

October 8, 2020

Illinois Pollution Control Board
Mr. Don Brown, Clerk
100 W. Randolph Suite 11-500
Chicago, IL 60601

Re: Comments on IPCB Case #R20-19, Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845

Dear Mr. Brown:

As a former member of the Illinois Pollution Control Board (IPCB), I understand the importance of the rulemaking process and appreciate the role of the IPCB in providing an open and transparent public comment process. The following are my comments on the proposed Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments, hereafter referred to as the “coal ash rules”.

Coal ash is a waste byproduct of burning coal, contains toxic metals, and therefore can cause serious health problems if not adequately regulated. Coal ash is stored in coal ash impoundments at power plants, often referred to as “coal ash ponds” because they resemble man-made ponds filled with coal ash mixed with water. In Illinois, almost 80 ponds have been identified across the state, so the problem is extensive.

The administrative rules proposed by the Illinois Environmental Protection Agency (IEPA) include key protections that should be retained. This includes requiring more frequent groundwater monitoring than required by the federal rule. In addition, these rules require post-closure care of coal ash ponds to continue until the groundwater quality standards are met, which goes beyond the federal rule where care is ended after 30 years. Please retain these provisions.

Despite these provisions, it is critical that other components of the coal ash rules be strengthened. I will focus my comments on just two of these: 1. Ensuring the final rules provide permanent protection from coal ash pollution, and 2. Allowing for meaningful public input.

A key requirement for the permanent protection from coal ash pollution is ensuring that coal ash does not get wet – now or in the future. The current rules fail to provide the protection needed. For example, I encourage the IPCB to ensure that the rules be clearer that coal ash impoundments may not be closed in place, or “corrective action” considered to be completed if coal ash remains in contact with water.

As has been documented, coal ash when in contact with water allows for leaching of contaminants, which do not degrade, and can leach out of coal ash indefinitely. This then poses a threat of contamination to groundwater and surface water. It is important that these rules

prevent coal ash from coming in contact with water. One recommendation is to add a provision in "Subpart C Location Restrictions" that restricts both new and existing surface impoundments from being located in floodplains. This is important because of the risk of coal ash coming in contact with floodwaters. Coal ash can become saturated without floodwaters overtopping the impoundment berm, plus capping a coal ash pond does not stop groundwater from rising to come in contact with the coal ash. This is particularly important in Illinois because many coal ash impoundments are located adjacent to flood-prone rivers and lakes. Where existing surface impoundments do not meet this restriction, the impoundments must be required to close.

I encourage the IPCB to strengthen all provisions of the coal ash rule to permanently protect surface and groundwater. This would mean that coal ash would never come in contact with water, and coal ash impoundments would not be closed in place.

A second area of concern to me is ensuring the rules allow for meaningful public input. I will note two key weaknesses of the proposed rules related to this. First, the proposed rules fail to make numerous key documents available for public review. It is important that all documents that contain information applicable to the regulation of coal ash impoundments be included as part of the permit application and therefore open to the public for review.

Second, the opportunity for the public to review the permitting documents is inadequate. The proposed rule allows only 14 days for the public to review extensive application materials for construction permit applications prior to a public meeting. This is inadequate and should be extended to at least 30 days.

In addition, the proposed rules fail to inform community members as to how to participate meaningfully in the permitting process. The rules need to be revised to require IEPA's notice of the draft permit to inform the public how to request a hearing and how to be added to their listserv so they can stay informed. These and other public involvement provisions of these rules should be strengthened to allow for a substantive and transparent public review process.

I want to again thank the IPCB for providing the opportunity for the public to submit written comments in addition to participating in the public meetings held recently. The coal ash rules are extremely important to the protection of the state's surface and ground waters.

Sincerely,

A handwritten signature in cursive script that reads "Deanna Glosser".

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