

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
COAL COMBUSTION WASTE (CCW))
SURFACE IMPOUNDMENTS AT) R14-10
POWER GENERATING FACILITIES:) (Rulemaking-Water)
PROPOSED NEW 35 ILL. ADM. CODE)
841)

NOTICE OF FILING

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have electronically filed this 29th day of April, 2019, with the Clerk of the Illinois Pollution Control Board the Response of the Illinois Attorney General's Office to March 28, 2019 Order of the Board, in the above referenced matter via the "COOL" System a copy of which is hereby served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL, Attorney
General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

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Dated: April 29, 2019

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CERTIFICATE OF SERVICE

I, STEPHEN J. SYLVESTER, a Senior Assistant Attorney General, in this case, do certify that I caused to be served this 29th day of April, 2019, the foregoing Response of the Illinois Attorney General's Office to the March 28, 2019 Board Order and Notice of Filing to the individuals listed in the attached Service List by either sending an email with return receipt or by placing said document into envelope with correct postage and placing it with the U.S. Postal Service at 100 W. Randolph Street, Chicago, Illinois 60602 prior to the 5:00 p.m.

/s/ Stephen J. Sylvester
STEPHEN J. SYLVESTER

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	)	R14-10
COAL COMBUSTION WASTE (CCW)	)	(Rulemaking—Water)
SURFACE IMPOUNDMENTS AT	)	
POWER GENERATING FACILITIES:	)	
PROPOSED 35 ILL. ADM CODE 841	)	

RESPONSE OF THE ILLINOIS ATTORNEY GENERAL’S OFFICE
TO MARCH 28, 2019 ORDER OF THE BOARD

Pursuant to the Board’s Order of March 28, 2019, the Illinois Attorney General’s Office, on behalf of the People of the State of Illinois (the “People”), hereby submits its response to the Board’s Order directing Illinois EPA to show cause why this rulemaking proceeding should not be dismissed.

The People agree with Illinois EPA’s position in its Response filed April 24, 2019 that this proceeding should remain open until at least July 1, 2019. This will allow time to see if the General Assembly enacts legislation concerning coal combustion residuals (or “coal ash”). Currently proposed legislation, specifically the Coal Ash Cleanup and Storage Act, S.B. 0009, could if enacted provide further direction to Illinois EPA and the Board on creating Illinois rules to regulate coal ash impoundments. If no legislation is enacted, though, the statewide problem of under-regulated coal ash impoundments contaminating groundwater across the State will remain, and this proceeding should remain as a viable forum for promulgating effective regulations.

For the reasons stated above, the People respectfully request that the Board allow this proceeding to remain open until at least July 1, 2019.

Dated: April 29, 2019

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL,
Attorney General of the State of Illinois,

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

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