ILLINOIS POLLUTION CONTROL BOARD
October 15, 2026

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

## HEARING REPORT

On May 5, 2026, Part I of this hearing was held to accommodate complainants' expert witness who was planning to retire, and would no longer be available after May, 2026. Part II of the hearing, consisting of the remainder of the case, was held on October 14-15, 2026. Parts I and II were held at the Illinois Pollution Control Board in Springfield, Illinois. Attorneys Faith Bugel and Priyam Desai appeared on behalf of the complainants. Attorneys Deborah Williams and Emily Rosenberger appeared on behalf of the respondent.

## Witnesses

Part I of the hearing heard testimony from Mark Hutson. The following witnesses testified during Part II:

Caroline Weinberg
Eric Staley
P.J. Becker
Brad J. Hunsberger

Three people made public comments.

## Exhibits

The complete Exhibit list for Parts I and II of the hearing is attached. The date referenced in Exhibit 10 has been corrected to October 2021.

In Part I of the hearing, complainants offered Exhibits 1-13, 15-22, and 27, as well as demonstrative exhibits D1-D5. Respondent offered exhibit 28. All exhibits were admitted,

except for Table one of Exhibit 15 which was accepted as an offer of proof because respondent was concerned about the lack of foundation. In Part II of the hearing, witness Caroline Weinberg testified about the table, and respondent withdrew the objection. Table 1 was admitted into evidence as Exhibit 29.

Because Table 1 has been admitted, complainants will withdraw the appeal of the hearing officer ruling on Table 1.

Additionally, in Part II of the hearing, complainants offered Exhibits 29-46, as well as demonstrative exhibits D6-D15. Respondent objected to Exhibit 44. Respondent offered Exhibits 47-52. Complainants objected to Exhibits 47 and 51. All exhibits were admitted.

A complete exhibit list is attached to this report.

**Briefing Schedule**

Any appeals of hearing officer rulings on objections are due by November 16, 2026, and responses to the appeals are due by December 4, 2026. Complainants' brief is due by January 14, 2027; respondent's brief is due by February 16, 2027; and complainants' reply, if any, is due by March 2, 2027. The public comment deadline is November 16, 2026.

IT IS SO ORDERED.

Carol Webb

_____

Carol Webb
Hearing Officer
Illinois Pollution Control Board
2520 W. Iles Ave.
Springfield, Illinois 62704
217/524-8509
Carol.webb@illinois.gov

**PCB 18-11**
**May 5, 2026 and October 14-15, 2026 Hearing**

## Exhibit List

| Exhibit | Description | Status |
|---|---|---|
| Exhibit #1 | Hanson, Dallman and Lakeside ash ponds, assessment of corrective measures, dated 9/23/25 | Admitted |
| Exhibit #2 | Hanson, Dallman and Lakeside ash ponds interim measures report dated 9/23/25 | Admitted |
| Exhibit #3 | CWLP's revised closure and post-closure plans for CCR surface impoundments dated 9/23/25 | Admitted |
| Exhibit #4 | Andrews Engineering report re: CCR surface impoundments, dated 9/22/25 | Admitted |
| Exhibit #5 | Andrews Engineering report re: flow path, dated September 2025 | Admitted |
| Exhibit #6 | CWLP's CCR impoundment operating and construction permit application review letter, dated 9/9/24 | Admitted |
| Exhibit #7 | Closure construction permit application, dated 2/1/22 | Admitted |
| Exhibit #8 | Annual groundwater monitoring and corrective action report, year ending 12/31/24 | Admitted |
| Exhibit #9 | CWLP's application review letter and supplemental response re: CCR surface impoundment operating and construction permit dated 10/30/24 | Admitted |
| Exhibit #10 | CWLP's initial operating permit application, dated October 2021 | Admitted |
| Exhibit #11 | Letter from CWLP to Robert Clem at IDOT dated 10/21/76 | Admitted |
| Exhibit #12 | Ash pond assessment from Stabilize, Inc. to IEPA dated 9/22/10 | Admitted |
| Exhibit #13 | Annual groundwater monitoring and corrective action report, year ending 12/31/23 | Admitted |
| Exhibit #14 | Complainants did not use or introduce this exhibit at hearing | N/A |
| Exhibit #15 | Review of closure permit application and other pertinent materials from Geo-Hydro, Inc. to complainants | In Part I of the hearing, this document was admitted |

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| | | except for Table 1 which was accepted as an offer of proof. In Part II of the hearing, Table 1 was admitted into evidence as Exhibit #29 |
| Exhibit #16 | Geo-Hydro, Inc.'s comments on September 2025 re: updated closure plan, dated 2/10/26 | Admitted |
| Exhibit #17 | Reply to Hunsberger rebuttal report comments and deposition statements from Geo-Hydro, Inc. to complainants | Admitted |
| Exhibit #18 | Historic floods | Admitted |
| Exhibit #19 | Prefiled testimony of Mark Hutson and attachments for R20-19, dated 8/27/20 | Admitted |
| Exhibit #20 | IEPA's proposed denial of alternative closure deadline for Ottumwa generating station | Admitted |
| Exhibit #21 | USEPA letter to Duke energy | Admitted |
| Exhibit #22 | 40 CFR Part 257 | Admitted |
| Exhibit #23 | Complainants did not use or introduce this exhibit at hearing | N/A |
| Exhibit #24 | Complainants did not use or introduce this exhibit at hearing | N/A |
| Exhibit #25 | Complainants did not use or introduce this exhibit at hearing | N/A |
| Exhibit #26 | Groundwater Monitoring Program prepared by Andrews Engineering for CWLP | Admitted |
| Exhibit #27 | Annual groundwater monitoring and corrective action report, year ending 12/31/22 | Admitted |
| Exhibit #28 | USEPA Consent agreement dated 1/14/25 | Admitted |
| Exhibit #29 | Earthjustice CCR rule compliance table | Admitted |
| Exhibit #30 | Notification of Exceedances to IEPA | Admitted |
| Exhibit #31 | Draft letter to Darin Lacrone at IEPA | Admitted |
| Exhibit #32 | CWLP letter to IEPA 4/2/14 | Admitted |
| Exhibit #33 | IEPA letter to CWLP 4/11/14 | Admitted |
| Exhibit #34 | IEPA letter 4/23/14 | Admitted |

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| Exhibit #35 | CWLP letter to IEPA 5/12/14 | Admitted |
| Exhibit #36 | CWLP letter to IEPA 1/11/18 | Admitted |
| Exhibit #37 | Groundwater Monitoring Report 2022 | Admitted |
| Exhibit #38 | Groundwater Monitoring Report 2023 | Admitted |
| Exhibit #39 | Groundwater Monitoring Report 2024 | Admitted |
| Exhibit #40 | Groundwater Monitoring Report 2025 | Admitted |
| Exhibit #41 | Groundwater Monitoring Report for Federal Regulations 2025 | Admitted |
| Exhibit #42 | USEPA Violation Notice 11/28/22 | Admitted |
| Exhibit #43 | USEPA Violation Notice 10/4/23 | Admitted |
| Exhibit #44 | USEPA Landfill Violation Notice | Admitted |
| Exhibit #45 | IEPA Violation Notice 2/20/14 | Admitted |
| Exhibit #46 | OBM Fact Sheet | Admitted |
| Exhibit #47 | CWLP Timeline re: CCR surface impoundments | Admitted |
| Exhibit #48 | CCR Rule Compliance Data | Admitted |
| Exhibit #49 | IL CCR Rule Compliance Data | Admitted |
| Exhibit #50 | NPDES permit 2/25/26 | Admitted |
| Exhibit #51 | EPA FAQs re: Closure and post-closure care for CCRs | Admitted |
| Exhibit #52 | Response to Hutson report | Admitted |
| Exhibit D-1 | Excerpt from Exhibit 7 re: Closure construction permit application from Andrews Engineering to IEPA, dated 2/1/22 | Admitted |
| Exhibit D-2 | Excerpt from Exhibit 6 re: Andrews Engineering response to Agency comments, dated 9/9/24 | Admitted |
| Exhibit D-3 | Excerpt from Exhibit 3 re: CWLP's revised closure and post closure plan for CCR surface impoundments, dated 9/23/25 | Admitted |
| Exhibit D-4 | Complainant's second amended demonstratives dated 5/4/26 | Admitted |
| Exhibit D-5 | Excerpt from Exhibit 10: Operating permit application from Andrews Engineering to IEPA, dated 10/28/21 | Admitted |
| Exhibit D-6 | Earthjustice Coal Ash Primer | Admitted |
| Exhibit D-7 | Withdrawn as Demonstrative Exhibit, Re-introduced as Evidentiary Exhibit #29 | Withdrawn |
| Exhibit D-8 | Luminant Compliance Page | Admitted |
| Exhibit D-9 | Google Earth aerial view around CWLP (includes highway) | Admitted |
| Exhibit D-10 | Google Earth aerial view around CWLP (zoomed in version) | Admitted |

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| Exhibit D-11 | CWLP website information on Lake Activities | Admitted |
| Exhibit D-12 | Topographic map in Exhibit 6 | Admitted |
| Exhibit D-13 | Conceptual model in Exhibit 7 | Admitted |
| Exhibit D-14 | The following pages from Exhibit 6: PDFs 1-56 and 2196 | Admitted |
| Exhibit D-15 | The following pages from Exhibit 7: PDFs 1, 718-756 and 808 | Admitted |

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed, on October 15, 2026, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on October 15, 2026:

Don Brown
Illinois Pollution Control Board J
60 Van Buren St., Ste. 630
Chicago, Illinois 60605

Carol Webb

Carol Webb
Hearing Officer
Illinois Pollution Control Board
2025 W. Iles Ave.
Springfield, Illinois 62704
217/524-8509
Carol.Webb@illinois.gov

@ Consents to electronic service

SERVICE LIST

PCB 2018-011@
Deborah Williams
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