

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
)	
STANDARD FOR THE DISPOSAL OF)	PCB 2020-019
COAL COMBUSTION RESIDUALS)	(Rulemaking - Water)
IN SURFACE IMPOUNDMENTS:)	
PROPOSED NEW 35 ILL. ADMIN.)	
CODE 845)	
)	
)	

NOTICE OF ELECTRONIC FILING

To: Attached Service List

PLEASE TAKE NOTICE that on September 10, 2020, I electronically filed with the Clerk of the Illinois Pollution Control Board the **PREFILED QUESTIONS OF ELPC, PRAIRIE RIVERS NETWORK, AND SIERRA CLUB TO GARY P. KING**, copies of which are served on you along with this notice.

Dated: September 10, 2020

Respectfully Submitted,



Jeffrey T. Hammons, (IL Bar No. #6324007)
 Environmental Law & Policy Center
 1440 G Street NW
 Washington DC, 20005
 T: (785) 217-5722
 JHammons@elpc.org

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
STANDARDS FOR THE DISPOSAL OF) R 20-19
COAL COMBUSTION RESIDUALS IN) (Rulemaking – Land)
SURFACE IMPOUNDMENTS: PROPOSED)
NEW 35 ILL. ADM. CODE 845)
)

PREFILED QUESTIONS OF ELPC, PRAIRIE RIVERS NETWORK, AND SIERRA CLUB TO GARY P. KING

1. On Page 7, you state: “I am an attorney licensed to practice law in Illinois. I received a Juris Doctor degree from Valparaiso University and a Bachelor of Sciences degree in Civil Engineering, also from Valparaiso University.”
 - a. What year did you obtain your Bachelor of Sciences?
 - b. What year did you obtain your Juris Doctor degree?
 - c. Have you ever been employed in any engineering capacity?
 - d. Have you even been employed as a hydrogeologist?
 - e. Since obtaining your B.S., have you worked in any capacity other than as a licensed attorney?
 - f. Have you ever been a licensed Professional Engineer?

2. On page 8, you state: “Illinois EPA testimony confirms that the Exhibit is actually a list of ash ponds which it formerly regulated as water treatment units (“units”). *Illinois EPA’s First Supp. Pre-Filed Answers*, p. 6; *See also* Aug. 11, 2020 Hrg. Tr., pp. 30:17–31:10.”
 - a. What statements in “*Illinois EPA’s First Supp. Pre-Filed Answers*, p. 6” support your conclusion that “Illinois EPA testimony confirms that the Exhibit is actually a list of ash ponds which it formerly regulated as water treatment units?”
 - b. What statements in “Aug. 11, 2020 Hrg. Tr., pp. 30:17–31:10” support your conclusion that “Illinois EPA testimony confirms that the Exhibit is actually a list of ash ponds which it formerly regulated as water treatment units?”

3. On page 8, you state “The Illinois EPA’s list includes former ponds that do not meet the definition of CCR surface impoundment provided for in Section 3.143 of the Illinois Environmental Protection Act (“Act”), as adopted in P.A. 101-171 (eff. July 30, 2019).”
 - a. Is this statement a legal conclusion?
 - b. What “former ponds” are you referring to in this statement?
 - c. What is the basis for your opinion that the “former ponds” on Illinois EPA’s list “do not meet the definition of CCR surface impoundment provided for in Section 3.143 of the Illinois Environmental Protection Act (“Act”)?”

- d. Did those “former ponds” at any point impound liquid?
 - e. Is there CCR in those “former ponds?”
 - f. Is the groundwater at those “former ponds” monitored?
 - g. If so, does that monitoring reveal any exceedances of the proposed groundwater protection standards set out in proposed Part 845.600?
 - h. If so, does that monitoring reveal any exceedances of the Part 620 groundwater standards?
 - i. If groundwater at those “former ponds” is not currently monitored, has it been monitored at any time?
 - j. If so, when was it monitored?
 - k. If so, did the monitoring results reveal any exceedances of the proposed groundwater protection standards or Part 620 standards?
 - l. Do the “former units” you reference have liners meeting the standards of proposed Part 845.400?
4. On page 9, you state: “the Illinois EPA’s list fails to recognize four other units that either have completed closure or should be considered closed in the Board’s Part 845 rules.”
- a. What are the “four other units” referred to in your statement?
 - b. Did those four units at any point impound liquid?
 - c. Is there any CCR in those four units?
 - d. Is the groundwater at those four units monitored?
 - e. If so, does the monitoring reveal any exceedances of the proposed groundwater protection standards set out in proposed Part 845.600 or the Part 620 groundwater standards?
 - f. If groundwater at those four units is not currently monitored, has it been monitored at any time?
 - g. If so, when was it monitored?
 - h. If so, did the monitoring results reveal any exceedances of the proposed groundwater protection standards or Part 620 standards?
 - i. Do the four other units you reference have liners meeting the standards of proposed Part 845.400?
5. On page 12, you state: “No Board rule required Ameren to monitor groundwater conditions specific to these three impoundments as a condition of closure by removal.”
- a. What is the relevance that there is no “Board rule” requiring “Ameren to monitor groundwater conditions specific to these three impoundments as a condition of closure by removal?”
6. On page 12, you state: “40 CFR Part 257, as currently in effect, does not require pond-specific groundwater monitoring to demonstrate closure by removal.”
- a. Please provide the basis for this statement.

- b. What is the relevance that “40 CFR Part 257, as currently in effect, does not require pond-specific groundwater monitoring to demonstrate closure by removal?”
 - c. Why did you use the qualification “as currently in effect?” Are there any pending proposals by US EPA to change 40 CFR Part 257 that would affect your statement?
7. On page 12, you state: “Moreover, in my opinion such monitoring would provide little to no environmental benefit as the groundwater monitoring system currently in place is sufficient to capture any impact from the areas that formerly contained CCR and will be identified through the post-closure plans in place for Pond A.”
- a. What does “environmental benefit” mean?
 - b. What is the basis for your opinion?
 - c. Did you conduct any analysis to support your opinion?
 - d. What facts or evidence support your opinion?
 - e. Do you have any experience conducting groundwater monitoring sampling or analysis of groundwater monitoring samples? If yes, what is your experience?
8. On page 13, you state: “The Illinois EPA has provided no factual or legal basis for its apparent conclusion that a closure completed in 2016 should not be considered complete based upon a federal rule proposed in 2020, that was never applicable to Ameren and continues to be proposed, not promulgated.”
- a. What facts or evidence support your opinion that “Illinois EPA has provided no factual or legal basis for its apparent conclusion...”
 - b. What does “apparent conclusion” mean?
 - c. What “federal rule” are you referring to?
 - d. Can a rule “not promulgated” be “applicable” to any regulated entity?
 - e. Does the “federal rule” referred to in this statement require the same monitoring as Illinois EPA’s proposed rule 845.740(b)?
9. On page 13, you state: “On Page 139 of its response to questions, the Illinois EPA concedes that it will have to delete Section 845.740(b) if USEPA does not promulgate the final rule by the close of the record in this proceeding.”
- a. Considering that Illinois EPA filed three separate responses to questions, what is the specific “response to questions” you refer to in your statement? What is the date of that document?
 - b. What was the “question” Illinois EPA responded to?
 - c. What specific statements in Illinois EPA’s “response to questions” support your opinion that “Illinois EPA concedes that it will have to delete Section 845.840(b) if USEPA does not promulgate the final rule by the close of the record in this proceeding.”

10. On page 13, you state: “A CCR surface impoundment that completed closure prior to the effective date of Part 845 should have the same status as an inactive closed CCR surface impoundment subject to Section 845.170.”
 - a. What is the basis for your opinion?
11. On page 14, you state: “While Ameren does not dispute that characterization under the proposed rules, Ameren disputes whether any aspect of Part 845 should apply to Pond D since the Board’s Part 840 already applies.”
 - a. Are the opinions you express in your testimony your opinion or Ameren’s opinion?
 - b. Are you authorized to speak on behalf of Ameren?
12. On page 14, you state: “As post-closure care is already governed by that state regulation, the conflicting regulatory program proposed here is duplicative and unnecessary from an environmental protection or regulatory perspective.”
 - a. What “state regulation” are you referring to?
 - b. What’s the basis for the opinion that Illinois EPA’s proposed CCR program is “conflicting”?
 - i. What is it in conflict with?
 - c. What’s the basis for your opinion that Illinois EPA’s proposed CCR program is “duplicative?”
 - d. Did you conduct any analysis to support the opinion that the Illinois EPA’s proposed CCR program is “unnecessary from an environmental protection or regulatory perspective?”
 - i. If yes, what analysis did you conduct?
 - e. What facts or evidence support the opinion that the Illinois EPA’s proposed CCR program is “unnecessary from an environmental protection or regulatory perspective?”
13. On page 14-15, you state: “Under the Illinois EPA’s proposal, the Fly Ash Pond and the Bottom Ash pond are classified as an Inactive CCR surface impoundment (not Inactive Closed CCR surface impoundments) since it did not close prior to October 19, 2015.... Ameren disputes the Illinois EPA’s characterization, as it is unsupportable factually and legally.”
 - a. What is the basis for your opinion that Illinois EPA’s characterization of the Meredosia Fly Ash and Bottom Ash Ponds is “unsupportable factually?”
 - b. What is the basis for your opinion that Illinois EPA’s characterization of the Meredosia Fly Ash and Bottom Ash Ponds is unsupportable “legally?”
14. On page 15, you state: “The Board’s adoption of an Illinois EPA proposed rule that would deem these ponds not closed on the effective date of its rules would constitute a retroactive application of law.”

- a. What is the basis for your opinion that Illinois EPA proposed rule “would constitute a retroactive application of law?”
15. On page 15, you state: “The Illinois EPA makes this distinction based on the effective date of 40 C.F.R. Part 257—October 19, 2015—without valid justification.”
 - a. What is the “justification” you refer to?
 - b. What is necessary to make a justification “valid” in your opinion?
 16. On page 16, you state: “Further, the area encompassing the pond is within the groundwater management zone that is in place at Meredosia for the closed surface impoundment there. Any risks from the area will be identified and addressed.”
 - a. What is the basis for the opinion that the existence of a “groundwater management zone” will ensure “[a]ny risks from the area will be identified and addressed?”
 - b. Can you identify any surface impoundments within a groundwater management zone where impacts to groundwater were identified and addressed?
 - c. Can you identify any surface impoundments within a groundwater management zone where impacts to groundwater were identified and not addressed?
 17. On page 17, you state: “Unfortunately, the proposal which the Illinois EPA has produced has significant flaws—particularly as it seeks to go backward and regulate conduct that has already occurred under the sanction of state regulatory structures.”
 - a. What does “sanction of state regulatory structures” mean?
 - b. What “conduct” are you referring to?
 - c. What “state regulatory structures” are you referring to?
 18. On page 17, you state: “The Illinois EPA’s assertion of a past date in order to consider a former ash pond “closed” under the Board’s new rules, is invalidly modifying the legislature’s use of the word “closed” to insert a past date as the date at which closure had to have occurred.”
 - a. What “legislature” are you referring to?
 - b. What does “invalidly modify” mean?
 - c. How does the Illinois EPA’s assertion “invalidly modify the legislature’s use of the word ‘closed?’”
 - i. What is the basis for your opinion?
 19. On page 18, you state: “In its decision, the Court was referring to ponds that continued to pose a serious risk of failure—and were unaddressed by the federal rule.”
 - a. What statements by the Court support your interpretation of the Court’s decision?
 - b. Was the Court’s decision solely about “legacy ponds?”

20. On page 21, you state: “Ameren requests the addition of clarifying language to Section 845.100 (Scope and Purpose) as follows:
- A former ash pond that was closed by removal of CCR pursuant to a state-approved closure plan prior to the effective date of this Part is not a surface impoundment as defined in Section 3.143 of the Act, and is not subject to this Part.”
- a. Does the proposed definition conflict with USEPA’s Part 257 rules? Why or why not?
 - b. Does the proposed definition conflict with the Coal Ash Pollution Prevention Act? Why or why not?
 - c. Are rules with a narrower scope than the federal CCR rule “at least as protective and comprehensive” as the federal CCR rule? Why or why not?
21. On page 21, you state: “subjecting a regulated entity to two separate Board rules, each intended to accomplish a similar result, is fraught with difficulty and potential inconsistency (including separate enforcement structures, each with separate and independent penalties) and should be addressed by the Board.”
- a. Can you identify the “difficulty” you refer to in your statement?
 - i. If yes, what is it?
 - ii. Is there more than one “difficulty?”
 - b. Can you identify the “potential inconsistency” you refer to in your statement?
 - i. If yes, what is it?
 - ii. Is there only one “potential inconsistency?”
 - c. Can you identify whether compliance with both the proposed Part 845 rules and the rules applicable to Hustonville Pond D is impossible?
 - i. If yes, what provision or provisions of Part 845 are impossible to comply with at for the Hutsonville Pond D?
22. On page 21-22, you state: “As such, this pond falls outside of the federal regulatory system (RCRA) for the disposal of wastes.”
- a. Does RCRA provide the Illinois EPA authority to propose its Part 845 rules governing surface impoundments?
 - b. Does RCRA provide the Illinois Pollution Control Board authority to adopt rules governing surface impoundments?
 - c. Is Illinois EPA relying on any authority in RCRA to propose its Part 845 rules?
23. On page 22, you state: “The Illinois EPA’s proposed closure rules, if required to be applied to the Old Ash Pond at Meredosia, would cause more environmental harm than it would achieve in environmental benefit.”

- a. Can you identify the “environmental harms” referred to in your statement? If yes, what are they?
 - b. Did you conduct any analysis to weigh the “environmental harms” and “environmental benefits” referred to in your statement? If yes, please describe it.
24. On page 23, you state: “Further, the proposed rule is problematic in that it seeks to have the Board promulgate a standard—based upon an assertion of federal consistency—which is not even yet a promulgated federal regulation.”
- a. What does “problematic” mean?
 - b. Does inclusion of a proposed federal regulation in a proposed state regulation render the proposed state regulation “problematic?” If yes, what’s the basis for that opinion?
 - c. Does inclusion of a proposed federal regulation in a final state regulation render the final state regulation “problematic?” If yes, what’s the basis for that opinion?
 - d. If the proposed federal regulation is finalized before the proposed state regulation, does that render the proposed state regulation “problematic?” If yes, what’s the basis for that opinion?
 - e. If the proposed federal regulation is finalized after the state regulation is finalized, and the final state regulation contained the then-proposed federal regulation, does that render the final state regulation “problematic?” If yes, what’s the basis for that opinion?
25. On page 24, you state: “Section 22.59(j) established fee payment amounts, but there is no record information as to the basis for those fees.”
- a. What does “record information” mean?
 - b. How is this related to the current rulemaking?
26. On page 24, you state: “However, unless there is tracking of the costs incurred under the program, there will be no way for either the environmental community or the regulated community to know that these fees are being used to address the Part 845 program.”
- a. What does “address” mean?
27. On page 24, you state: “My understanding with regards to several questions raised by the environmental community was that they are interested in knowing whether the Illinois EPA is going to have sufficient staffing, with the correct expertise, to administer the Part 845 program.”
- a. What is the basis for your “understanding?”
28. On page 24, you state: “Only if there is recordkeeping of costs by the Illinois EPA can that be known.”
- a. What is the “that” you are referring to in “that be known?”

- b. How does “recordkeeping of costs” ensure that “that” is known?
29. On page 24, you state: “The legislature has provided for substantial fees, presumably to reimburse the Illinois EPA to perform its review and oversight in Section 22.59(j).”
- a. What does “reimburse” mean?
- b. What is the basis for your opinion that the fees are “presumably to reimburse the Illinois EPA?”
30. On page 24, you state: “In other programs where the Illinois EPA is entitled to such fees, such as the Site Remediation program, the Board has provided for similar accountability measures.”
- a. What does “fees” mean?
- b. Does the Site Remediation assess fees? If yes, does the Site Remediation program assess fees in the same way Section 22.59 of the Illinois Environmental Protection Act assesses fees for surface impoundments?
- c. What is the basis for your opinion that the recordkeeping requirements in the Site Remediation program are for “accountability?”
- d. Are there other programs at Illinois EPA that have the same recordkeeping requirements as the Site Remediation program?
- i. If not, are there other programs at Illinois EPA that have recordkeeping requirements similar to those required by the Site Remediation program?
- e. Are there other programs where the Illinois Environmental Protection Act authorizes assessment of fees?
- i. If yes, do those other programs require the same or similar recordkeeping requirements as the Site Remediation program?
31. In your Exhibit B, you propose adding a Subpart J, which includes proposed Section 845.1010(a), which would read:

Costs incurred by the Agency shall be tracked within the Agency by the use of site-specific codes. The following types of costs shall be documented as applicable:

- 1) Personal services costs and indirect costs;
- 2) Agency travel costs;
- 3) Professional and artistic services contractual costs;
- 4) Laboratory costs; and
- 5) Other contractual costs.

- a. What’s the basis for these categories of costs?
- b. Why only five categories of costs?
- c. What does “personal services costs and indirect costs” mean?
- d. What does “agency travel costs” mean?
- e. What does “professional and artistic services contractual costs” mean?
- f. What does “laboratory costs” mean?

- g. What does “other contractual costs” mean?
32. In your Exhibit B, you propose adding a Subpart J, which includes proposed Section 845.1010(b), which would read:

All Agency personnel performing review services or other support services for a site under this Part shall allocate their time to that site using the assigned site-specific codes.

- a. What does “review services” mean?
- b. What does “other support services” mean?
- c. What does “for” mean?
- d. Does “for” mean “on behalf of?”
- e. What “review services” would Illinois EPA do “for” a “site?”
- f. What “other support services” would Illinois EPA do “for” a “site?”

Dated: September 10, 2020

Respectfully Submitted,



Jeffrey T. Hammons, (IL Bar No. #6324007)
Environmental Law & Policy Center
1440 G Street NW
Washington DC, 20005
T: (785) 217-5722
JHammons@elpc.org

Kiana Courtney (ARDC No. #6334333)
Environmental Law & Policy Center
35 E. Wacker Drive, Suite 1600
Chicago, Illinois 60601
KCourtney@elpc.org

Attorneys for Environmental Law & Policy Center

/s/ Jennifer Cassel
Jennifer Cassel (IL Bar No. 6296047)
Earthjustice
311 S. Wacker Dr., Suite 1400
Chicago, IL 60606
(312) 500-2198 (phone)

jcassel@earthjustice.org

Thomas Cmar (IL Bar No. 6298307)
Earthjustice
311 S. Wacker Dr., Suite 1400
Chicago, IL 60606
T: (312) 500-2191
tcmar@earthjustice.org

Mychal Ozaeta (ARDC No. #6331185)
Earthjustice
707 Wilshire Blvd., Suite 4300
Los Angeles, CA 90017
T: 213-766-1069
mozaeta@earthjustice.org

Melissa Legge (ARDC No. #6334808)
Earthjustice
48 Wall Street, 15th Floor
New York, NY 10005
T: 212 823-4978
mlegge@earthjustice.org

Attorneys for Prairie Rivers Network

/s/ Faith E. Bugel

Faith E. Bugel
1004 Mohawk
Wilmette, IL 60091
(312) 282-9119
fbugel@gmail.com

Attorney for Sierra Club

CERTIFICATE OF SERVICE

The undersigned, Jeffery T. Hammons, an attorney, certifies that I have served by email the Clerk and by email the individuals with email addresses named on the Service List provided on the Board's website, available at <https://pcb.illinois.gov/Cases/GetCaseDetailsById?caseId=16858>, true and correct copies of the **PREFILED QUESTIONS OF ELPC, PRAIRIE RIVERS NETWORK, AND SIERRA CLUB TO GARY P. KING**, before 5 p.m. Central Time on September 10, 2020. The number of pages in the email transmission is 15 pages.

Respectfully Submitted,



Jeffrey T. Hammons, (IL Bar No. #6324007)
Environmental Law & Policy Center
1440 G Street NW
Washington DC, 20005
T: (785) 217-5722
JHammons@elpc.org

<u>SERVICE LIST</u>	
<p>Don Brown Clerk of the Board Don.brown@illinois.gov Vanessa Horton Vanessa.Horton@illinois.gov Illinois Pollution Control Board James R. Thompson Center Suite 11-500 100 West Randolph Chicago, Illinois 60601</p>	<p>Christine M. Zeivel Christine.Zeivel@illinois.gov Stefanie Diers Stefanie.Diers@illinois.gov Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276</p>
<p>Virginia I. Yang - Deputy Counsel virginia.yang@illinois.gov Nick San Diego - Staff Attorney nick.sandiego@illinois.gov Robert G. Mool bob.mool@illinois.gov Paul Mauer - Senior Dam Safety Eng. Paul.Mauer@illinois.gov Renee Snow - General Counsel renee.snow@illinois.gov Illinois Department of Natural Resources One Natural Resources Way Springfield, IL 62702-1271</p>	<p>Matthew J. Dunn, Chief mdunn@atg.state.il.us Stephen Sylvester Sr. Asst. Attorney General ssylvester@atg.state.il.us Andrew Armstrong, Chief aarmstrong@atg.state.il.us Kathryn A. Pamenter KPamenter@atg.state.il.us 69 West Washington Street, Suite 1800 Chicago, IL 60602</p>
<p>Deborah Williams Regulatory Affairs Director Deborah.Williams@cwlp.com City of Springfield Office of Utilities 800 E. Monroe, 4th Floor Municipal Building East Springfield, IL 62757-0001</p>	<p>Kim Knowles Kknowles@prairierivers.org Andrew Rehn Arehn@prairierivers.org 1902 Fox Dr., Ste. 6 Champaign, IL 61820</p>
<p>Faith Bugel fbugel@gmail.com 1004 Mohawk Wilmette, IL 60091</p>	<p>Jeffrey Hammons Jhammons@elpc.org Kiana Courtney KCourtney@elpc.org Environmental Law & Policy Center 35 E. Wacker Dr., Ste. 1600 Chicago, IL 60601</p>

<p>Keith Harley kharley@kentlaw.edu Daryl Grable dgrable@clclaw.org Chicago Legal Clinic, Inc. 211 W. Wacker, Suite 750 Chicago, IL 60606</p>	<p>Michael Smallwood Msmallwood@ameren.com 1901 Choteau Ave. St. Louis, MO 63103</p>
<p>Mark A. Bilut Mbilit@mwe.com McDermott, Will & Emery 227 W. Monroe Street Chicago, IL 60606-5096</p>	<p>Abel Russ, Attorney aruss@environmentalintegrity.org Environmental Integrity Project 1000 Vermont, Ave NW, Ste. 1100 Washington, DC 20005</p>
<p>Susan M. Franzetti Sf@nijmanfranzetti.com Kristen Laughridge Gale kg@nijmanfranzetti.com Vincent R. Angermeier va@nijmanfranzetti.com Nijman Franzetti LLP 10 S. Lasalle St., Ste. 3600 Chicago, IL 60603</p>	<p>Alec M Davis, Executive Director adavis@ierg.org Kelly Thompson kthompson@ierg.org IERG 215 E. Adams St. Springfield, IL 62701</p>
<p>Walter Stone, Vice President Walter.stone@nrg.com NRG Energy, Inc. 8301 Professional Place, Suite 230 Landover, MD 20785</p>	<p>Cynthia Skrukud Cynthia.Skrukud@sierraclub.org Jack Darin Jack.Darin@sierraclub.org Christine Nannicelli christine.nannicelli@sierraclub.org Sierra Club 70 E. Lake Street, Ste. 1500 Chicago, IL 60601-7447</p>
<p>Stephen J. Bonebrake sbonebrake@schiffhardin.com Joshua R. More jmore@schiffhardin.com Ryan C. Granholm rgranholm@schiffhardin.com Schiff Hardin, LLP 233 S. Wacker Dr., Ste. 7100 Chicago, IL 60606-6473</p>	<p>Jennifer M. Martin Jennifer.Martin@heplerbroom.com jmartin@heplerbroom.com Melissa Brown Melissa.Brown@heplerbroom.com HeplerBroom LLC 4340 Acer Grove Drive Springfield, IL 62711</p>

<p>Alisha Anker, Vice President, Regulatory & Market Affairs aanker@ppi.coop Prairie Power Inc. 3130 Pleasant Run Springfield, IL 62711</p>	<p>Chris Newman newman.christopherm@epa.gov Jessica Schumaker Schumacher.Jessica@epa.gov U.S. EPA, Region 5 77 West Jackson Blvd. Chicago, IL 60604-3590</p>
<p>Gibson, Dunn, & Crutcher, LLP Michael L. Raiff mraiff@gibsondunn.com 2001 Ross Avenue Suite 2100 Dallas, TX 75201</p>	<p>Earthjustice Jennifer Cassel jcassel@earthjustice.org Thomas Cmar tcmar@earthjustice.org Melissa Legge mlegge@earthjustice.org Mychal Ozaeta mozaeta@earthjustice.org 311 S. Wacker Drive Suite 1400 Chicago, IL 60606</p>
<p>BROWN, HAY, & STEPHENS, LLP Claire A. Manning cmanning@bhslaw.com Anthony D. Schuering aschuering@bhslaw.com 205 S. Fifth Street, Suite 700 Springfield, IL 62705</p>	