

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PRAIRIE RIVERS NETWORK)
SIERRA CLUB,)
)
 Petitioners,)
)
 vs.)
)
 ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY and)
SPRINGFIELD COAL COMPANY, LLC)
GENERATION, INC.,)
)
 Respondents.)

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JUL 02 2013

STATE OF ILLINOIS
Pollution Control Board

PCB No. 13-67
(Third Party NPDES Appeal)



ORIGINAL

NOTICE OF FILING

To: See Attached Service List


PLEASE TAKE NOTICE that on July 1, 2013, I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, c/o John T. Therriault, Assistant Clerk, James R. Thompson Center, 100 W. Randolph St., Ste. 11-500, Chicago, IL 60601, APPEARANCE, RESPONDENT'S MOTION FOR LEAVE TO FILE REDUCED NUMBER OF COPIES OF AGENCY RECORD and RECORD, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

LISA MADIGAN,
Attorney General of the
State of Illinois

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

BY: 
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: July 1, 2013

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STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

I hereby certify that I did on July 1, 2013, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, APPEARANCE, RESPONDENT'S MOTION FOR LEAVE TO FILE REDUCED NUMBER OF COPIES OF AGENCY RECORD, and AGENCY RECORD on CD

To: Jessica Dexter
Staff Attorney
Environmental Law and Policy Center
35 East Wacker Drive, Suite 1600
Chicago, IL 60601

Springfield Coal Company, LLC
3008 Happy Landing
Springfield, IL 62711

and two copies of the record and a CD by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

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

A copy of the Notice and Motions was also sent by First Class Mail with postage thereon fully prepaid to:

To: Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, IL 62794



THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

This filing is submitted on recycled paper

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Pollution Control Board

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ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, AMANDA KIMMEL, Assistant Attorney General of the State of Illinois, hereby enters her appearance as attorney of record.

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: 
AMANDA KIMMEL
Environmental Bureau
Assistant Attorney General 20

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: July 1, 2013

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GENERATION, INC.,)	
)	
)	Respondents.

PCB No. 13-67
(Third Party NPDES Appeal)

**RESPONDENT'S MOTION FOR LEAVE TO FILE
REDUCED NUMBER OF COPIES OF AGENCY RECORD**

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY and SPRINGFIELD COAL COMPANY, LLC GENERATION, INC., by its attorney, LISA MADIGAN, Attorney General of the State of Illinois, hereby moves for leave to file a reduced number of copies of the Agency's Record of National Pollutant Discharge System ("NPDES") Permit number IL00061247, issued to Springfield Coal Company, LLC ("Springfield Coal") on April 26, 2013, and states as follows:

1. Section 101.302(h)(2) of the Board's General Rules, 35 Ill. Adm. Code 101.302(h)(2), states that the Agency may file a signed original and 4 duplicate copies (5 total) of the record required by Section 105.116, 105.302, and 105.410.
2. In order to conserve scarce state resources, the Respondent respectfully requests leave to file a reduced number of copies of the Agency's Record of Springfield Coal Permit number IL00061247.
3. In lieu of the original and 4 duplicate copies, the Respondent respectfully requests leave to file a total of two copies and a compact disc containing all documents in .pdf format.

WHEREFORE, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, requests
leave to file a reduced number of copies of the Agency Record.


Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

LISA MADIGAN,
Attorney General
of the State of Illinois

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

BY:



THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031

Dated: 7/01/13

THIS FILING PRINTED ON RECYCLED PAPER

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JUL 02 2013

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Pollution Control Board

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RECORD

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), in accordance with the procedural rules of the Illinois Pollution Control Board ("Illinois PCB") as set forth in 35 Ill. Adm. Code 105.212 and 105.116, files as its Record in this cause the Illinois EPA's record of National Pollutant Discharge System ("NPDES") Permit number IL00061247, issued to Springfield Coal Company, LLC ("Springfield Coal") on April 26, 2013, which is attached and consists of the following documents:

Permit File Documents

1. State guidelines for the storage or disposal of coal combustion waste at permitted facilities, November 1992.
2. Memorandum dated October 31, 1995, from Illinois Department of Natural Resources ("Illinois DNR") to all coal operators.
3. Letter dated July 14, 2009, from Scott Fowler, Land Reclamation Division, Illinois Department of Natural Resources ("IDNR"), to Andy Ditch, Engineer, Springfield Coal.

4. Letter dated August 10, 2009, from Craig Schoonover, Engineer, Springfield Coal, to Scott Fowler.
5. Letter dated September 11, 2009, from Craig Schoonover to Larry Crislip, Manager, Mine Pollution Control Program, Illinois EPA.
6. Fax on September 29, 2009, from Vickie Broomhead, IDNR, to Amy Zimmer, Illinois EPA, Bureau of Water.
7. Illinois EPA memorandum dated October 1, 2009, from Bill Buscher, Manager, Hydrogeology and Compliance Unit, Bureau of Water, Groundwater Section, to Larry Crislip, Manager, Permit Section, Mine Pollution Control Program.
8. "Improved Leaching Test Methods for Environmental Assessment of Coal Ash and Recycled Materials Used in Construction" by the U.S. EPA, October 2009.
9. Emails on February 3, 2010, between Andrew Ditch and Larry Crislip.
10. Letter dated May 26, 2010, from Prairie Analytical Systems, Incorporated, to Clifton Johnson, Illinois DNR, with attached laboratory results.
11. Letter dated June 7, 2010, from Scott Fowler, Supervisor, Land Reclamation Division, Illinois DNR, to Jessica Dexter, Environmental Law & Policy Center, with attached notice of violation and inspection report.
12. Email on July 13, 2010, from Brian Koch, Illinois EPA, Division of Water Pollution Control ("DWPC"), Permit Section, to Ditch Andrew, Springfield Coal Company, LLC.
13. Email on July 16, 2010, from Ditch Andrew to Brian Koch, forwarding outfall data.
14. Email on August 26, 2010, from Larry Crislip to Jaime Rabins, DWPC, Permit Section.
15. Memorandums and letters dated September 14, 2010, from Larry Crislip, to James Kammuller, DWPC/Field Operations Section ("FOS"), Peoria Region; Bruce Yurdin, DWPC/FOS, Springfield Region; Department of the Army Corps of Engineers, Rock Island District; Department of the Army Corps of Engineers, St. Louis District; and Springfield Coal, with attached 15-day public notice and draft NPDES Permit renewal.
16. Illinois EPA reconnaissance inspection report, September 27, 2010.
17. Emails on September 29, 2010, between Larry Crislip to Jaime Rabins.
18. Email on September 30, 2010, from Andrew ditch to Larry Crislip and Jaime Rabins.

19. Letters dated October 13, 2010, from Larry Crislip to County Clerk, Schuyler County; County Clerk, McDonough County; U.S. Fish & Wildlife Service, Rock Island Field Office; and Springfield Coal, with attached 30-day public notice and draft NPDES Permit renewal.
20. Public Notice posting acknowledgment, October 13, 2010.
21. Emails on March 16, 2011, between Amy Zimmer and Jaime Rabins.
22. Email on April 1 and April 5, 2011, between Vickie Broomhead and Amy Zimmer, and forwarded to Larry Crislip on April 5, 2011.
23. Emails on April 7, 2011, between Larry Crislip and Jaime Rabins.
24. Letter dated June 30, 2011, from Tom Austin to Chad Kruse, Illinois EPA, Division of Legal Counsel.
25. Letter dated July 27, 2011, from William Busher to Tom Austin.
26. Letter dated September 7, 2011, from Tom Austin to William Buscher.
27. Emails on September 9, 2011, between Craig Schoonover and Amy Zimmer.
28. Emails on September 12, 2011, from Craig Schoonover to Amy Zimmer, from Larry Crislip to Craig Schoonover, and from Craig Schoonover to Larry Crislip.
29. Emails on July 30, 2010, from Brian Koch, DWPC, to Andrew Ditch; on August 2, 2010, from Andrew Ditch to Craig Schoonover; on August 13, 2010, from Craig Schoonover to Andrew Ditch; on August 16, 2010, from Andrew Ditch to Brian Koch and from Brian Koch to Larry Crislip and Jaime Rabins; on August 17, 2010, from Larry Crislip to Brian Koch and Jaime Rabins; and forwarded on August 4, 2011 from Jaime Rabins to Brian Cox and on September 13, 2011 from Brian Cox to Jaime Rabins.
30. Email dated September 15, 2011, from Ditch Andrew to Brian Koch and Larry Crislip, with attached sulfate data.
31. Letter dated September 21, 2011, from William Buscher to Tom Austin.
32. Letter dated September 30, 2011, from Craig Schoonover to William Buscher.
33. Letter dated October 6, 2011, from William Buscher to Tom Austin.
34. Emails on September 21 and October 19, 2011, between Craig Schoonover and Larry Crislip.

35. Cover letter dated January 12, 2012, from Dipanjan Ghosh, RAPPs, Engineering & Applied Science, Inc. to William Buscher, with attached Hydrogeologic Assessment of Impacts to Groundwater Quality.
36. Email on January 19, 2012, from Andrew Ditch to Larry Crislip, with attached letter.
37. Emails on February 8 and 9, 2012, between Cory Schoonover, Springfield Coal, and Larry Crislip.
38. Email on February 15, 2012, from Larry Crislip to Andrew Ditch.
39. Email on February 15, 2012, from Andrew Ditch to Larry Crislip and Tom Austin, with attached letter from Andrew Ditch to Larry Crislip.
40. Emails on March 2, 2012, from Larry Crislip to Ditch Andrew and Craig Schoonover; and on March 5, 2012, from Craig Schoonover to Larry Crislip.
41. Illinois EPA field inspection report, October 31, 2012.
42. Environmental Law and Policy Center v. Freeman United Coal Mining Co. and Springfield Coal Co., LLC (PCB 10-61 & 11-02) partial summary judgment, November 15, 2012.
43. Emails on December 20, 2012, between Cory Schoonover and Larry Crislip.
44. Email on December 21, 2012, from Larry Crislip to Stefanie Diers, with attachment.
45. Emails on December 31, 2012, from Larry Crislip to Craig Schoonover; on January 31, 2013, from Steven Phifer, Springfield Coal, to Larry Crislip; and January 31, 2013, from Larry Crislip to Steven Phifer.
46. Industry Mine proposed additional actions, February 19, 2013.
47. Letter dated April 26, 2013, from Dean Studer, Hearing Officer, stating the Director's approval of the permit.
48. Responsiveness Summary, April 2013.
49. Letter dated April 26, 2013, from Larry Crislip to Springfield Coal, with attached NPDES Permit No. IL0061247, issued and effective April 26, 2013.


Hearing File Documents

50. Notice of public hearing, published in The Rushville Times on February 16, 2011.
51. Notice of public hearing, published in the McDonough Voice on March 2, 2011.
52. Public hearing transcript, April 12, 2011.
53. Exhibit list and exhibits for NPDES public hearing, April 12, 2011.

Respectfully submitted,

LISA MADIGAN,
Attorney General of the
State of Illinois,

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

By: 

THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: June 28, 2012