

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**BENEFICIAL REUSE MANAGEMENT, LLC)
AND)
SOUTHERN ILLINOIS POWER)
COOPERATIVE)**

Petitioners,)

v.)

**PCB _____)
(Permit Appeal – Water)
Pollution Control Permit))**

**ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)**

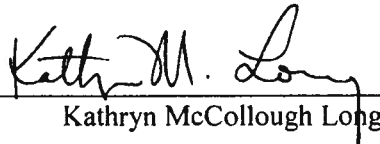
Respondent.)

NOTICE OF FILING

To: John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

John J. Kim, General Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276

PLEASE TAKE NOTICE that I have filed today with the Office of the Clerk of the Pollution Control Board **APPEAL OF WATER POLLUTION CONTROL PERMIT FOR SOUTHERN ILLINOIS POWER COOPERATIVE AND REQUEST FOR PARTIAL STAY OF THE PERMIT and the APPEARANCES OF JOSHUA R. MORE and KATHRYN MCCOLLOUGH LONG**, copies of which are herewith served upon you.



Kathryn McCollough Long

Dated: July 28, 2011

SCHIFF HARDIN LLP
233 South Wacker Drive
Chicago, Illinois 60606
(312) 258-5769

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**BENEFICIAL REUSE MANAGEMENT, LLC)
AND)
SOUTHERN ILLINOIS POWER)
COOPERATIVE)**

Petitioners,)

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**PCB _____
(Permit Appeal – Water Pollution
Control Permit)**

**ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)**

Respondent.)

APPEARANCE

I hereby file my appearance in this proceeding on behalf of Beneficial Reuse Management, LLC and Southern Illinois Power Cooperative.



Joshua R. More
SCHIFF HARDIN LLP
233 South Wacker Drive
Chicago, Illinois 60606
(312) 258-5769

Dated: July 28, 2011

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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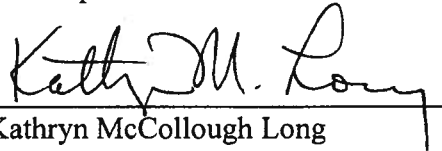
**PCB _____)
(Permit Appeal – Water Pollution)
Control Permit))**

**ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)**

Respondent.)

APPEARANCE

I hereby file my appearance in this proceeding on behalf of Beneficial Reuse Management, LLC and Southern Illinois Power Cooperative.



Kathryn McCollough Long
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One Westminster Pl.
Lake Forest, Illinois 60045
(847) 295-4324

Dated: July 28, 2011

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**BENEFICIAL REUSE MANAGEMENT, LLC)
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SOUTHERN ILLINOIS POWER)
COOPERATIVE)**

Petitioners,)

v.)

**PCB _____)
(Permit Appeal – Water Pollution)
Control Permit))**

**ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)**

Respondent.)

**APPEAL OF WATER POLLUTION CONTROL PERMIT FOR SOUTHERN ILLINOIS
POWER COOPERATIVE AND REQUEST FOR PARTIAL STAY OF THE PERMIT**

NOW COME Petitioners, Beneficial Reuse Management, LLC (“BRM”) and Southern Illinois Power Cooperative (“SIPC”) (collectively, “Petitioners”), pursuant to Section 40 of the Illinois Environmental Protection Act (“Act”) (415 ILCS 5/40) and 35 Ill. Adm. Code § 105.200 *et seq.*, and request a hearing before the Illinois Pollution Control Board (“Board”) to contest certain conditions contained in the Water Pollution Control Permit (the “Sludge Permit”)¹ issued by the Illinois Environmental Protection Agency (“IEPA”) to SIPC on June 23, 2011, and attached hereto as Exhibit 1, IEPA’s failure to list BRM as a co-permittee on the Sludge Permit, and the issuance of the Sludge Permit itself. SIPC received the Sludge Permit on June 27, 2011. Pursuant to Section 40(a)(1) of the Act and 35 Ill. Adm. Code § 105.206, this Petition is timely filed with the Board.

¹ Permit No. 2011-SC-1360.

Petitioners request that the Board exercise its discretion and grant a partial stay of the Sludge Permit. Petitioners request that the Board stay the following Special Conditions: 1.A.3, 1.C, 1.D, 1.E, 2, 3, and 4.

In support of its Petition and request for a stay of certain conditions, Petitioners state as follows:

I. BACKGROUND

1. SIPC owns and operates a coal-fired electric generating station in Marion, Illinois (the "Marion Station"). SIPC operates a wet flue gas desulfurization ("FGD") system at the Marion Station to reduce sulfur dioxide emissions. When initially installed, the FGD system did not produce a high quality, high purity synthetic gypsum. Recognizing that a viable market exists for high quality, high purity synthetic gypsum, SIPC spent approximately \$17 million to upgrade its FGD system. SIPC's upgraded system fully oxidizes the material producing a high quality, high purity synthetic gypsum. The chemical composition of the material is almost identical to natural gypsum and meets all of the necessary specifications for a number of applications, including as a soil amendment for Illinois farmers.

2. BRM's business is centered around the creation of partnerships between industrial companies that generate materials suitable for beneficial reuse and land owners and others that can utilize these materials in projects and products that comply with regulatory and technical requirements. As part of BRM's business, it distributes FGD gypsum produced by electrical generating companies, such as SIPC, for application to agricultural lands.

3. On February 16, 2011, BRM submitted, on behalf of BRM and SIPC, a joint application to IEPA for a permit to apply FGD gypsum produced at the Marion Station as a soil amendment and/or fertilizer to agricultural sites located in Illinois.

4. On June 23, 2011, IEPA issued the Sludge Permit with certain conditions that, for the following reasons, are contrary to law, arbitrary and capricious, and otherwise improper.

II. STANDARD OF REVIEW

5. In a petition for review of permit conditions under Section 40(a)(1) of the Act, the Board is not required to apply a “manifest-weight-of-the-evidence” standard to its review of IEPA’s determination. *See Environmental Protection Agency v. Pollution Control Board*, 115 Ill.2d 65, 69-70, 503 N.E.2d 343, 345, 104 Ill.Dec. 786, 788 (1986) (because the “safeguards of a due process hearing are absent until the hearing before the Board . . . the Board is not required to apply the manifest-weight[-of-the-evidence] test to its review of [IEPA’s] decision denying a permit.”). This is the case because the permit process under sections 39(a) and 40(a)(1) does not require IEPA to conduct any hearing and the permit applicant has not had an opportunity to test the validity of the information relied upon by IEPA in making its decision – it is the hearing before the Board that satisfies that requirement. *Id.* “[A] permit condition which is not necessary to accomplish the purposes of the Act or Board regulations is arbitrary and unnecessary and must be deleted from the permit.” *Mineral Solutions, Inc. v. IEPA*, PCB 03-39, slip op. at 2 (Jan. 23, 2003) (citing *Browning-Ferris Industries of Illinois, Inc. v. PCB*, 179 Ill. App. 3d 598, 534 N.E. 2d 616, (2nd Dist. 1989)).

III. ISSUES ON APPEAL

6. FGD Gypsum is Not a Sludge.

IEPA was not authorized to issue the Sludge Permit and Petitioners were not obligated to obtain the Sludge Permit for the land application of FGD gypsum because FGD gypsum does not meet the definition of a “sludge.” Under Section 3.465 of the Act, “sludge” is defined to mean “any solid, semi-solid, or liquid *waste* generated from a municipal, commercial, or industrial

wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such *waste* having similar characteristics and effects.” 415 ILCS 5/3.465 (emphasis added). FGD gypsum is not a sludge because it is a useful by-product and therefore not a waste. FGD gypsum would be more properly categorized as a coal combustion by-product (“CCB”) which is, under Section 3.535 of the Act, excluded from the definition of “waste.” FGD gypsum meets the definition of a CCB because its “use will not cause, threaten, or allow the discharge of any contaminant into the environment; the use will otherwise protect human health and safety and the environment; and the use constitutes a legitimate use of the coal-combustion waste as an ingredient or raw material that is an effective substitute for an analogous ingredient or raw material.” 415 ILCS 5/3.135(b). Petitioners applied for the Sludge Permit for two reasons. First, IEPA informed BRM that it could not apply FGD gypsum to land without a Sludge Permit. Second, Petitioners were aware that the Agency denied an application for a beneficial use determination that FGD gypsum constitutes a CCB under Section 3.135 of the Act. *See, e.g., Wisconsin Electric Power Company, d/b/a We Energies v. IEPA*, PCB 2010-011.

7. IEPA’s determination that FGD gypsum is a sludge and not a CCB is arbitrary and capricious. FGD gypsum is not a waste and the use of FGD gypsum as a soil amendment is no different than using a CCB as a functionally equivalent substitute for agricultural lime as a soil conditioner, which is an authorized use under 415 ILCS 5/3.135(a)(6). FGD gypsum is a functionally equivalent substitute for agricultural gypsum.

8. Furthermore, the characterization of FGD gypsum as a sludge impacts Petitioners’ ability to effectively market and distribute a by-product that is chemically consistent with natural gypsum. FGD gypsum, like natural gypsum, provides Illinois farmers with a soil amendment that improves water infiltration, decreases runoff and crusting, and provides an ample supply of

sulfur and calcium. It is in high demand and IEPA's characterization creates a negative stigma. In addition, IEPA's characterization has adversely impacted Petitioners' ability to store the FGD gypsum off-site. Because IEPA has determined that the material is a sludge, which is a waste under Section 3.535 of the Act, any off-site storage facility would be subject to the local siting requirements and solid waste permitting requirements. Finding suitable off-site storage locations that meet these requirements has proven to be unfeasible.

9. Because FGD gypsum is not a "sludge," IEPA lacks the authority to regulate the land application of FGD gypsum under IEPA's Design Criteria for Sludge Application on Land (35 Ill. Adm. Code §§ 391.101, *et seq.* (the "Sludge Regulations")) and thus also lacked the authority to issue the Sludge Permit. The land application of FGD gypsum is more appropriately regulated as a CCB under 415 ILCS 5/3.135.

10. Even if FGD gypsum is properly considered a "sludge" and IEPA does possess the authority to regulate the land application of FGD gypsum under the Sludge Regulations, the Sludge Permit is still flawed in a number of respects. Following is a discussion of Special Conditions of the Sludge Permit that Petitioners appeal and seek a stay for, presented sequentially.

11. BRM Should be Listed on the Sludge Permit as a Co-Permittee.

As mentioned above, BRM submitted a joint application for the Sludge Permit on behalf of itself and SIPC. If FGD gypsum is properly considered a "sludge," BRM could be deemed, as a "sludge distributor," to be prohibited under the Sludge Regulations from applying FGD gypsum to land without a permit. *See* 35 Ill. Admin. Code § 391.201(b)(2). Therefore, the Sludge Permit should be modified to list BRM as a co-permittee with SIPC.

12. Special Condition 1.A.3.

This condition prohibits the application of FGD gypsum to ice or snow covered sites. Petitioners object to this condition because it is inconsistent with the Sludge Regulations and is therefore arbitrary and capricious. Special Condition 1.A.3. fails to allow for an emergency exception to the regulatory prohibition, as provided in relevant part by the Sludge Regulations:

Sludge may be applied on ice or snow covered ground during emergency situations pursuant to an Agency permit only under the following conditions:

- 1) The treatment plant site does not have adequate storage facilities or sufficient springtime application period and the effluent may cause violations of their NPDES limits;
- 2) Sludge application site shall not be fall plowed by mold board plow unless a 200 foot grassy area exists between the application site and any swale, waterway, surface water, or potable water supply well;
- 3) Slope of the application site does not exceed 5%;
- 4) Runoff control measures such as vegetative fence rows around the site, contour farming, terracing, catchment basins and buffer areas in the direction of surface runoff;
- 5) Site is isolated from habitation;
- 6) No landfill is accessible;
- 7) No feasible alternative is available;
- 8) Other alternatives will be pursued by the generator, as appropriate.

35 Ill. Adm. Code § 391.404(g). Accordingly, this condition should be modified and stayed during the pendency of this appeal.

13. Special Condition 1.C.

Petitioners object to this condition because it is arbitrary and capricious. It is inconsistent with requirements set forth in the Sludge Regulations, which provide in relevant part as follows:

Sludge shall not be applied on land which lies within 150 feet from wells used to supply potable water or other potable water supplies and 200 feet from surface waters or intermittent streams; or within one-fourth of a mile of any potable water supply wells located in consolidated bedrock such as limestone or sinkhole areas unless a 50 foot depth of non-sandy or non-gravelly unconsolidated material exists.

35 Ill. Adm. Code § 391.403(d). Special Condition 1.C. improperly goes beyond the regulatory prohibition and prohibits the application of FGD gypsum to land which lies within 200 feet from a community water supply well or potable water supply. In addition, Special Condition 1.C. fails to include the regulatory exception from the prohibition on the application of sludge within one-fourth of a mile of potable water supply wells located in consolidated bedrock for cases where a 50 foot depth of non-sandy or non-gravelly unconsolidated material exists. Accordingly, this condition should be modified and stayed during the pendency of this appeal.

14. Special Condition 1.D.

This condition prohibits the application of FGD gypsum to sites during the periods in which the seasonal high water table rises within 3 feet of the surface at the site. Petitioners can find no regulatory basis for this condition and therefore object to its inclusion in the Sludge Permit as arbitrary and capricious and unauthorized by law. Accordingly, this condition should be deleted and stayed during the pendency of this appeal.

15. Special Condition 1.E.

Petitioners object to this condition as arbitrary and capricious because it is inconsistent with the Sludge Regulations. First, Special Condition 1.E.1. only permits the surface application of sludge to land if the site slope is *less* than 5% *and* the annual soil loss does not exceed 5 tons per acre. However, the Sludge Regulations specifically authorize the surface application of sludge to sites having a slope *greater* than 5% if the annual soil loss does not exceed 5 tons per acre. 35 Ill. Adm. Code § 391.404(a). Moreover, the Sludge Regulations contain no prohibition on the surface application of sludge to sites where the slope is less than 5%, regardless of the annual soil loss. *Id.* Second, Special Condition 1.E does not authorize the application of FGD gypsum (whether by surface application or by incorporation) to sites where the slope is less than

8% and the soil loss does not exceed 5 tons per acre. Given that the Permit authorizes the application of FGD gypsum by incorporation to sites with a slope *greater* than 8% where the soil loss does not exceed 5 tons per acre, the Permit's failure to authorize the application of FGD gypsum to sites with a slope *less* than 8% and no greater amount of soil loss is absurd – particularly in light of the fact that the Sludge Regulations authorize the application of sludge by incorporation on lands having slopes up to 8%, irrespective of soil loss. 35 Ill. Adm. Code § 391.404(b). Accordingly, this condition should be modified and stayed during the pendency of this appeal.

16. Special Condition 2.

Petitioners object to this condition, under which the Permittee must comply with reporting requirements on a monthly basis, as arbitrary and capricious, unauthorized by law, unnecessary, and unduly burdensome. Accordingly, this condition should be modified and stayed during the pendency of this appeal.

17. Special Condition 3.

Petitioners object to this condition, which requires the Permittee to conduct testing on a quarterly basis and submit testing results on a semi-annual basis, as arbitrary and capricious, unauthorized by law, unnecessary, and unduly burdensome. Accordingly, this condition should be modified and stayed during the pendency of this appeal.

18. Special Condition 4.

This condition prohibits the application of FGD gypsum to sodic soils which are currently used as land application sites for other industrial wastewaters or sludges in accordance with another Agency permit until the site operator has obtained a supplemental permit from the Agency. Petitioners can find no regulatory basis for this condition and therefore object to this

condition as arbitrary and capricious, and unauthorized by law. Accordingly, this condition should be deleted and stayed during the pendency of this appeal.

IV. STANDARD FOR DISCRETIONARY STAYS FROM PERMIT CONDITIONS

19. Petitioners request that the Board stay Special Conditions 1.A.3, 1.C, 1.D, 1.E, 2, 3, and 4 during the pendency of this appeal under its authority to grant discretionary stays from permit conditions. *See Dynegy Midwest Gen, Inc. v. IEPA*, PCB 10-53 (Feb. 4, 2010). The Board has previously granted or denied requests for discretionary stays in permit appeals, both where IEPA supported and opposed the petitioner's request. *See, e.g., Community Landfill Co. and City of Morris v. IEPA*, PCB 01-48, 01-49, slip op. at 4 (Oct. 19, 2000) (pollution control facility operating permits); *Citgo Petroleum Corp. v. IEPA*, PCB 07-10 (Sept. 21, 2006) (NPDES permit appeal); *Exxonmobil Oil Corp. v. IEPA*, PCB 10-30 (Dec. 17, 2009) (NPDES permit appeal). The Board's particular concern in determining whether or not to grant a discretionary stay is the likelihood of environmental harm if a stay is granted. *See Bridgestone/Firestone Off Road Tire Co. v. IEPA*, PCB 02-31, slip op. at 3 (Nov. 1, 2001) (citing *Community Landfill Co.*). In making its determination, the Board sometimes refers to the following standards provided by Illinois law:

- (1) a certain and clearly ascertainable right needs protection;
- (2) irreparable injury will occur without the injunction;
- (3) no adequate remedy at law exists; and
- (4) there is a probability of success on the merits.

Community Landfill Co., slip op. at 4 (citing *Motor Oils Refining Company, Inc. v. IEPA*, PCB 89-116 (August 31, 1989)). However, while the Board may look to those factors, it is not required to do so. *See Bridgestone/Firestone Off Road Tire Co.*, slip op. at 3. In the case at

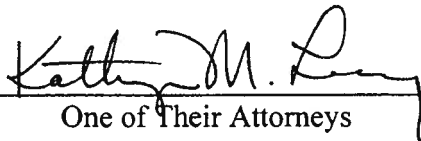
hand, the Board's granting of a temporary stay of the contested conditions would not result in any environmental harm. Petitioners therefore urge the Board to stay the contested conditions of the Sludge Permit during the pendency of this appeal.

WHEREFORE, for the reasons set forth above, Petitioners request that the Board make a determination that FGD gypsum is not a sludge and in the alternative order IEPA to modify the Sludge Permit to add BRM as co-permittee and to delete or modify Special Conditions 1.A.3, 1.C, 1.D, 1.E, 2, 3, and 4 of the Sludge Permit. Additionally, Petitioners request that the Board stay Special Conditions 1.A.3, 1.C, 1.D, 1.E, 2, 3, and 4 during the pendency of this appeal.

Respectfully submitted,

Beneficial Reuse Management, LLC &
Southern Illinois Power Cooperative

by:



One of Their Attorneys

Dated: July 28, 2011

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CH2\10219652.2

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
WATER POLLUTION CONTROL PERMIT**

LOG NUMBERS: 1360-11

PERMIT NO.: 2011-SC-1360

**FINAL PLANS, SPECIFICATIONS, APPLICATION
AND SUPPORTING DOCUMENTS**

DATE ISSUED: June 23, 2011

PREPARED BY: Beneficial Reuse Management

SUBJECT: SOUTHERN ILLINOIS POWER COOPERATIVE - Land Application of Flue Gas Desulfurization Gypsum - Various Counties

PERMITTEE TO OPERATE

Southern Illinois Power Cooperative
11543 Lake of Egypt Road
Marion Illinois 62959

Permit is hereby granted to the above designated permittee(s) to construct and/or operate water pollution control facilities described as follows:

The land application of a maximum of 2.0 tons per acre per year (5 tons per acre per year when remediating highly sodic soils) of Flue Gas Desulfurization (FGD) Gypsum, generated at Southern Illinois Power Cooperative Company, as a soil amendment and/or fertilizer to sites located in the southern half of the state in all counties located south of: Adams, Brown, Cass, Menard, Logan, Dewitt, Platt, Champaign, and Vermillion counties.

This operating permit expires on May 31, 2016.

This Permit is issued subject to the following Special Condition(s). If such Special Condition(s) require(s) additional or revised facilities, satisfactory engineering plan documents must be submitted to this Agency for review and approval for issuance of a Supplemental Permit.

SPECIAL CONDITION 1:

- A. FGD gypsum shall be applied to sites within the following guidelines:
1. FGD gypsum shall not be applied to sites during precipitation.
 2. FGD gypsum shall not be applied to sites which are saturated or with ponded water.
 3. FGD gypsum shall not be applied to ice or snow covered sites.
 4. Frozen land, which is not ice or snow covered and has a slope of 5% or less, may be used for land application of FGD gypsum provided a 200 foot grassy area exists between the FGD gypsum applied land and any surface water or potable water supply well.

Page 1 of 4

THE STANDARD CONDITIONS OF ISSUANCE INDICATED ON THE REVERSE SIDE MUST BE COMPLIED WITH IN FULL. READ ALL CONDITIONS CAREFULLY.

SAK:SMT:1360-11.docx

DIVISION OF WATER POLLUTION CONTROL

cc: EPA - Champaign FOS
EPA - Springfield FOS
EPA - Marion FOS
EPA - Collinsville FOS
Beneficial Reuse Management
Records - Industrial
Binds



Alan Keller, P.E.
Manager, Permit Section

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
WATER POLLUTION CONTROL PERMIT

LOG NUMBERS: 1360-11

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SUBJECT: SOUTHERN ILLINOIS POWER COOPERATIVE - Land Application of Flue Gas Desulfurization Gypsum - Various Counties

- B. It is not recommended that FGD gypsum be applied to sites:
1. When precipitation is imminent,
 2. Which have received greater than 1/4 inch rainfall within the 24-hour period preceding the intended FGD gypsum application time.
- C. FGD gypsum shall not be applied to land which lies within 200 feet from a community water supply well or potable water supply well, 200 feet from surface waters or intermittent streams, or within one-fourth of a mile of any potable water supply wells located in consolidated bedrock such as limestone or sinkhole areas.
- D. FGD gypsum shall not be applied to sites during the periods in which the seasonal high water table rises within 3 feet of the surface at the site.
- E. FGD gypsum shall be applied and incorporated into the site soils within the following guidelines:
1. FGD gypsum may be surface applied without incorporation only if the site slope is less than 5% and the annual soil loss does not exceed 5 tons/acre as determined by the Universal Soil Loss Equation.
 2. FGD gypsum shall be incorporated if:
 - A) Site slope exceeds 8% but the annual soil loss is less than 5 tons/acre, or
 - B) Site slope is less than 8% but the annual soil loss exceeds 5 ton/acre.
 3. FGD gypsum shall not be applied to a site with slope greater than 8% with annual soil loss in excess of 5 ton/acre.
- F. FGD gypsum amended land shall have a crop grown and harvested pursuant to normal agricultural practices.
- G. FGD gypsum application shall not exceed the following maximum metal loading rates over the lifetime of a site (pounds per acre).
1. Soils with 5-15 meq/100 grams Cation Exchange Capacity (CEC):

<u>Metal</u>	<u>Total Loading</u>	<u>Annual Loading</u>
Cadmium	10	2
Nickel	100	--
Copper	250	--
Zinc	500	--
Manganese	900	--
Lead	1000	--
 2. Soils with 0-5 meq/100 grams CEC shall apply only half the metal loading rates set forth in item I(1) above.
 3. Soils with 15 or greater meq/100 grams CEC may apply double the total metal loading rates set forth in item I(1) above, however a supplemental permit shall be required for that specific site.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
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- H. The issuance of this permit does not authorize the storage of FGD gypsum for any length of time, at any site, other than the land application site. Storage of FGD gypsum at the land application site in excess of 2 months shall not be allowed. In addition, measures shall be taken to contain runoff and leachate from any dried FGD gypsum that is stored.
- I. User information sheets, shall be provided by the permittee to all FGD gypsum users and shall be signed by FGD gypsum users prior to land application. The signed user information sheets shall be submitted to the Agency in accordance with Special Condition 2

SPECIAL CONDITION 2: On the 15th of each month, the Permittee shall submit a report to the Agency summarizing the land application activities for the preceding calendar month. This report shall include a copy of all signed user information sheets, site location (described by County, township, range, and section), plat maps showing site locations, total acreage for each site, each site's application rate, and the method of land application including whether the gypsum was incorporated or surface applied. The reports shall be submitted to the Agency at the addresses in Special Condition 3.

SPECIAL CONDITION 3: For the duration of this permit, the permittee shall test a representative sample of FGD gypsum on a quarterly basis and chemically analyze said samples for the parameters below. Results of the quarterly sampling shall be submitted on a semi-annual basis to the addresses below:

Cadmium
Copper
Nickel
Zinc
Manganese
Lead
Selenium

Boron
Strontium
Arsenic
Chloride
Nitrate-Nitrite
Sulfate
Mercury

Illinois Environmental Protection Agency
DWPC / CAS
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1021 North Grand Avenue East
Springfield, Illinois 62794-9276
(All Counties)

Illinois Environmental Protection Agency
DWPC / Springfield FOS
Mail Code #10
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Springfield, Illinois 62704-9276
(Pike, Scott, Morgan, Sangamon,
Christian, Montgomery, Macoupin, Green,
Jersey, and Calhoun Counties)

Illinois Environmental Protection Agency
DWPC / Champaign FOS
2125 South First Street
Champaign, Illinois 61820
(Macon, Moultrie, Shelby, Douglas, Coles,
Edgar, Cumberland, Clark, Effingham,
Jasper and Crawford Counties)

Illinois Environmental Protection Agency
DWPC / Collinsville FOS
2009 Mail Street
Collinsville, Illinois 62234
(Madison, Bond, Fayette, St. Clair,
Clinton, Marion, Monroe, Randolph,
Washington)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
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SUBJECT: SOUTHERN ILLINOIS POWER COOPERATIVE - Land Application of Flue Gas Desulfurization Gypsum - Various Counties

Illinois Environmental Protection Agency
DWPC / Marion FOS
2309 West Main Street, Suite 116
Marion, Illinois 62959
(Clay, Richland, Lawrence, Perry,
Jefferson, Wayne, Edwards, Wabash,
Jackson, Franklin, Hamilton, White,
Williamson, Saline, Gallatin, Union,
Johnson, Pope, Hardin, Alexander,
Pulaski, and Massac Counties)

SPECIAL CONDITION 4: The application of FGD gypsum to sodic soils which are currently used as spray irrigation or land application sites for other industrial wastewaters or sludges in accordance with another Agency permit, shall not occur until the site operator has obtained a supplemental permit from the Agency.

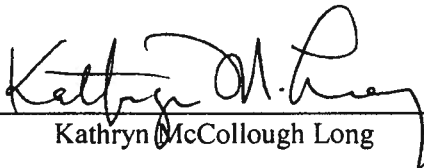
CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 28th day of July, 2011, I have served electronically the attached **APPEAL OF WATER POLLUTION CONTROL PERMIT FOR SOUTHERN ILLINOIS POWER COOPERATIVE AND REQUEST FOR PARTIAL STAY OF THE PERMIT and the APPEARANCES OF JOSHUA R. MORE and KATHRYN MCCOLLOUGH LONG**, upon the following persons:

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

and by first-class mail with postage thereon fully prepaid and affixed to the following persons:

John J. Kim, General Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276


Kathryn McCollough Long