

ILLINOIS POLLUTION CONTROL BOARD
January 22, 2026

SIERRA CLUB, PRAIRIE RIVERS)	
NETWORK, AND NATIONAL)	
ASSOCIATION FOR THE ADVANCEMENT)	
OF COLORED PEOPLE,)	
)	
Complainants,)	
)	
v.)	PCB 18-11
)	(Citizen Enforcement – Water)
CITY OF SPRINGFIELD, OFFICE OF)	
PUBLIC UTILITIES d/b/a CITY WATER,)	
LIGHT AND POWER,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M. Gibson):

On September 27, 2017, Sierra Club, Prairie Rivers Network, and the National Association for the Advancement of Colored People (collectively, Citizen Groups) filed a complaint against the City of Springfield, Office of Public Utilities, doing business as “City Water, Light and Power” (CWLP). Citizen Groups allege that CWLP has polluted the groundwater at CWLP’s Dallman Power Station, a coal-burning power plant located on Lake Springfield in Springfield, Sangamon County. The complaint also concerns CWLP’s Lakeside Power Station, a former coal-burning power plant located on the same site.

Today the Board rules a on motion for interlocutory appeal of a November 5, 2025 hearing officer order. The hearing officer denied a motion by CWLP to narrow the scope of available remedies, and to prohibit the admission of certain evidence at hearing. CWLP challenges the Board’s authority to allow the hearing officer to rule on the motion and renews the motion. The Board denies CWLP’s motion, as the Board allows hearing officers to rule on non-dispositive motions.

The Board begins with an abbreviated procedural history and then addresses the parties’ arguments.

PROCEDURAL BACKGROUND

On June 17, 2021, the Board denied the parties’ cross motions for partial summary judgment. The Board denied Citizen Groups’ motion for partial summary judgment because they failed to meet their burden of proof that the downgradient groundwaters are Class I or Class II groundwater. The Board did find that CWLP allowed releases of some contaminants from one or both coal ash disposal ponds, which caused exceedances of the Board’s Class I and Class II groundwater quality standards at some of the downgradient monitoring wells. However, since

the classification of downgradient groundwaters as Class I or Class II is central to Citizen Groups' alleged violations, they failed to meet their burden of persuasion that there are no genuine issues of material fact and that they are entitled to judgment as a matter of law. Additionally, the Board denied CWLP's motion for partial summary judgment because the requested remedies challenged are neither premature nor beyond the Board's authority.

On June 17, 2021, the Board directed the hearing officer and the parties to proceed expeditiously to hearing on the alleged violations. The Board stated:

If, after hearing, the Board finds that CWLP violated the Act or Board regulations as Citizen Groups allege, the Board will order a separate hearing on remedies, including any civil penalties. PCB 18-11, slip op 3 (June 17, 2021)

On September 7, 2023, the Board ruled on the Citizen Groups' renewed motion for partial summary judgment. The Board granted the Citizen Groups' partial motion for summary judgment. Specifically, the Board found that there are no issues of genuine fact that CWLP violated Sections 12(a) of the Environmental Protection Act (Act) and Sections 620.115, 620.301(a), and 620.405 of the Board's groundwater rules for discharge of boron, sulfate, and total dissolved solids (TDS). Those discharges occurred at monitoring wells AP-1R, AP-2, AP-2R, and AP-3.

On July 23, 2025, CWLP filed a motion preliminary to hearing asking:

the Board and/or its Hearing Officer should exclude any testimony or evidence at the upcoming remedy hearing related to [c]omplaints' requested injunctive relief or those alleged violations occurring after March 28, 2025.

On August 15, 2025, the Citizen Groups filed in opposition to CWLP's motion.

On November 5, 2025, the hearing officer denied CWLP's motion. CWLP filed this interlocutory appeal on November 19, 2025 (Mot.), and the Citizen Groups responded in opposition on December 3, 2025 (Resp.).

DISCUSSION

Section 101.610(n) specifically grants the hearing officer the authority to rule on any motion deferred to the hearing officer by the Board. 35 Ill. Adm. Code 101.610(n). CWLP argues that it properly filed the motion preliminary to hearing to the Board and not to the hearing officer. Mot. at 6, *citing* 35 Ill. Adm. Code 508, 502. CWLP contends that the Board can defer a motion only by Board order. The Board disagrees. The language of the rule states that the hearing officer may rule on a motion "deferred" to the hearing officer. That language does not require a Board order. Therefore, the Board finds that it properly deferred the decision to the hearing officer.

Likewise, the Board is unconvinced that the motion was in any way dispositive of the issues in this case. CWLP argues that its motion is dispositive of the relief available. Mot. at 6.

However, CWLP is asking to exclude evidence which may or may not be probative in deciding the scope of remedy. The Board finds the hearing officer correctly denied the motion and affirms that denial. CWLP may renew its objections to specific lines of inquiry or specific evidence at hearing; however, the Board will not simply deny admission of evidence in this manner. The hearing officer, in the course of the hearing, is better able to make those determinations.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 22, 2026, by a vote of 5-0.

Handwritten signature of Don A. Brown in cursive script.

Don A. Brown, Clerk
Illinois Pollution Control Board