

ILLINOIS POLLUTION CONTROL BOARD
June 17, 2021

IN THE MATTER OF:)
)
PETITION OF ELECTRIC ENERGY, INC.) AS 21-5
FOR A FINDING OF INAPPLICABILITY) (Adjusted Standard - Land)
OR, IN THE ALTERNATIVE, AN)
ADJUSTED STANDARD FROM 35 ILL.)
ADM. CODE PART 845)

ORDER OF THE BOARD (by C.M. Santos):

On May 11, 2021, Electric Energy, Inc. (EEI) filed a petition (Pet.) under Section 28.1 of the Environmental Protection Act (Act). *See* 415 ILCS 5/28.1 (2018); 35 Ill. Adm. Code 104.Subpart D. EEI requests that the Board find the former Joppa West Ash Pond at the Joppa Power Plant in Massac County is not a “CCR [coal combustion residuals] surface impoundment” and is therefore not subject to the Board’s recently-adopted CCR rules at 35 Ill. Adm. Code 845. Pet. at 10, 19-25. In the alternative, EEI requests an adjusted standard from specified portions of 35 Ill. Adm. Code 845. *Id.* at 11, 26-40.

The Act and Board rules require EEI to publish notice of filing a petition for an adjusted standard in a newspaper of general circulation in the area likely to be affected by the petitioner’s activity that is the subject of the petition. 415 ICLS 5/28.1(d)(1) (2018); 35 Ill. Adm. Code 104.408(a). EEI must publish notice within 14 days after filing a petition for an adjusted standard with the Board. 35 Ill. Adm. Code 104.408(a); *see* 415 ILCS 5/28.1(d)(1) (2018). Within 30 days after filing its petition, EEI must file a certificate of publication. 35 Ill. Adm. Code 104.410. As required, EEI on June 4, 2021, timely filed a certificate of publication of notice in the *Paducah Sun* on May 22, 2021, and in *The Southern Scene* on May 24, 2021.

The Board finds that the notice and petition meet the requirements of Section 28.1 of the Act and Section 104.408 of the Board’s procedural rules and accepts the petition for adjusted standard. *See* 415 ILCS 5/28.1 (2021); 35 Ill. Adm. Code 104.408. The Board notes that EEI’s certificate of publication also shows that it published notice in the *Metropolis Planet* on May 27, 2021.

On May 19, 2021, IEPA filed a motion requesting that the Board extend the deadline to file its recommendation 90 days to September 23, 2021. *See* 35 Ill. Adm. Code 104.416(a). IEPA stated that on May 11, 2021, parties filed eight petitions for an adjusted standard and three petitions for a variance. Although it is reviewing the petitions, IEPA requested additional time to develop its recommendations. IEPA added that EEI did not object to the request. *See* 35 Ill. Adm. Code 104.416(a). The Board grants IEPA’s unopposed motion and extends the deadline to file its recommendation 90 days to September 23, 2021. EEI may respond to IEPA’s recommendation within 14 days after being served with it. 35 Ill. Adm. Code 104.416(d).

EEI requests that the Board hold a hearing on the petition. Pet. at 40; *see* 35 Ill. Adm. Code 104.406(j), 104.422(a)(1).

This order makes no determination on the informational sufficiency or the merits of EEI's petition. The Board through its own orders or its hearing officer's orders may direct EEI to provide additional information.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 17, 2021, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board