

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

IN THE MATTER OF:)

STANDARDS FOR THE DISPOSAL)
OF COAL COMBUSTION RESIDUALS)
IN SURFACE IMPOUNDMENTS:)
PROPOSED NEW 35 ILL. ADM. CODE)
PART 845)

R 20-19
(Rulemaking – Water)

NOTICE OF FILING

To: Don Brown, Clerk
Vanessa Horton, Hearing Officer
Illinois Pollution Control Board
100 West Randolph
Suite 11-500
Chicago, IL 60601

And Attached Service List

Please take notice that on June 23, 2020, I filed electronically with the Office of the Clerk of the Illinois Pollution Control Board the attached **Appearance of Deborah J. Williams** and **Prefiled Questions of the City of Springfield, Office of Public Utilities d/b/a City Water, Light and Power**, a copy of which is attached and served upon you.

Respectfully submitted,

THE CITY OF SPRINGFIELD,
a municipal corporation

By 
One of its Attorneys

Dated: June 23, 2020

Deborah J. Williams
Regulatory Affairs Director
Office of Public Utilities
800 East Monroe, 4th Floor
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(217) 789-2116

**BEFORE THE POLLUTION CONTROL BOARD
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**PRE-FILED QUESTIONS OF THE CITY OF SPRINGFIELD, OFFICE OF PUBLIC
UTILITIES d/b/a CITY WATER, LIGHT AND POWER**

NOW COMES the City of Springfield, Office of Public Utilities d/b/a City Water, Light and Power (“CWLP”) by and through its counsel, and hereby submits the following pre-filed questions for the Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”) witnesses based on the Pre-Filed Testimony filed with the Board on June 2, 2020. Although questions are directed at the particular Agency witness whose testimony the question is based on, in order to facilitate development of a clear and complete record, CWLP does not object to the answers being presented by the most appropriate witness for each question. CWLP further requests that the Hearing Officer allow follow-up questioning to be posed at hearing based on the answers provided.

Questions for William E. Buscher

1. On page 3 of your testimony you mention that Sections 845.450 and 845.460 require an initial and annual Structural Stability Assessment and Safety Factor Assessment, respectively.
 - a. What was the Agency’s basis for requiring a Structural Stability Assessment and Safety Factor Assessment to be conducted annually?
 - b. Is it correct that the federal Coal Combustion Residual (“CCR”) rule in Part 257 requires these to be conducted initially and every five years?

- c. What increase in cost does the Agency expect from increasing this requirement to annually?
2. On page 3 of your testimony, you mention that Section 845.440 requires a Hazard Potential Classification assessment.
 - a. Do you agree that the Agency's proposal requires this to be conducted initially and annually?
 - b. Does the federal CCR rule have a requirement to conduct this assessment annually?
 - c. Do you expect an impoundment's Hazard Potential Classification to change from year to year? What circumstances would cause the classification to change?
 - d. What increase in cost does the Agency expect from increasing this requirement to annually?
3. On page 4 of your testimony, you mention that Section 845.510 specifies the requirements for inflow flood control systems for surface impoundments. You state: "The requirements for the inflow flood control system include design, construction, operation, maintenance and submission of system plans and plan amendments to Illinois EPA."
 - a. Do you agree that the hydrologic and hydraulic capacity requirements in the Agency's proposal requires inflow flood control system plans to be conducted initially and annually?
 - b. Does the federal CCR rule have a requirement to conduct this assessment annually?
 - c. Can you explain the Agency's basis for requiring these plans to be reassessed annually?
 - d. In addition to updating these plans annually, do you agree that the plans also must be formally amended when there is a change?
 - e. What is an example of a change between the initial and subsequent annual plans that would not require an amendment to the plan under Section 845.510(c)(2)?

Questions for Lynn E. Dunaway

4. On page 7 of your testimony you state “because post-closure care for CCR surface impoundments closing by removal may cease being subject to Proposed Part 845 in a relatively short time frame, while the completion of post-closure care for CCR surface impoundments closing with a final cover is many years in the future.”
 - a. Do you have an estimate of how long the period of closure plus post-closure will be for closure by removal and closure by final cover at a typical facility?
 - b. Does the Agency’s proposal allow for a hybrid approach?
5. In what year will the first annual reports be due under the Agency’s proposal?
6. On page 11 of your testimony you state that “quarterly samples will reflect seasonal variations in groundwater quality and four sampling events per year is not overly burdensome for owners and operators of CCR surface impoundments.”
 - a. Explain why monthly monitoring of groundwater elevation is required by Section 845.650(b)(2)?
 - b. How did the Agency determine this frequency was not overly burdensome or economically unreasonable?
 - c. Is there a less burdensome method for accomplishing the Agency’s intent behind this provision?
7. How was 30 years selected as the post-closure period for CCR surface impoundments closing with a final cover?

Questions for Darin E. LeCrone

8. Given the relatively short application deadlines for certain facilities under the Agency’s proposal, will the Agency attempt to make permit application forms available before the Board rulemaking is final?
9. You explain on page 6 of your testimony that “The duration of a permit for closure or retrofit construction shall not exceed 5 years.” Do you believe most closures will be completed within 5 years? Will operating permits have an expiration date?

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10. Are construction permit renewals subject to the pre-application public meetings in Section 845.240?
11. Explain the difference between Sections 845.260(c)(3) and (c)(5) or why both Sections are necessary.
12. What does "related treatment or mitigation facilities" mean in Section 845.200(a)? Can you provide some examples?
13. Explain why the complete list of information requirements provided in 845.220(a) will be needed for all construction permit renewal and modification applications?

Question for Lauren Hunt Martin

14. Explain what is meant by the language in Section 845.530(b)(3) "provide employees with safety data sheets"? Will inclusion of this information in required training program be adequate? What about posting them at the facility?

Questions for Chris Pressnall

15. When will the Agency's Environmental Justice mapping tool be updated to reflect the 2020 census?
16. Is it possible that a facility could be defined as being within an EJ area but still be located greater than 1 mile from a residential home in a low income or minority area?

Question for Melinda K. Shaw

17. For the publicly accessible internet site requirements in Section 845.810, you testify on page 7 that "[i]t was written to include all of the requirements of 40 CFR 257.107." Can a facility use the same webpage for both sets of information?

Questions for Amy L. Zimmer

18. You testify that "The final cover system must be designed to accommodate settling and subsidence to minimize disruption of the integrity of the final cover system."
 - a. Can you explain what causes settling and subsidence at a closed CCR impoundment?

- b. How does this compare to settling and subsidence at a municipal solid waste landfill generally?
19. You state on pages 15-16 of your testimony that: "Use of the property during the post-closure care period shall not disturb the cover, liner, the containment system, of [sic] the monitoring system unless necessary to comply with the requirements of this Part. Any other disturbance is allowed if the owner or operator demonstrates that it will not increase the potential threat of human health or the environment. The demonstration must be certified by a professional engineer."
- a. Explain how the process for making such a demonstration will work and how long it would take to obtain Agency approval or a permit amendment?
- b. How will the process differ for changes submitted to the Agency within 60 days of implementation following an unanticipated need for revision?
20. Has the Agency considered any alternatives to a one-size-fits-all post-closure care period of 30 years?

Respectfully submitted,

THE CITY OF SPRINGFIELD,
a municipal corporation

By 
One of its Attorneys

Dated: June 23, 2020

Deborah J. Williams
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CERTIFICATE OF SERVICE

The undersigned, Deborah J. Williams, an attorney, certifies that I have served upon the individuals named on the attached Service List a true and correct copy of the **NOTICE OF FILING, APPEARANCE OF DEBORAH J. WILLIAMS and PREFILED QUESTIONS OF THE CITY OF SPRINGFIELD, OFFICE OF PUBLIC UTILITIES d/b/a/ CITY WATER, LIGHT AND POWER**, from the email address deborah.williams@cwlp.com of this 10 page document before 5:00 p.m. on June 23, 2020 to the email address provided on the attached Service List.



SERVICE LIST R20-19

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