monitoring-report-mec-ashx	Labeled as exempt but text confirms these historically all held CCR
7	MO	Meramec	https://www.ameren.com/Environment/ccr-rule-compliance	Surface Impoundment MOPG	Closed CCR Surface Impoundment	Yes		GWMR - 2020	3 (text), 24 (figure)	https://www.ameren.com/media/corporate-site/files/environment/ccr-rule/2020/annual-groundwater-monitoring-report-mec-ashx	Labeled as exempt but text confirms these historically all held CCR

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7	MO	Meramec	https://www.ameren.com/Environment/ccr-rule-compliance	Surface Impoundment MOPH	Closed CCR Surface Impoundment	yes						3 (text), 24 (figure)	https://www.ameren.com/-/media/corporate-site/files/environment/ccr-rule/2020/annual-groundwater-monitoring-report-mec_ashx	Labeled as exempt but text confirms these historically all held CCR
7	MO	Meramec	https://www.ameren.com/Environment/ccr-rule-compliance	Surface Impoundment MOPI	Closed CCR Surface Impoundment	Yes						3 (text), 24 (figure)	https://www.ameren.com/-/media/corporate-site/files/environment/ccr-rule/2020/annual-groundwater-monitoring-report-mec_ashx	Labeled as exempt but text confirms these historically all held CCR
8	MT	Colstrip Energy LP	https://www.talenenergy.com/ccr-colstrip/	1 & 2 A Pond (Capped and Closed)	Closed CCR Surface Impoundment	Unknown						192	https://environmental.s3.amazonaws.com/Colstrip+3%264+Bottom+Ash/2021+Annual+Groundwater+Monitoring+and+Corrective+Action+Report+-+3%264+Bottom+Ash.pdf	See Figure, its hard to say what exactly might be legacy, I kept what I thought made sense. Some may need to be deleted
8	MT	Colstrip Energy LP	https://www.talenenergy.com/ccr-colstrip/	Brine Concentrator Solids Disposal Area	Other Solid Waste Management Area	Unknown						192	https://environmental.s3.amazonaws.com/Colstrip+3%264+Bottom+Ash/2021+Annual+Groundwater+Monitoring+and+Corrective+Action+Report+-+3%264+Bottom+Ash.pdf	See Figure, its hard to say what exactly might be legacy, I kept what I thought made sense. Some may need to be deleted
8	MT	Colstrip Energy LP	https://www.talenenergy.com/ccr-colstrip/	Former 1 & 2 Bottom Ash Pond	Closed CCR Surface Impoundment	Unknown						192	https://environmental.s3.amazonaws.com/Colstrip+3%264+Bottom+Ash/2021+Annual+Groundwater+Monitoring+and+Corrective+Action+Report+-+3%264+Bottom+Ash.pdf	See Figure, its hard to say what exactly might be legacy, I kept what I thought made sense. Some may need to be deleted
8	MT	Colstrip Energy LP	https://www.talenenergy.com/ccr-colstrip/	1 & 2 Step B Cell	Closed CCR Surface Impoundment	Unknown						192	https://environmental.s3.amazonaws.com/Colstrip+3%264+Bottom+Ash/2021+Annual+Groundwater+Monitoring+and+Corrective+Action+Report+-+3%264+Bottom+Ash.pdf	not 100% sure what this is ; See Figure, its hard to say what exactly might be legacy, I kept what I thought made sense. Some may need to be deleted
8	MT	Colstrip Energy LP	https://www.talenenergy.com/ccr-colstrip/	Stage 1 Evap Pond (Closed)	Closed CCR Surface Impoundment	Unknown						192	https://environmental.s3.amazonaws.com/Colstrip+3%264+Bottom+Ash/2021+Annual+Groundwater+Monitoring+and+Corrective+Action+Report+-+3%264+Bottom+Ash.pdf	See Figure
8	MT	Colstrip Energy LP	https://www.talenenergy.com/ccr-colstrip/	A Cell	Closed CCR Surface Impoundment	Unknown						192	https://environmental.s3.amazonaws.com/Colstrip+3%264+Bottom+Ash/2021+Annual+Groundwater+Monitoring+and+Corrective+Action+Report+-+3%264+Bottom+Ash.pdf	not 100% sure what this is ; See Figure, its hard to say what exactly might be legacy, I kept what I thought made sense. Some may need to be deleted
4	NC	Dan River	http://www.duke-energy.com/environment/reports/ccr-compliance.asp	Former Ash Stack 1	Other Solid Waste Management Area	Yes	Yes	ASD (within CPP GWMR)				9, 761	dr-annl-gmcar-if-2021.pdf (azureedge.net)	"In accordance with § 257.94(e)(2), semiannual ASDs were successfully developed and showed that a source other than the CCR unit caused the SSI."
8	ND	Coal Creek	http://ccr.greatriverenergy.com/	CCR disposed below Upstream Raise 91 Impoundment	CCR Disposed Below Regulated CCR Unit	Unknown		EPA discussions with regions/states				23 (figures), 6 (text)	https://assets.website-files.com/5ef212e2c4e1e094063db4e/61e87d48db29be91467e5bb20210220Annual%20Groundwater%20Monitoring%20and%20Corrective%20Action%20Report.pdf	Multiple ASDs cite duck pond removal and heavy rain as sources
8	ND	Milton R Young	https://www.minnkota.com/minnkota-website/our-power/ccr-rule-compliance	Cell 1	Closed CCR Landfill	Yes								See the figure map, cell 1 was a CCR landfill that previously closed. Also see Section 1
7	NE	Gerald Gentleman	https://www.nppd.com/ccr-rule-compliance	Historically placed CCR	CCR Disposed Below Regulated CCR Unit	Unknown	Yes					53	https://docs.nppd.com/2019GSAAnnualGroundwaterReport.pdf	
7	NE	North Omaha	http://www.opgd.com/environment/environmental-reports/ccr-rule-compliance/north-omaha-power-station/ https://www.giud.com/about-us/electric-generation/platte-generating-station/ccr-rule-compliance-data-and-information	Structural Fill	CCR Disposed Below Regulated CCR Unit	Unknown		GWM System Certification				5	https://www.opgd.com/media/316764/2020-nos-groundwater-monitoring-system-certification.pdf	One unsuccessful ASD from 2018 that indicates the landfill is leaking, but its already regulated. Nothing since CCR started.
7	NE	Platte	https://www.giud.com/about-us/electric-generation/platte-generating-station/ccr-rule-compliance-data-and-information	Phase 1 Landfill	Closed CCR Landfill	Yes		ACM				7	https://www.giud.com/home/showpublisheddocument/29811/637788866834130000	
9	NM	Four Corners	https://www.aps.com/en/Utility/Regulatory-and-Legal/Environmental-Compliance	Fill around CWPT	Other Solid Waste Management Area	Unknown						11,47	FC_GW_AnCar_021_20220131.pdf	Says CCR was used as fill around facility ; "SSIs were caused by spatially inconsistent groundwater chemistry resulting from multiple factors, including past anthropogenic activities impacting subsurface conditions (i.e., placement of fill around the CWPT)"
9	NV	Reid Gardner	http://www.berkshirehathawayenergyco.com/ccr/mv.html	Historical Evaporation Pond	Other Solid Waste Management Area	Unknown						6	https://www.brkenenergy.com/ccr/assets/pdf/mv/RG/Pond_E%20GW_Monitoring_and_Corrective_Action/Annual_GW_Monitoring_and_Corrective_Action_Report/RGS_Pond_E1.pdf	Under existing units;
2	NY	Cayuga (NY)	soc1.weebly.com	Landfill Phase 1	Closed CCR Landfill	Yes						5, 23	https://soc1.weebly.com/uploads/5/8/8/5/8883275/cayuga_ccr_2021_groundwater_monitoring_and_corrective_action_report_part_257_90_e.pdf	"different than expansion area ; Closed prior to CCR
2	NY	Cayuga (NY)	soc1.weebly.com	Landfill Phase 2	Closed CCR Landfill	Yes						5, 24	https://soc1.weebly.com/uploads/5/8/8/5/8883275/cayuga_ccr_2021_groundwater_monitoring_and_corrective_action_report_part_257_90_e.pdf	Closed prior to CCR
5	OH	Conesville	https://conesvilleindustrialpark.com/	Historical Ash Pond	Closed CCR Surface Impoundment	Unknown	Yes	HoC				4	https://conesvilleindustrialpark.com/wp-content/uploads/2020/05/CV-APS-History-101616.pdf	
5	OH	Conesville	https://conesvilleindustrialpark.com/	Pozzotec Landfill	Closed CCR Landfill	Yes		ACM				8	https://conesvilleindustrialpark.com/wp-content/uploads/2020/05/CV-APS-AvailableAssesmentofCorrectiveMeasuresNotice-06-24-19.pdf	May also be referred to as FGD Sludge Landfill; there is also an "original" ash pond that seems to have grown into the current complex
5	OH	Gorsuch	(not regulated)	Landfill	Inactive CCR Landfill	Yes		ANPRM Comments						
5	OH	JM Stuart	https://ccrstuart.com/	Former Pond 8	Closed CCR Surface Impoundment	Yes	Yes					22	https://static1.squarespace.com/static/621403a8919d44e5e311e38f7628bd9a0888b277ac81e981/653330090957/2018+JMSS+Annual+Groundwater+Monitoring+and+Corrective+Action+Report-P3A-P6.pdf	
5	OH	Kyger Creek	http://www.ovec.com/CCRKyger.php	North Fly Ash Pond	Closed CCR Surface Impoundment	Yes	Yes	HoC				4	http://www.ovec.com/CCRCompliance/Kyger%20Creek%20Station/South%20Fly%20Ash%20Pond/Kyger%20Creek%20South%20Fly%20Ash%20Pond%20-%20History%20of%20Construction.pdf	Also identified in ASDs of General James M Gavin plant
6	OK	GRDA	http://www.grda.com/ccr-rule-compliance-data-and-information/	1982 Landfill	Closed CCR Landfill	Yes						Intro, paragraph 2	https://grda.com/wp-content/uploads/2015/09/2018_02_22_GRDA-LF-Closure-Plan.pdf	See quote, bigger version of the current landfill that closed. 2 different permits, one from 1982, and redrawn in 2017; "The GRDA Landfill is situated south of the coal fired boiler units within the GRCA Complex and has been in operation since 1982. The original landfill permit area consisted of approximately 116 acres, of which only 69.5 acres was available for use. A revised permit area was established in October 2017 which reduced the permit area to approximately 67 acres, of which 48 acres was available for use"

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3	PA	Brunner Island	https://www.talenergy.com/generation/fossil-fuels/ccr-brunner-island	Ash Basin 5	Closed CCR Surface Impoundment	Unknown	Yes		GWMR - 2021	2.3.19.20	2021 Annual Groundwater Monitoring and Corrective Action Report Area 8.pdf (tin-environmental.s3.amazonaws.com)	Disposal area 8 was built on top of this, not sure if it counts as a separate legacy one?;
3	PA	Hatfields Ferry Power Station	http://ccrdocs.firstenergycorp.com/	Unidentified Cobalt Source (likely the Leachate Storage Impoundment)	Other Solid Waste Management Area	Unknown	Yes		GWMR - 2021	17	file:///C:/Users/bhalne/Downloads/Hatfield%202021%20Annual%20CCR%20GMCAN%20Report.pdf	"As documented in the site's 2019 Appendix IV ASD, multiple lines of evidence (LOE) indicate that cobalt from an as-yet unidentified alternate source, ex. historical maintenance activities conducted near the site's Leachate Storage Impoundment (LSI), are likely the cause of the elevated cobalt concentrations."
3	PA	Homer City Generating Station	http://www.homercitygenerationccr.com/	Subsurface Mixing Cells	Other Solid Waste Management Area	Unknown			ACM	9	https://www.homercitygenerationccr.com/	Part of Ash Valley Treatment System; not a "legacy" unit but does not appear presently regulated
3	PA	Homer City Generating Station	http://www.homercitygenerationccr.com/	Leachate Mixing Pond	Closed CCR Surface Impoundment	Unknown			ACM	9	https://www.homercitygenerationccr.com/	Don't know if this counts, an older, closed portion of the landfill is the source of the ASD. As far as I can tell there are not 2 permit #s. See quote ; Part of Ash Valley Treatment System; not a "legacy" unit but does not appear presently regulated
3	PA	Homer City Generating Station	http://www.homercitygenerationccr.com/	Leachate Polishing Pond	Closed CCR Surface Impoundment	Unknown			ACM	9	https://www.homercitygenerationccr.com/	Don't know if this counts, an older, closed portion of the landfill is the source of the ASD. As far as I can tell there are not 2 permit #s. See quote ; Part of Ash Valley Treatment System; not a "legacy" unit but does not appear presently regulated
3	PA	New Castle Plant	https://www.genon.com/ccr-rule-compliance	Plant Landfill - older portions	Closed CCR Landfill	Yes	Yes		GWMR - 2021	4	https://static1.squarespace.com/static/5b64999a2772cef1fe10e54/615d5b989446a298835d000/1643502427654/NC_Annual_GW_and_CA_Report_2021.pdf	Don't know if this counts, an older, closed portion of the landfill is the source of the ASD. As far as I can tell there are not 2 permit #s. See quote ; Not sure if this really counts, "an Alternate Source Demonstration (ASD) was completed in April 2018, which successfully showed that statistically significant increases (SSIs) in CCR Appendix III constituents, including boron, calcium, sulfate, and total dissolved solids (TDS) (see Table 1) were associated with a historical ash impoundment and other closed stages of the landfill underlying the landfill's active footprint associated with Stage 4."
3	PA	New Castle Plant	https://www.genon.com/ccr-rule-compliance	South Ash Pond	Closed CCR Surface Impoundment	Yes			Closure Plan	3,12	https://static1.squarespace.com/static/5b64999a2772cef1fe10e54/5c76b4409297b1b4cd9f78/1551301447281/North_Ash_Pond_Closure_Plan.pdf	
3	PA	Shawville	(not regulated)	Ash Landfill	Inactive CCR Landfill	Unknown			ANPRM Comments			
4	SC	Cope	https://www.dominionenergy.com/projects-and-facilities/electric-projects/coal-ash/ccr-rule-compliance-data-and-information	Landfill Leachate Pond	Other Solid Waste Management Area	Unknown	Yes		GWMR - 2021	7	https://cdn.dominionenergy-prd-001.azureedge.net/_media/pdfs/global/projects-and-facilities/electric-projects/coal-ash/cope/2021-cope-landfill-annual-groundwater-monitoring-report.pdf?la=en&rev=a8e1dd8f75974fa1a3707a898354e625&hash=C1CF5CDEB4397159150520428068F768	Permitted under NPDES
4	SC	Cope	https://www.dominionenergy.com/projects-and-facilities/electric-projects/coal-ash/ccr-rule-compliance-data-and-information	Class II Landfill	Closed CCR Landfill	Yes			GWMR - 2021	7	https://cdn.dominionenergy-prd-001.azureedge.net/_media/pdfs/global/projects-and-facilities/electric-projects/coal-ash/cope/2021-cope-landfill-annual-groundwater-monitoring-report.pdf?la=en&rev=a8e1dd8f75974fa1a3707a898354e625&hash=C1CF5CDEB4397159150520428068F768	
4	SC	Waterree	https://www.dominionenergy.com/projects-and-facilities/electric-projects/coal-ash/ccr-rule-compliance-data-and-information	Ash Pond 2	Closed CCR Surface Impoundment	Unknown			GWMR - 2021	7	https://cdn.dominionenergy-prd-001.azureedge.net/_media/pdfs/global/projects-and-facilities/electric-projects/coal-ash/waterree/2021-waterree-fgd-pond-annual-groundwater-monitoring-report.pdf?la=en&rev=f5d572eb344f598d8c8d506527985&hash=7C49D8DCC08581B5CC30C29563ABC49	
4	SC	Williams	https://www.dominionenergy.com/projects-and-facilities/electric-projects/coal-ash/ccr-rule-compliance-data-and-information	Williams Highway 17A Class II Landfill	Closed CCR Landfill	Yes			GWMR - 2021	8	https://cdn.dominionenergy-prd-001.azureedge.net/_media/pdfs/global/projects-and-facilities/electric-projects/coal-ash/williams/2021-williams-new-fgd-pond-annual-groundwater-monitoring-report.pdf?la=en&rev=a9e92617ad44071932b5516d08223f9&hash=EP951B2265CAF696181E447F75230405	
4	TN	Gallatin	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	Fly ash sluicing stream	Other Solid Waste Management Area	Unknown			HoC	5	https://www.tva.com/docs/default-source/ccr/kf/surface-impoundment--ash-pond-a/design-criteria/history-of-construction/257-73(c)-history-of-construction_gaf_ash-pond-a.pdf?svrsn=d47c0b9a_2	Sluicing stream that has been rerouted in the past before the "[elimination] of the wet sluicing of fly ash";
4	TN	John Sevier Coal Fired Fossil Plant	https://www.tva.com/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	Ash Disposal Area J	Closed CCR Surface Impoundment				ANPRM Comments			
4	TN	John Sevier Coal Fired Fossil Plant	https://www.tva.com/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	Dry Fly Ash Stack	Closed CCR Surface Impoundment				ANPRM Comments			
4	TN	Kingston	https://www.tva.gov/Environment/Environmental-Stewardship/Coal-Combustion-Residuals	Sluice Trench	Other Solid Waste Management Area	Unknown			HoC	5	https://www.tva.com/docs/default-source/ccr/kf/surface-impoundment--sluice-trench-and-area-east-of-sluice-trench/design-criteria/history-of-construction/257-73(c)-history-of-construction_kf_sluice-trench-and-area-east-of-sluice-trench.pdf?svrsn=78a46639_2	
6	TX	Limestone	http://www.nrg.com/legal/coal-combustion-residuals/	Unit BACP	Closed CCR Surface Impoundment	Unknown			HoC	5		Unit's documents were removed from NRG's website after a determination that it is not regulated under the 2015 rule, though it is mentioned in the 2016 History of Construction. This unit was removed from the CCR database following discussions with EPA in 2020.

Electronic Filing: Received, Clerk's Office 07/28/2023

6	TX	Monticello	https://ccrmoniticello.com/	A Ash Area	Closed CCR Surface Impoundment	Yes						https://ccrmoniticello.com/wp-content/uploads/sites/4/2022/02/2021-MOSEs-Annual-CCR-Groundwater-Monitoring-Report-BAPs.pdf	
6	TX	Monticello	https://ccrmoniticello.com/	Inactive Scrubber Pond	Closed CCR Surface Impoundment	Yes						https://ccrmoniticello.com/wp-content/uploads/sites/4/2022/02/2021-MOSEs-Annual-CCR-Groundwater-Monitoring-Report-BAPs.pdf	
6	TX	Monticello	https://ccrmoniticello.com/	Scrubber Sludge Decant Area	Closed CCR Surface Impoundment	Yes						https://ccrmoniticello.com/wp-content/uploads/sites/4/2022/02/2021-MOSEs-Annual-CCR-Groundwater-Monitoring-Report-BAPs.pdf	
8	UT	Bonanza	https://apps.deseretpower.com/apex/f?p=400:40:15000612199970::NO::	Name Unknown	Other Solid Waste Management Area	Unknown						https://apps.deseretpower.com/apex/f?p=400:40:15000612199970::NO::	Type of unit unclear-- located within footprint of landfill. GWMR pdf pg. 122: "A grab sample from the bottom of boring S1 (89.5 to 90 feet below the surface) was also collected to represent ash from a previously closed non-CCR unit within the landfill footprint."; GWMR claims it's a "non-CCR unit"
8	UT	Huntington	http://www.berkshirehathawayenergyco.com/ccr/ppw.htm	Old Landfill	Closed CCR Landfill	Unknown						https://www.brkenergy.com/ccr/assets/pdf/ppw/Htn/Htn_CCR_Landfill/GW_monitoring_corrective_action/Corrective_measures_assessment/Corrective%20Measures%20Assessment.pdf	
8	UT	Huntington	http://www.berkshirehathawayenergyco.com/ccr/ppw.htm	Historic Landfills	Closed CCR Landfill	Unknown						https://www.brkenergy.com/ccr/assets/pdf/ppw/Htn/Htn_CCR_Landfill/GW_monitoring_corrective_action/Corrective_measures_assessment/Corrective%20Measures%20Assessment.pdf	On some pages, it mentions "two landfills" (1 regulated and 1 old, unregulated landfill), however, on this page it mentions "historic landfills" suggesting there is more than one unregulated unit.
3	VA	Chesapeake	https://www.dominionenergy.com/projects-and-facilities/electric-projects/coal-ash/ccr-rule-compliance-data-and-information	Historical Pond	Closed CCR Surface Impoundment	Unknown	Yes					https://cdm.dominionenergy-prd-001.azureedge.net/_media/pdfs/global/projects-and-facilities/electric-projects/coal-ash/chesapeake/2021-cc-bottm-ash-pond-groundwater-monitoring-report.pdf?la=en&rev=b71591451d594b1dae3d8191b205f7b5&hash=7644570856441098CC4600CF50262C1B	Referred to as "Sluiced Ash Pond" in HOC;
3	VA	Chesapeake	https://www.dominionenergy.com/projects-and-facilities/electric-projects/coal-ash/ccr-rule-compliance-data-and-information	Lined Landfill	Inactive CCR Landfill	Unknown						https://cdm.dominionenergy-prd-001.azureedge.net/_media/pdfs/global/projects-and-facilities/electric-projects/coal-ash/chesapeake/2021-cc-bottm-ash-pond-groundwater-monitoring-report.pdf?la=en&rev=b71591451d594b1dae3d8191b205f7b5&hash=7644570856441098CC4600CF50262C1B	Unclear if this landfill should be regulated or not. We don't have it in the database.
3	VA	Clinch River	https://www.aep.com/about/codeofconduct/CCRRule/	Ash Pond 2	Closed CCR Surface Impoundment	Yes						https://www.aep.com/Assets/docs/requiredpostings/ccr/2018/CR-P1-InactiveSiteDesignRpts-062118.pdf	"Ash Pond 2 is currently closed and has been excluded from this analysis.
5	WI	Columbia (WI)	http://ccr.alliantenergy.com/	Closed Ash Ponds Landfill	Closed CCR Landfill	Yes						https://ccr.alliantenergy.com/Columbia/Landfill/GroundwaterMonitoring?utm_source=WS&utm_campaign=Legacy&utm_medium=Columbia/Landfill/GroundwaterMonitoring&utm_source=WS&utm_campaign=Legacy&utm_medium=Columbia/Landfill/GroundwaterMonitoring	
5	WI	Columbia (WI)	http://ccr.alliantenergy.com/	Former Ash Pond Effluent Ditch	Other Solid Waste Management Area	Unknown	Yes					https://ccr.alliantenergy.com/Columbia/Landfill/GroundwaterMonitoring?utm_source=WS&utm_campaign=Legacy&utm_medium=Columbia/Landfill/GroundwaterMonitoring&utm_source=WS&utm_campaign=Legacy&utm_medium=Columbia/Landfill/GroundwaterMonitoring	
5	WI	Columbia (WI)	http://ccr.alliantenergy.com/	Effluent Basin	Other Solid Waste Management Area	Unknown	Yes					https://ccr.alliantenergy.com/columbia/surfaceimpoundment/designcriteria	Used for treating water collected from CCR units
5	WI	Edgewater	http://ccr.alliantenergy.com/	Ash Disposal Facility	Closed CCR Landfill	Yes	Yes					https://ccr.alliantenergy.com/edgewater/surfaceimpoundment/designcriteria	
5	WI	Edgewater	http://ccr.alliantenergy.com/	BU Temporary Staging Area	Other Solid Waste Management Area	Unknown						https://ccr.alliantenergy.com/edgewater/surfaceimpoundment/designcriteria	
5	WI	Edgewater	http://ccr.alliantenergy.com/	Original CCR Surface Impoundment	Closed CCR Surface Impoundment	Yes						https://ccr.alliantenergy.com/edgewater/surfaceimpoundment/designcriteria	Located South of the Facility
5	WI	Nelson Dewey	http://ccr.alliantenergy.com/	Fly Ash Landfill (Former Ash Setting Pond)	Closed CCR Landfill	Yes	Yes					https://ccr.alliantenergy.com/nelsondewey/surfaceimpoundment/groundwatermonitoring	
5	WI	Nelson Dewey	http://ccr.alliantenergy.com/	Former Fly Ash Basin	Closed CCR Surface Impoundment	Yes						https://ccr.alliantenergy.com/nelsondewey/surfaceimpoundment/groundwatermonitoring	
3	WV	FirstEnergy Pleasants Power Station	http://ccrdocs.firstenergycorp.com/	Downstream portion of impoundment dam	Other Solid Waste Management Area	Unknown						http://ccrdocs.firstenergycorp.com/files/CCR_Landfills/Pleasants_Landfill/Groundwater_Requirements/Pleasants_CCR_ACM_Report_Oct_2019.pdf	Downstream portion of impoundment dam;