

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SOUTHERN ILLINOIS POWER)
COOPERATIVE and BENEFICIAL REUSE)
MANAGEMENT, LLC,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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STATE OF ILLINOIS
Pollution Control Board

PCB No. 12-23
(Permit Appeal - Water)

ORIGINAL

NOTICE OF FILING

To: See Attached Service List


PLEASE TAKE NOTICE that on November 7, 2011, I filed with the Clerk of the Pollution Control Board of the State of Illinois, c/o John T. Therriault, Assistant Clerk, Illinois Pollution Control Board, James R. Thompson Center, 100 W. Randolph Center, Chicago, IL 60601 five copies of a MOTION FOR LEAVE TO FILE RECORD *INSTANTER* and the AGENCY RECORD, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
Jane E. McBride
Sr. Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: November 7, 2011


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Pollution Control Board

CERTIFICATE OF SERVICE

I hereby certify that I did on November 7, 2011, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF FILING, MOTION FOR LEAVE TO FILE RECORD *INSTANTER* and AGENCY RECORD upon the persons listed on the Service List.


Jane E. McBride
Sr. Assistant Attorney General

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This filing is submitted on recycled paper.

SERVICE LIST

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MOTION FOR LEAVE TO FILE RECORD INSTANTER

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"),
ex rel, Lisa Madigan, Attorney General of the State of Illinois, moves for leave to file the Record
for this matter instanter, and states the following in support of its motion:

- 1. The Illinois EPA seeks leave to file the Record in a time period beyond the 30
days allotted in 35 Ill. Adm. Code 105.116.
2. Due to limited resources, the agency and Attorney Gen eral's Office required
additional time to prepare and file the Record.
3. Delay in filing the Record has not prejudiced the Petitioners. As set forth in the
August 22, 2011 Hearing Officer Order entered in this matter, the Petitioners are exploring either
legislative or rulemaking options as a possible remedy for the issues raised in this matter, have
filed a 270-day decision deadline waiver and have agreed to continue the next status conference
until February 6, 2012.
4. Counsel for Petitioners has represented to the Respondent that the Petitioners

have no objection to Respondent's Motion for Leave to File the Record *Instantly*.

5. In accordance with 35 Ill. Adm. Code 105.212, the Illinois EPA files as its Record in this cause the Illinois EPA's record of Southern Illinois Power Cooperative's ("SIPC") State of Illinois Permit to Operate No. 2011-SC-1360, as issued to SIPC on June 23, 2010, which is attached and consists of the following documents:


- (A) "Agricultural Uses for Flue Gas Desulfurization (FGD) Gypsum," U.S. EPA guidance document, March 2008. (pp. 1 – 6)
- (B) Letter received February 18, 2011, from Robert Spoerri, CEO, Beneficial Reuse Management, LLC ("BRM"), with attached application for construction/operation permit. (pp. 7 – 41)
- (C) Emails dated March 24 and April 8, 2011, between Leonard Hopkins, SIPC, and Shu-Mei Tsai, Illinois EPA. (p. 42)
- (D) Engineer review report dated May 3, 2011, prepared by Shu-Mei Tsai. (pp. 43 – 45)
- (E) Emails dated May 11, 13 and 17, 2011, between Ron Chamberlain, BRM, and Shu-Mei Tsai. (pp. 46 – 47)
- (F) State of Illinois Permit to Operate No. 2011-SC-1360, issued June 23, 2011.

WHEREFORE, Respondent respectfully requests that its motion for leave to file the Record *instanter* be granted, and that the attached Record be entered in this matter.

Respectfully submitted,

LISA MADIGAN,
Attorney General of the
State of Illinois,

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

By: 
JANE E. McBRIDE
Senior Assistant Attorney General
Environmental Bureau

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