

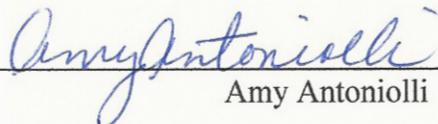
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

NOTICE OF FILING

To: ALL PARTIES ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the **MEDINA VALLEY COGEN'S PRE-FILED QUESTIONS**, copies of which are herewith served upon you.



Amy Antonioli

Dated: February 5, 2014

Amy Antonioli
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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R14-10
(Rulemaking – Water)

MEDINA VALLEY COGEN’S PRE-FILED QUESTIONS

NOW COMES MEDINA VALLEY COGEN, LLC (“Medina Valley”), by and through its attorneys, Schiff Hardin LLP, and pursuant to the Hearing Officer Order in this proceeding dated December 6, 2013, hereby submits questions in response to the pre-filed testimony of the Illinois Environmental Protection Agency (“IEPA”) filed in this rule making on January 15, 2014. Medina Valley submits the following questions:

1. On pages 16-17 of his pre-filed testimony, Rick Cobb discusses the use of GMZs.

The pre-filed testimony includes the following statement:

The intent of the corrective action process under a GMZ is to make every effort to first improve groundwater quality to the applicable numerical standards. However, after every effort has been made to improve groundwater quality, but it has been determined that it is not technically and economically feasible to restore the groundwater quality to the numerical standards where *asymptotic* levels of reduced contaminant concentrations have been reached via corrective actions (see Figure 2), Section 620.450 provides for alternative groundwater standards if the conditions in Subsection 620.450(a)(B) can be met. This is the point where the Agency will consider the appropriateness of alternative water supplies and restricted use ordinances, if necessary.

Proposed Sections 841.310(e)(9) and 841.410(k) (35 Ill. Adm. Code 841.310(e)(9), 410(k)), concerning corrective action plans and closure plans, respectively, allow use of institutional controls without limiting them to restricted use ordinances. By using the term “ordinance”

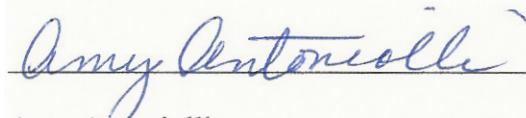
please clarify whether IEPA intends to limit the use of institutional controls to municipally-adopted ordinances or whether the term “ordinance” is meant to be more generic and include institutional controls such as on-site or site-specific environmental land use controls.

2. On page 4 of her pre-filed testimony, Amy Zimmer states:

In addition, if a groundwater management zone (“GMZ”) is approved as part of a corrective action, additional points of compliance in relation to the GMZ boundary and the modeled or monitored extent of contamination may then be required to be monitored.

Ms. Zimmer’s testimony implies that compliance points could simultaneously include locations very close to the unit and also farther away based on the approved GMZ boundary. Please clarify whether it is IEPA’s intention to have compliance points inside the GMZ boundary or whether the GMZ approval would establish the compliance points for as long as the GMZ is in place, which is what the definition of “Compliance Point” states.

Respectfully submitted,



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Dated: February 5, 2014

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 5th day of February, 2014, I have electronically served the attached **MEDINA VALLEY COGEN'S PRE-FILED QUESTIONS**, upon the following persons:

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and by first class mail, postage affixed, upon:

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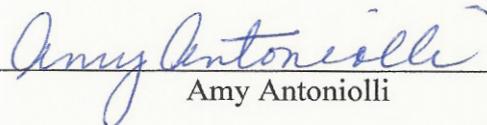
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