

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 RICHARD GNAT**, copies of which are served on you along with this notice.

Dated: September 10, 2020

Respectfully Submitted,



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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 RICHARD GNAT

1. At page 2 of your testimony, you say that “Illinois EPA correctly defines a ‘landfill containing CCR’ as a ‘CCR landfill’ defined in the Federal Coal Combustion Residual Rule (Federal CCR Rule) in 40 CFR 257.53.”
 - a. Does any definition of landfill appear in Propose Part 845?
 - b. Would it add clarity to Part 845 to include a definition of landfill?

2. At page 3 of your testimony, you mention the need for “technically sound Alternate Source Demonstrations.”
 - a. Have you reviewed Alternate Source Demonstrations (“ASDs”) submitted under the Federal CCR Rule?
 - b. Have you conducted Alternate Source Demonstrations under the Federal CCR Rule for MWG?
 - c. Have you conducted Alternate Source Demonstrations for MWG’s Powerton Station?
 - d. Did you conduct the March 25, 2019 ASD for MWG’s Powerton Station?
 - e. Was that ASD attached as Appendix B to the 2019 Annual Groundwater Monitoring and Corrective Action Report for Powerton Station’s Ash By-Pass Basin and Ash Surge Basin (Attachment 1)?
 - f. Were you involved in the preparation of the 2019 Annual Groundwater Monitoring and Corrective Action Report for Powerton Station’s Ash By-Pass Basin and Ash Surge Basin? If so, how?
 - g. What did you conclude in that ASD regarding arsenic, barium, molybdenum, selenium and thallium concentrations detected above the Groundwater Protection Standards at Powerton?
 - h. Did you include any further description of what the potential alternate source was?
 - i. Did your analysis suggest that the source was “another potential historical source in the vicinity of the ash ponds” (2019 Annual Report p. 5)?

- j. Why did you include that specific language to identify the possible alternate source?
 - k. What did you mean by “in the vicinity of the ash ponds”? Would that suggest that the source was on the Powerton Station Property?
 - l. Does the annual report discuss wells MW-15 and MW-17?
 - m. Can you describe what those wells are completed in?
3. At page 4 of your testimony, you state discuss Section 845.610(b)(3)(D) and its requirement to submit groundwater monitoring data and analysis. You state “If ‘completion of sampling’ means the date of sample collection, then the 60-day clock for analysis of the data starts running even before any actual ‘sampling data’ to be analyzed has been received from the laboratory. Such an interpretation would afford a very limited time to review and analyze the data upon receipt as it can typically take 14 to 21 days to receive the laboratory analytical results, depending upon the type of analytical work being performed (receipt of radium data generally takes on the order of 30 days or more).”
- a. If it takes 14 to 21 days to receive the laboratory analysis, wouldn't that leave 39 to 46 days to send the samples to the lab and receive, review and analyze the lab results?
 - b. How many days does it take to send the samples to the lab?
 - c. Assuming it takes two to four days to send groundwater samples to the laboratory, does that still leave 35 to 42 days to review and analyze the lab results?
 - d. Why isn't 35 to 42 days sufficient to review and analyze the lab results?
 - e. Assuming it is radium data, doesn't that still leave 26 to 28 days to review and analyze the lab results?
 - f. Why isn't 26-28 days sufficient to review and analyze radium results?
 - g. Is it possible to specify required turn-around times in analytical laboratory contracts? If not, why not?
 - h. Is it possible to ask the Agency for an extension if lab results are delayed or the analysis is unusually complex? If not, why not?
4. At page 6 of your testimony, you state “While additional specific chemistry information may need to be developed in future evaluations to support potential numerical modeling of contaminant transport and chemical reactions between impacted groundwater and the aquifer matrix, that would be a very specific situational requirement that would warrant the development of more extensive chemical and physical properties of the geologic layers at that time.”
- a. Does Part 845 as proposed require this?
 - b. If not, how do you assure that information gets developed to support modeling when needed?
5. On page 7 of your testimony, you discuss 35 IAC § 620.420 which references fill material, slag and ash.

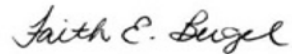
- a. Section 620.420 contains the Class II groundwater standards, right?
 - b. Do you know what groundwater gets classified as Class II groundwater?
 - c. If groundwater beneath fill, ash or slag is classified as Class I groundwater then does Section 620.420 apply?
 - d. Section 620.420 provides an exception to a subset of Class II groundwater for “groundwater within fill material or within the upper 10 feet of parent material under such fill material”.
 - e. Does this exception apply to groundwater more than ten feet beneath fill material?
6. On page 5-6 of your testimony, you discuss §845.620(b)(15) and on page 6 you state “geologic chemistry information are generally not required or necessary for the development of groundwater monitoring systems.”
- a. Do you know all the ways the Proposed Rule provides for the use of the Hydrogeologic Site Characterization data?
 - b. Will it just be used for development of the groundwater monitoring system?
 - c. Does it also need to be used to develop groundwater contaminant transport models?
 - d. Does it also need to be used to develop remediation plans in support of corrective action and closure?
7. On page 6 of your testimony, you state “While additional specific chemistry information may need to be developed in future evaluations to support potential numerical modeling of contaminant transport and chemical reactions between impacted groundwater and the aquifer matrix, that would be a very specific situational requirement that would warrant the development of more extensive chemical and physical properties of the geologic layers at that time.”
- a. You say may but don't both the Corrective Action Construction 845.220 (c)(2) and Closure Construction 845.220 (d)(3) require models to be developed?
8. On page 9 of your testimony, you discuss proposed §845.640, and state “If it can be shown through leach testing that ash placed within a specific impoundment does not contain or leach a specific compound on the list of parameters provided in Section 845.600, then there is no reason to monitor for that parameter on a quarterly basis for 30-plus years.”
- a. Do you know if ash contained in individual impoundments at MWG plants varies in leachable constituents?
 - i. Do you know if ash contained in an individual impoundment would vary in leachable constituents due to changes in coal feedstock over time?
 - ii. Do you know if ash contained in an individual impoundment would vary in leachable constituents due to changes plant processes over time?
 - iii. Do you know if ash contained in an individual impoundment would vary in leachable constituents due to changes additives over time?

- iv. If ash contained in an individual impoundment varies, would the constituents contained in a particular sample of ash be representative of the composition of the entire impoundment?
9. On page 16 of your testimony, you state that “Once the flow system is sufficiently understood, measuring water elevations on a monthly schedule only provides duplicative and unnecessary data.”
- a. Do you know if periods of flooding change flow directions?
 - b. Do you know how often the Des Plaines River floods?
 - c. Do you know how often the Illinois River floods?
 - d. Does flooding occur every year?
 - e. Does flooding always occur in the same month?
 - f. Can flow systems change over time?
10. On page 16 of your testimony, you state that Section 650 “should allow an owner/operator to reduce the monitoring list if a compound is not detected after a set period of time (e.g., 3 or 5 years).”
- a. What should the frequency be if there is no release, leaking or leaching for 3-5 years, the list of monitored constituents is reduced, and then there is a release after 5 years?
 - b. How would an owner-operator detect a release, leaking or leaching if the monitoring list is reduced removing compounds not detected?
 - c. What if the leachable constituents in the ash in an impoundment changed after the 3-5 year period and the list of monitored constituents was reduced?
 - i. In this scenario, how would an owner operator detect a release, leaking or leaching if the monitoring list is reduced removing compounds not detected?
 - d. Are there any factors that you are aware of that could slow the transport of constituents leaching from coal ash? If so, what are they?
 - e. Are there any factors that you are aware of that could slow the detection of constituents leaching from coal ash? If so, what are they?
 - f. What would be the cost savings of reducing the list of monitored chemicals?
 - g. Is most of the cost associated with groundwater sampling in the labor required to travel to the site, purge and sample the well, and deliver the sample to a laboratory?
11. On page 22, you discuss 845.750(a)(1).
- a. When an impoundment has intersecting groundwater, is it possible to control the infiltration of liquids into the waste? If so, how?
 - i. Is it possible to minimize the infiltration of liquids into the waste? If so, how?

- ii. Is it possible to eliminate the infiltration of liquids into the waste? If so how?
- b. If there is an impoundment with intersecting groundwater, is it possible to control the release of CCR or leachate to the groundwater? If so, how?
 - i. Is it possible to minimize the release of CCR or leachate to the groundwater? If so, how?
 - ii. Is it possible to eliminate the release of CCR or leachate to the groundwater? If so how?

Dated: September 10, 2020

Respectfully submitted,



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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 RICHARD GNAT**, before 5 p.m. Central Time on September 10, 2020. The number of pages in the email transmission is 11 pages.

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