

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

In the Matter of: )  
 ) AS 2021-006  
Petition of Southern Illinois )  
Power Cooperative for an ) (Adjusted Standard)  
Adjusted Standard from )  
35 Ill. Admin. Code Part 845 )  
or, in the Alternative, a Finding of )  
Inapplicability )

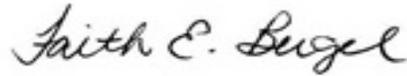
**NOTICE OF ELECTRONIC FILING**

To: Attached Service List

PLEASE TAKE NOTICE that on June 7, 2021, I electronically filed with the Clerk of the Illinois Pollution Control Board ("Board") the **ENVIRONMENTAL ORGANIZATIONS' REQUEST FOR PUBLIC HEARING**, copies of which are served on you along with this notice.

Dated: June 9, 2021

Respectfully Submitted,



Faith E. Bugel  
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*Attorney for Sierra Club*

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**ENVIRONMENTAL ORGANIZATIONS’ REQUEST FOR PUBLIC HEARING**

Pursuant to 35 Ill. Adm. Code 140.420, Earthjustice, Prairie Rivers Network, and Sierra Club (collectively, “Environmental Organizations) request a public hearing in the above-referenced matter. In support of that request, the Environmental Organizations state the following:

First, there is public interest in the proper clean-up of coal ash units at the Southern Illinois Power Cooperative (“SIPC”) plant in Marion. During the rulemaking proceedings in R2020-019, commenters referenced concerns with pollution from coal ash in Southern Illinois.<sup>1</sup> In addition, Environmental Organizations, and upon information and belief the Shawnee Group of Sierra Club in particular, have expressed interest in this Adjusted Standard proceeding for SIPC and, specifically, in participating in a public hearing in this matter.

The Board recognizes the crucial role of robust public participation in protecting public health and the environment.<sup>2</sup> Our own legislature made explicit in the 2019 Coal Ash Pollution Prevention Act that

meaningful participation of State residents, especially vulnerable populations . . . is critical to ensure that environmental justice considerations are incorporated in the . . . decision-making related to, and implementation of environmental laws and rulemaking that protects and improves the well-being of communities in this State that bear disproportionate burdens imposed by environmental pollution.<sup>3</sup>

<sup>1</sup> See, e.g., *In re Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845*, R2020-019, Tr. Aug. 12, 2020 (Public Comment session) at 9:17-12:19 (comments of Christina Krost).

<sup>2</sup> See, e.g., *In re: Review of Existing Regulations, Rule 602 of Chapter 3: Water Pollution Combined Sewer Overflow*, PCB R. No. 81-17, 1982 WL 28541 at \*10 (Apr. 1, 1982) (recognizing public participation as “essential” and approving an exception procedure in part because it maintains public participation).

<sup>3</sup> 415 ILCS 5/22.59(a)(5).

Marion is a community that “bear[s] disproportionate burdens imposed by environmental pollution.”<sup>4</sup> In addition, the SIPC plant and the town of Marion are surrounded by environmental justice communities within 15-20 miles, including Carbondale, Herrin, Harrisburg and Johnston City, as identified by the Illinois EPA EJ Start tool.<sup>5</sup> Accordingly, the public – including but not limited to members of the Environmental Organizations – should be granted the opportunity to weigh in on SIPC’s request to exclude multiple ash units from the Board’s comprehensive regulations set out in Part 845.<sup>6</sup>

Second, SIPC’s request to exclude the multiple ash units from the Part 845 regulations warrants a public hearing because there is extensive evidence showing that the those ash units are violating not just Part 845 regulations but also Part 811, 812, and 815.<sup>7</sup> We ask that the Board grant Environmental Organizations’ request so that we and other members of the public may show that SIPC does not meet the factors required to obtain an adjusted standard under Section 28.1 of the Illinois Environmental Protection Act, in particular the requirement that the “requested standard will not result in environmental or health effects substantially and significantly more adverse than the effects considered by the Board in adopting the rule of general applicability.”<sup>8</sup>

Respectfully Submitted,

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<sup>4</sup> 415 ILCS 5/22.59(a)(5).

<sup>5</sup> Illinois EPA EJ Start, *available at*

<https://www.arcgis.com/apps/webappviewer/index.html?id=f154845da68a4a3f837cd3b880b0233c>.

<sup>6</sup> *See* Petition at 1, 22, 55-56.

<sup>7</sup> *See* Petition at 21 (“IEPA alleged violations of Part 811’s intermediate and final cover requirements, Parts 815 and 812’s requirements for filing an IFR, Part 811’s requirements related to final slope and stabilization, and Part 811 groundwater monitoring requirements.”).

<sup>8</sup> 415 ILCS 5/28.1(c)(3).

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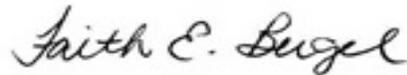
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**CERTIFICATE OF SERVICE**

The undersigned, Faith E. Bugel, 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=17037>, a true and correct copy of the **ENVIRONMENTAL ORGANIZATIONS' REQUEST FOR PUBLIC HEARING**, before 5 p.m. Central Time on June 9, 2021. The number of pages in the email transmission is 6 pages.

Dated: June 9, 2021

Respectfully Submitted,



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