BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:	)	
	)	R 2020-019
STANDARDS FOR THE DISPOSAL OF COAL	)	
COMBUSTION RESIDUALS IN SURFACE	)	(Rulemaking – Water)
IMPOUNDMENTS: PROPOSED NEW 35 ILL.	)	
CODE 845	)	

NOTICE OF FILING

To: Service List

PLEASE TAKE NOTICE that I have today electronically filed, with the Office of the Clerk of the Pollution Control Board, AmerenEnergy Medina Valley Cogen, LLC and Union Electric Company, d/b/a Ameren Missouri's Pre-Hearing Comment, copies of which are herewith served upon you.

Dated: August 10, 2020

Respectfully submitted,
AmerenEnergy Medina Valley Cogen, LLC and Union Electric Company, d/b/a Ameren Missouri.

By /s/Claire A. Manning

BROWN, HAY & STEPHENS, LLP
Claire A. Manning
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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing, AmerenEnergy and Union Electric Company, d/b/a Ameren Missouri's Pre-Hearing Comment, were electronically filed on August 10, 2020 with the following:

Don Brown, Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601
Don.Brown@illinois.gov

and that copies were sent via email on August 10, 2020, to the parties on the service list.

Dated: August 10, 2020

Respectfully submitted,
AmerenEnergy Medina Valley Cogen, LLC and Union Electric Company, d/b/a Ameren Missouri.

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:	)	
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STANDARDS FOR THE DISPOSAL OF COAL	)	R 2020-019
COMBUSTION RESIDUALS IN SURFACE	)	(Rulemaking – Water)
IMPOUNDMENTS: PROPOSED NEW 35 ILL.	)	
CODE 845	)	

AMEREN'S PRE-HEARING COMMENT

NOW COMES AmerenEnergy Medina Valley Cogen, LLC and Union Electric Company, d/b/a Ameren Missouri (collectively, "Ameren"), by their attorneys Claire A. Manning and Anthony D. Schuering of BROWN, HAY & STEPHENS, LLP, and for their Pre-Hearing Comment, state as follows:

1. On August 10, 2020, the Illinois Attorney General's Office filed a pre-hearing comment (the "OAG Pre-Hearing Comment") which referenced Ameren's Complaint against the Illinois Environmental Protection Agency (the "IEPA") that is currently pending in State circuit court. The OAG Pre-Hearing Comment asserts that, since this is a rulemaking of general applicability, the scope of potential questions should be limited to those which the Attorney General's Office deems are designed "for the participants to seek to understand the intended legal operation of the proposed rules." OAG Pre-Hearing Comment, p. 2.

2. While Ameren agrees this is a rulemaking of general applicability, the crux of this rulemaking involves terms which define the universe of former ash ponds that may qualify as "CCR surface impoundments" as defined in Section 3.143 of the Act and, of those that qualify as CCR surface impoundments, which are "closed" for purposes of Section 22.59 of the Act.

3. In its First Supplemental Response to its Pre-Filed Questions, the Agency identifies 73 "water treatment units" as "CCR surface impoundments". *See* IEPA's 1st Supp.

Resp. Pre-Filed Answers, pp. 6–7. As a result, the Board's authority and responsibility to fully explore and understand the scope of its rule of general applicability and its effect on the appropriate regulated universe cannot be hamstrung by the Agency's decision to unilaterally apply Section 22.59(j) of the Act without consideration of the Board's authority to define terms used by the legislature that underlie Board rules. The fact that the Agency made "final determinations" related to fee disputes in advance of, and without regard to, the Board's province of determining in its regulations the definitional scope of the enabling legislation from which it draws its regulations, does not change the Board's responsibility.

4. Further, and in the interest of completeness, the Board should be provided the opportunity to apprise itself of all matters which the Attorney General's Office references so that the Board can deliberate and act with the benefit of all relevant facts.

5. Since the only specific matter referenced in the OAG Pre-Hearing Comment which was not a Board proceeding is Ameren's Complaint against the IEPA, the Board should be able to apprise itself of that matter, as well.

6. Therefore, attached hereto and incorporated herein by reference as Exhibit "A" is a true and correct copy of Ameren's Complaint, filed July 27, 2020 in the Circuit Court of the Seventh Judicial Circuit, Sangamon County, Illinois.

Dated: August 10, 2020

Respectfully submitted,
AmerenEnergy Medina Valley Cogen, LLC and Union Electric Company, d/b/a Ameren Missouri.

By /s/Claire A. Manning

BROWN, HAY & STEPHENS, LLP
Claire A. Manning
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EXHIBIT A

Complaint in *AmerenEnergy Medina Valley Cogen, LLC, et. al. v. Illinois Environmental Protection Agency, et. al.*, No. 2020-MR-615 (7th Jud. Cir. July 27, 2020).

EFILED
8/10/2020 5:05 PM
Paul Palazzolo
7th Judicial Circuit
Sangamon County, IL

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT SANGAMON COUNTY, ILLINOIS

AMERENENERGY MEDINA VALLEY COGEN, LLC, an Illinois Limited Liability Company and UNION ELECTRIC COMPANY D/B/A AMEREN MISSOURI, a Missouri Corporation.	)	
Plaintiffs/Petitioners,	)	
v.	)	Case No.: 2020MR000615
THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, JOHN J. KIM, Director of the Illinois Environmental Protection Agency, WILLIAM E. BUSCHER, P.G., Manager of the Hydrogeology and Compliance Unit in the Illinois Environmental Protection Agency's Bureau of Water, Division of Public Water Supplies, each in an Official Capacity,	)	
Defendants/Respondents.	)	

VERIFIED COMPLAINT FOR DECLARATORY RELIEF AND PETITION FOR WRIT OF CERTIORARI

NOW COMES Plaintiffs/Petitioners, AMERENENERGY MEDINA VALLEY COGEN, LLC, an Illinois Limited Liability Company and UNION ELECTRIC COMPANY D/B/A AMEREN MISSOURI, a Missouri Company authorized to do business in Illinois (collectively "Plaintiffs"), by and through their attorneys, BROWN, HAY & STEPHENS, LLP, and as and for their Complaint for Declaratory Relief and Petition for Writ of Certiorari against Defendants, THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, JOHN J. KIM, Director of the Illinois Environmental Protection Agency, and WILLIAM E. BUSCHER, Manager of the Hydrogeology and Compliance Unit in the Illinois Environmental Protection Agency's Bureau of Water, Division of Public Water Supplies, each in an official capacity, hereby states and alleges as follows:

NATURE OF THE DISPUTE

1. The Illinois Environmental Protection Agency ("IEPA") demands fees pursuant to (a) an unlawful, unauthorized and *ultra vires* application of new provisions of the Illinois Environmental Protection Act ("Act") that define and regulate clean coal residual ("CCR")[1] surface impoundments to former ash ponds that no longer contain CCR,[2] (b) the IEPA's unilateral creation of a fee procedure that claimed to address objections without developing those procedures via regulation, as required by the Illinois Administrative Procedures Act ("APA"), 5 ILCS 100/1-1, *et. seq.*, and (c) a "final determination" the IEPA claimed to have made as a result of this unauthorized procedure that wholly fails to address the arguments made by Ameren Energy and constitutes an arbitrary, unreasonable and erroneous agency decision, which is not subject to the appeal provisions of the Act or the APA.

PARTIES

2. Plaintiff, AMERENENERGY MEDINA VALLEY COGEN, LLC ("Medina Valley") is an Illinois Limited Liability Company with its principal office is located at 1901 Chouteau Avenue, St. Louis, Missouri 63103. Medina Valley owns property in Illinois previously used to generate electricity, including coal-fired electric generating units formerly located near Hutsonville and Meredosia, Illinois.

3. Plaintiff, UNION ELECTRIC COMPANY is a Missouri Company authorized to do business in Illinois and does business as Ameren Missouri ("Ameren Missouri"). Its principal

[1] The term "CCR" was added to the Act pursuant to P.A. 101-0171, and is defined to mean "fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers." Ex. 8, p. 2; 415 ILCS 5/3.142. Throughout the Complaint, the terms "CCR", "coal ash byproduct", "byproduct", and related terms, are used interchangeably. Each term refers to the same thing—the ash and other residuals which remain after the generation of electricity via coal combustion.

[2] The term "CCR surface impoundment" was added to mean "a natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of CCR and liquids, and the unit treats, stores, or disposes of CCR." Ex. 8, p. 2; 415 ILCS 5/3.143.

office is located at 1901 Chouteau Avenue, St. Louis, Missouri 63103. Ameren Missouri owns property in Illinois previously used to generate electricity, including coal-fired electric generating units formerly located in Venice, Illinois.

4. Both Medina Valley and Ameren Missouri are subsidiaries of Ameren Corporation, a publicly traded company which owns regulated utility companies that provide electricity and/or natural gas to millions of customers throughout its service territories.

5. Defendant THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("IEPA") is an Agency of the State of Illinois established pursuant to Section 4(a) of the Illinois Environmental Protection Act (the "Act"), 415 ILCS 5/4(a). Its principal place of business is located at 1021 North Grand Avenue East, Springfield, Illinois 62794.

6. Defendant JOHN J. KIM is the Director of the IEPA and is responsible for the supervision and direction of the IEPA pursuant to Section 4(a) of the Act. 415 ILCS 5/4(a). Defendant Kim is sued in his official capacity only, and upon information and belief, is a resident of Sangamon County, Illinois.

7. Defendant WILLIAM E. BUSCHER is a Manager of the IEPA's Bureau of Water, Division of Public Water Supplies. Defendant Buscher is sued in his official capacity only, and upon information and belief, is a resident of Sangamon County, Illinois.

VENUE

8. Venue is appropriate in Sangamon County pursuant to 735 ILCS 5/2-103(a) because the IEPA's principal office is located in Sangamon County, Illinois.

9. Alternatively and/or additionally, venue is appropriate in Sangamon County pursuant to 735 ILCS 5/2-103(a) because the transaction which Plaintiffs' cause of action arose, or some part thereof, occurred in Sangamon County, Illinois.

10. Alternatively and/or additionally, venue is appropriate in Sangamon County pursuant to 735 ILCS 5/2-101 because the transaction which Plaintiffs' cause of action arose, or some part thereof, occurred in Sangamon County, Illinois.

FACTUAL ASSERTIONS

11. At all times relevant to this Complaint, Medina Valley was the record owner of the real property formerly used for an electric generation station at Hutsonville, Illinois ("Hutsonville").

12. At all times relevant to this Complaint, Medina Valley was the record owner of the real property formerly used for an electric generation station near Meredosia, Illinois ("Meredosia").

13. At all times relevant to this Complaint, Ameren Missouri was the record owner of the real property formerly used for an electric generation station near Venice, Illinois ("Venice").

14. At Hutsonville, Meredosia, and Venice, as with other coal-fired power plants, the burning of coal to generate electricity produced coal ash byproduct, which in turn meant that the sites needed places to store or dispose of said ash byproduct. The byproduct was stored in what were referred to as "ash ponds"—depressions in the land that are regulated as water treatment facilities used for the management of coal ash byproducts.

15. Several years ago, Ameren made a business decision to transition away from generating electricity in Illinois. Accordingly, Ameren and its affiliated entities took steps to idle or close the power stations at each of the sites and, additionally, closed each of the ash ponds that were located at these sites.

16. There were a total of five (5) ash ponds on site at Hutsonville: Ponds A, B, C, D, and the Bottom Ash Pond. As part of the Hutsonville closure, Medina Valley determined to "clean-close" three of those ash ponds—Ponds B, C, and the Bottom Ash Pond. Clean closing an ash

pond involves removing all the ash byproduct that has accumulated within the pond such that the pond no longer contains any ash byproduct.

17. At its peak, there were a total of three (3) ash ponds on site at Meredosia: The Bottom Ash Pond, the Fly Ash Pond, and the Old Ash Pond. The Old Ash Pond was closed in the early 1970s, prior to any regulatory structure being adopted by the Illinois Pollution Control Board to regulate the closure of ash ponds. The Bottom Ash Pond was closed via clean-closure.

18. As part of the closure process, Plaintiffs cooperated extensively with the IEPA to gain IEPA's approval to close the various ash ponds at these sites.

Hutsonville

19. On or about February 26, 2015, Ameren, on behalf of Medina Valley, submitted a Closure Plan to the IEPA (the "Hutsonville Ponds Closure Plan") which detailed Medina Valley's plans for closing multiple ash ponds at Hutsonville. A true and correct copy of the Hutsonville Ponds Closure Plan, excluding those appendices and exhibits referenced in footnote 3, is attached hereto and incorporated herein as Exhibit 1.[3] In the Hutsonville Ponds Closure Plan, Medina Valley explained that it would clean-close Pond B, Pond C, and the Bottom Ash Pond. Ex. 1, p. 20, §§ 4.2–4.3.

20. The Hutsonville Ponds Closure Plan detailed that all CCR removed from Pond B, Pond C, and the Bottom Ash Pond would be relocated to Pond A. *Id.*

[3] The original Hutsonville Ponds Closure Plan included over 650 additional pages of technical tables and appendices. Plaintiffs' review of those exhibits determined that they were not pertinent to the Court's review of Plaintiffs' claim, so in the interest of economy, those additional pages were not included along with this exhibit. Should the Court believe that its adjudication of this action is in any way hampered by Plaintiffs exclusion of these pages, Plaintiffs will supplement their exhibit with the excluded pages.

21. On or about April 8, 2015, Buscher, on behalf of the IEPA, approved the Hutsonville Ponds Closure Plan via letter. A true and correct copy of Buscher's approval letter is attached hereto and incorporated herein as Exhibit 2.

22. On or about November 21, 2016, Ameren submitted to the IEPA a Construction Quality Assurance Report (the "Hutsonville Ponds CQA"), a true and correct copy of which, excluding those appendices and exhibits referenced in footnote 4, is attached hereto and incorporated herein as Exhibit 3.[4]

23. The Hutsonville Ponds CQA explained that, by September 24, 2015, all CCR was removed from Ponds B, C, and the Bottom Ash Pond, and was placed in Pond A. Ex. 3, p. 6, § 2.1.

24. On or about March 30, 2017, Buscher, on behalf of the IEPA, approved the Hutsonville Ponds CQA via letter. A true and correct copy of Buscher's approval letter is attached hereto and incorporated herein as Exhibit 4.

Meredosia

25. On or about December 9, 2016, Ameren, on behalf of Medina Valley, submitted a Closure Plan for the Fly Ash Pond and Bottom Ash Pond at Meredosia (the "Meredosia Closure Plan"), a true and correct copy of which, excluding those appendices and exhibits referenced in footnote 5, is attached hereto and incorporated herein as Exhibit 5.[5]

[4] The original Hutsonville Ponds CQA included approximately 945 additional pages of technical tables and appendices. Plaintiffs' review of those exhibits determined that they were not pertinent to the Court's review of Plaintiffs' claim, so in the interest of economy, those additional pages were not included along with this exhibit. Should the Court believe that its adjudication of this action is in any way hampered by Plaintiffs exclusion of these pages, Plaintiffs will supplement their exhibit with the excluded pages.

[5] The original Meredosia Closure Plan included over 580 additional pages of technical tables and appendices. Plaintiffs' review of those exhibits determined that they were not pertinent to the Court's review of Plaintiffs' claim, so in the interest of economy, those additional pages were not included along with this exhibit. Should the Court believe that its adjudication of this action is in any way hampered by Plaintiffs exclusion of these pages, Plaintiffs will supplement their exhibit with the excluded pages.

26. On or about March 8, 2017, Buscher, on behalf of the IEPA, approved the Meredosia Closure Plan via letter. A true and correct copy of Buscher's approval letter is attached hereto and incorporated herein as Exhibit 6.

27. On or about January 31, 2019, Ameren, on behalf of Medina Valley, submitted to the IEPA a Construction Quality Assurance Report (the "Meredosia CQA"), a true and correct copy of which, excluding those appendices and exhibits referenced in footnote 6, is attached hereto and incorporated herein as Exhibit 7.[6]

28. The Meredosia CQA explains that CCR was removed from the Bottom Ash Pond "to facilitate clean closure of these areas[,]" and that clean closure was completed on the Bottom Ash Pond on May 23, 2018. Ex. 7, p. 6.

The CCR Law and IEPA's Demand

29. In 2019, the Illinois General Assembly passed Senate Bill 9, which became Public Act 101-0171 (the "CCR Law") after Governor Pritzker signed it into law on July 30, 2019. *See* Illinois General Assembly, *Bill Status of SB0009, available at* https://perma.cc/WRU4-U2EF. A true and correct copy of the CCR Law, as enrolled, is attached hereto and incorporated herein as Exhibit 8.

30. The CCR Law amended multiple provisions of the Act, including:

a. Adding the term "CCR" to the Act to mean "fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers." Ex. 8, p. 2;

[6] The original Meredosia CQA included 3 additional pages of technical tables and appendices. Plaintiffs' review of those exhibits determined that they were not pertinent to the Court's review of Plaintiffs' claim, so in the interest of economy, those additional pages were not included along with this exhibit. Should the Court believe that its adjudication of this action is in any way hampered by Plaintiffs exclusion of these pages, Plaintiffs will supplement their exhibit with the excluded pages.

415 ILCS 5/3.142. Effectively, CCR refers to the material that was called "fly ash" or "ash byproduct" prior to the CCR Law.

b. Adding the term "CCR surface impoundment" to mean "a natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of CCR and liquids, **and the unit treats, stores, or disposes of CCR.**" Ex. 8, p. 2; 415 ILCS 5/3.143 (emphasis added); and,

c. Adding Section 22.59 to the Act, which provides for a set of regulations to be promulgated by the Illinois Pollution Control Board and applied for the purpose of regulating, operating, and closing surface impoundments. *See* Ex. 8, pp. 20–28; 415 ILCS 5/22.59.

31. As amended by the CCR Law, Section 22.59(j)(1) of the Act provides for two tiers of fees to be assessed to "owners and operators" of "CCR surface impoundments"—initially $50,000 if the surface impoundment had been closed, and $75,000 if the surface impoundment had not yet been closed. Ex. 8, p. 27; 415 ILCS 5/22.59(j)(1).

32. Similarly, Section 22.59(j)(2) requires that the "owners and operators" of "CCR surface impoundments" pay either $15,000 or $25,000 annually to the IEPA beginning on July 1, 2020. The $15,000 fee is assessed for surface impoundments which has completed closure, but has not completed post-closure care, and the $25,000 fee is assessed for surface impoundments which have not completed closure. Ex. 8, p. 27; 415 ILCS 5/22.59(j)(2).

33. On or about December 16, 2019, the IEPA sent a series of invoices to Ameren-affiliated entities assessing a total of $600,000 in fees pursuant to 415 ILCS 5/22.59(j)(1). Of that $600,000:

a. $75,000 was assessed against Medina Valley for Hutsonville Pond B, which was previously clean-closed. A true and correct copy of this invoice is attached hereto and incorporated herein as Exhibit 9.

b. $75,000 was assessed against Medina Valley for Hutsonville Pond C, which was previously clean-closed. Ex. 9.

c. $75,000 was assessed against Medina Valley for Hutsonville Bottom Ash Pond, which was previously clean-closed. Ex. 9.

d. $75,000 was assessed against Medina Valley for the Old Ash Pond at Meredosia, which was closed before any Board regulations existed regarding the closure of old ash ponds. A true and correct copy of this invoice is attached hereto and incorporated herein as Exhibit 10.

e. An additional $50,000 was assessed against Medina Valley for the Bottom Ash Pond at Meredosia, Ex. 10, which was clean-closed prior to the passage of the CCR Law.

34. Assessment of fees pursuant to Section 22.59(j) of the Act is only applicable to CCR surface impoundments, as that term is defined at Section 3.143. *See* 415 ILCS 5/22.59(j) (explaining that fees are assessed against "owners and operators" of "CCR surface impoundments.").

35. An assessment of a $50,000 fee is only appropriate under Section 22.59(j)(1) of the Act for CCR surface impoundments that have completed closure. 415 ILCS 5/22.59(j)(1).

36. An assessment of a $75,000 fee is only appropriate under Section 22.59(j)(1) of the Act for CCR surface impoundments that have not completed closure. 415 ILCS 5/22.59(j)(1).

37. On or about January 31, 2020, Ameren Energy sent to letter to IEPA Director Kim (the "Ameren January Letter"), explaining that IEPA was improperly assessing fees as to various former ash ponds that had achieved closure pursuant to IEPA oversight and approval prior to the effective date of the CCR Law, including but not limited to Ponds B, C, and the Bottom Ash Pond at Hutsonville. A true and correct copy of the Ameren January Letter is attached hereto and incorporated herein as Exhibit 11.

38. In conjunction with the Ameren January Letter, entities affiliated with Ameren paid $250,000 to the IEPA in order to satisfy the amounts which those entities thought may have been correctly assessed against certain existing ash ponds which were thus subject to regulation under the CCR Law.

39. On or about March 25, 2020, Buscher, on behalf of the IEPA, sent a letter (the "IEPA March Letter") in response to the Ameren January Letter in which IEPA provided what it deemed a "preliminary analysis" that both detailed the removal of coal ash from Hutsonville's Ponds B, C, and the Bottom Ash Pond, and summarily concluded that these former ash ponds—which had been closed and no longer contain CCR—were appropriately charged fees pursuant to 415 ILCS 5/22.59(j)(1). A true and correct copy of the IEPA March Letter is attached hereto and incorporated herein as Exhibit 12.

40. The IEPA March Letter provides no legal basis or analysis to refute Ameren's assertion that its ash ponds did not qualify as CCR surface impoundments. *See Id.*

41. On or about May 13, 2020, after a series of meetings between IEPA staff and Ameren representatives, Ameren sent a more detailed letter to Director Kim (the "Ameren May Letter") which asserted, *inter alia*, that several of the ash ponds which the IEPA was assessing fees against pursuant to 415 ILCS 5/22.59(j) did not qualify as "CCR surface impoundments"

under Section 3.143 of the Act because, prior to the applicable date of the CCR Law, those ash ponds had been clean-closed and, accordingly, no longer treat, store, or dispose of CCR. A true and correct copy of the Ameren May Letter is attached hereto and incorporated herein as Exhibit 13.

42. The Ameren May Letter concludes by asserting that Ameren owes no further fees to the IEPA, and that the correct amount which Ameren-related entities owe to the IEPA pursuant to Section 22.59(j) is $200,000, not the $600,000 originally assessed by the IEPA. *Id.* at pp. 5–6.

43. On or about May 15, 2020, the IEPA sent a series of invoices to Ameren-affiliated entities assessing a total of $190,000 in annual fees pursuant to 415 ILCS 5/22.59(j)(1). Of that $190,000:

a. $25,000 was assessed against Medina Valley for Hutsonville Pond B, which was previously clean-closed. A true and correct copy of this invoice is attached hereto and incorporated herein as Exhibit 14.

b. $25,000 was assessed against Medina Valley for Hutsonville Pond C, which was previously clean-closed. Ex. 14.

c. $25,000 was assessed against Medina Valley for Hutsonville Bottom Ash Pond, which was previously clean-closed. Ex. 14.

d. $25,000 was assessed against Medina Valley for the Old Ash Pond at Meredosia, which was closed before any Board regulations existed regarding the closure of old ash ponds. A true and correct copy of this invoice is attached hereto and incorporated herein as Exhibit 15.

e. An additional $15,000 was assessed against Medina Valley for the Bottom Ash Pond at Meredosia, Ex. 15, which was clean-closed prior to the passage of the CCR Law.

44. Assessment of fees pursuant to Section 22.59(j) of the Act is only applicable to CCR surface impoundments, as that term is defined at Section 3.143. *See* 415 ILCS 5/22.59(j) (explaining that fees are assessed against "owners and operators" of "CCR surface impoundments.").

45. Under Section 22.59(j)(2) of the Act, an annual fee of $15,000 is only applicable to CCR surface impoundments which have completed closure.

46. Under Section 22.59(j)(2) of the Act, an annual fee of $25,000 is only applicable to CCR surface impoundments which have not completed closure.

47. By virtue of the IEPA's continued request for fees which are predicated on Section 22.59(j), the IEPA is concluding that an ash pond—which as of the effective date of the CCR Law does not treat, store, or dispose of CCR—nonetheless qualifies as a CCR surface impoundment.

48. Additionally, by virtue of the IEPA's continued requests for fees assessed against Medina Valley ash ponds, which closed with IEPA approval prior to the CCR Law becoming effective (and which are predicated on the highest-tier fee provisions of Section 22.59(j)), the IEPA is concluding that such ash ponds are not entitled to be treated as closed.

49. On or about June 12, 2020 Buscher sent a letter to Ameren titled "Final Determination – Ameren Energy Generating Company Hutsonville Station and Meredosia Station" (the "Final Determination Letter"). A true and correct copy of the Final Determination Letter is attached hereto and incorporated herein as Exhibit 16.

50. The Final Determination Letter provides no legal or factual analysis, and wholly fails to address the arguments made by Ameren in the Ameren May Letter. Instead, the Final Determination Letter simply reasserts the IEPA's demand for fees, summarily stating that the IEPA "determined" that the ash ponds listed in the letter "are CCR surface impoundments as defined" in Section 3.143 of the Act "and are therefore, subject to fees pursuant to Section 22.59(j) of the Act[.]" Ex. 16, p. 1.

51. Hutsonville Pond B, Pond C, and the Bottom Ash Pond are each listed in the Final Determination Letter, along with a demand for $75,000 for each ash pond pursuant to 415 ILCS 5/22.59(j)(1). Ex. 16, p. 1.

52. The Old Ash Pond and Bottom Ash Pond at Meredosia are each listed in the Final Determination Letter, along with a demand for $50,000 for the Bottom Ash Pond and $75,000 for the Old Ash Pond. Ex. 16, p. 1.

COUNT I:
DECLARATORY JUDGMENT ACTION CONCERNING IEPA'S ULTRA VIRES APPLICATION OF THE ACT TO CLEAN-CLOSED PONDS

53. Plaintiffs re-allege and incorporate all preceding paragraphs by reference thereto as if fully set forth herein.

54. Section 3.143 of the Act, as added by the CCR Law, defines CCR surface impoundment to be "a natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of CCR and liquids, and the unit treats, stores, or disposes of CCR." 415 ILCS 5/3.143.

55. Section 22.59(j) of the Act, as added by the CCR Law, requires "owners and operators" of "CCR surface impoundments" to pay fees on an ongoing basis to the IEPA. 415 ILCS 5/22.59(j).

56. The IEPA has demanded payment of fees from Ameren entities pursuant to Section 22.59(j) of the Act by characterizing Hutsonville Pond B, Pond C, and Bottom Ash Pond, as CCR surface impoundments. Exs. 9, 12, 14, 16.

57. The IEPA has demanded payment of fees from Ameren entities pursuant to Section 22.59(j) of the Act by characterizing the Meredosia Bottom Ash Pond as a CCR surface impoundment. Exs. 10, 12, 15, 16.

58. As of the effective date of the CCR Law, Hutsonville Pond B was not a "natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of CCR and liquids[.]" As a result, it does not qualify as a CCR surface impoundment under Section 3.143 of the Act.

59. As of the effective date of the CCR Law, Hutsonville Pond C was not a "natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of CCR and liquids[.]" As a result, it does not qualify as a CCR surface impoundment under Section 3.143 of the Act.

60. As of the effective date of the CCR Law, the Hutsonville Bottom Ash Pond was not a "natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of CCR and liquids[.]" As a result, it does not qualify as a CCR surface impoundment under Section 3.143 of the Act.

61. As of the effective date of the CCR Law, the Meredosia Bottom Ash Pond was not a "natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of CCR and liquids[.]" As a result, it does not qualify as a CCR surface impoundment under Section 3.143 of the Act.

62. Hutsonville Pond B did not store, treat, or dispose of CCR as of the effective date of the CCR Law. As a result, it does not qualify as a CCR surface impoundment under Section 3.143 of the Act.

63. Hutsonville Pond C did not store, treat, or dispose of CCR as of the effective date of the CCR Law. As a result, it does not qualify as a CCR surface impoundment under Section 3.143 of the Act.

64. Hutsonville Bottom Ash Pond did not store, treat, or dispose of CCR as of the effective date of the CCR Law. As a result, it does not qualify as a CCR surface impoundment under Section 3.143 of the Act.

65. The Meredosia Bottom Ash Pond did not store, treat, or dispose of CCR as of the effective date of the CCR Law. As a result, it does not qualify as a CCR surface impoundment under Section 3.143 of the Act.

66. The IEPA's assessment of fees as to Hutsonville Pond B, C, and Bottom Ash Pond is contrary to law.

67. The IEPA's assessment of fees as to the Meredosia Bottom Ash Pond is contrary to law.

68. An actual controversy exists between Plaintiffs and Defendants which arises from Defendant's *ultra vires* and unauthorized application of the Act to Plaintiffs.

69. By the terms of Section 2-701 of the Illinois Code of Civil Procedure, 735 ILCS 5/2-701, this Court is vested with the power and responsibility to make a binding declaration of rights pertaining to the construction of the Act and its applicability to the Plaintiffs.

CONCLUSION

WHEREFORE, for the foregoing reasons, the Plaintiffs pray that this Court enter judgment in favor of Medina Valley and against Defendants as follows:

A. As to Hutsonville Pond B:

1. Declare that Hutsonville Pond B does not qualify as a CCR Surface Impoundment under Section 3.143 of the Act;

2. Declare that IEPA's assessment of $75,000 in fees pursuant to 415 ILCS 5/22.59(j)(1) related to Hutsonville Pond B is incorrect as a matter of law, and that neither Medina Valley, nor any other entity affiliated with Ameren, is obligated to pay the same;

3. Declare that IEPA's assessment of $25,000 in annual fees pursuant to 415 ILCS 5/22.59(j)(2) related to Hutsonville Pond B is incorrect as a matter of law, and that neither Medina Valley, nor any other entity affiliated with Ameren, is obligated to pay the same;

B. As to Hutsonville Pond C:

1. Declare that Hutsonville Pond C does not qualify as a CCR Surface Impoundment under Section 3.143 of the Act;

2. Declare that IEPA's assessment of $75,000 in fees pursuant to 415 ILCS 5/22.59(j)(1) related to Hutsonville Pond C is incorrect as a matter of law, and that neither Medina Valley, nor any other entity affiliated with Ameren, is obligated to pay the same;

3. Declare that IEPA's assessment of $25,000 in annual fees pursuant to 415 ILCS 5/22.59(j)(2) related to Hutsonville Pond C is incorrect as a matter of law, and that neither Medina Valley, nor any other entity affiliated with Ameren, is obligated to pay the same;

C. As to the Bottom Ash Pond at Hutsonville:

1. Declare that the Bottom Ash Pond at Hutsonville does not qualify as a CCR Surface Impoundment under Section 3.143 of the Act;

2. Declare that IEPA's assessment of $75,000 in annual fees pursuant to 415 ILCS 5/22.59(j)(1) related to the Bottom Ash Pond at Hutsonville is incorrect as a matter of law, and that neither Medina Valley, nor any other entity affiliated with Ameren, is obligated to pay the same;

3. Declare that IEPA's assessment of $25,000 in fees pursuant to 415 ILCS 5/22.59(j)(2) related to the Bottom Ash Pond at Hutsonville is incorrect as a matter of law, and that neither Medina Valley, nor any other entity affiliated with Ameren, is obligated to pay the same;

D. As to the Bottom Ash Pond at Meredosia:

1. Declare that the Bottom Ash Pond at Meredosia does not qualify as a CCR Surface Impoundment under Section 3.143 of the Act;

2. Declare that IEPA's assessment of $50,000 in annual fees pursuant to 415 ILCS 5/22.59(j)(1) related to the Bottom Ash Pond at Meredosia is incorrect as a matter of law, and that neither Medina Valley, nor any other entity affiliated with Ameren, is obligated to pay the same;

3. Declare that IEPA's assessment of $15,000 in fees pursuant to 415 ILCS 5/22.59(j)(2) related to the Bottom Ash Pond at Meredosia is incorrect as a matter of law, and that neither Medina Valley, nor any other entity affiliated with Ameren, is obligated to pay the same; and,

E. Such other and further relief as this Court deems right and just.

COUNT II: ILLINOIS ADMINISTRATIVE PROCEDURES ACT VIOLATION

70. Plaintiffs re-allege and incorporate all preceding paragraphs by reference thereto as if fully set forth herein.

71. At all times relevant to this Complaint, the APA has applied to the IEPA.

72. At all times relevant to this Complaint, the APA defined a rule as "each agency statement of general applicability that implements, applies, interprets, or prescribes law or policy . . .", subject to certain inapplicable exceptions. 5 ILCS 100/1-70.

73. A "rule", for the purposes of the APA, "encompasses any principle, procedure, or regulation governing an agency's conduct or action." *Citizens Org. Project v. Dep't of Nat. Res.*, 189 Ill. 2d 593, 597 (2000).

74. The IEPA has the authority under the Act to promulgate such regulations as are necessary when funds are "made available to the State" for, *inter alia*, "environmental protection activities[.]" 415 ILCS 5/4(k).

75. For other fees which are collected by the IEPA, the IEPA promulgates rigorous procedural regulations pursuant to the APA which explain how the fee is assessed, how those fees relate to other fees charged, how the fee must be paid, access to records of those fees, and others. Typically, those procedural regulations are either promulgated through the normal rulemaking process[7] or adopted as Emergency Rules.[8]

[7] *See, e.g.*, 35 Ill Adm. Code Part 320 ("Fees for Construction Permits Required Under Section 12(b) of the Illinois Environmental Protection Act") *and* 17 Ill. Reg. 11461 (eff. July 8, 1993) (Adopting Part 320); 35 Ill. Adm. Code Part 325 ("Permit Fees for National Pollutant Discharge Elimination System Permits . . . .") *and* 34 Ill. Reg. 10056 (eff. June 29, 2010) (Adopting Part 325); 35 Ill. Adm. Code Part 690 ("Permit Fees for Installing or Extending Water Main") *and* 14 Ill. Reg. 2070 (eff. Jan. 18, 1990) (Adopting Part 690); 35 Ill. Adm. Code Part 691 ("Testing Fees for Analytical Services") *and* 14 Ill. Reg. 2045 (eff. Jan. 18, 1990) (Adopting Part 691); 35 Ill. Adm. Code Part 857 ("Procedures for Payment of Special Waste Hauling Permit Application Fees") *and* 9 Ill. Reg. 13956 (eff. Sept. 2, 1985) (Adopting Part 857); 35 Ill. Adm. Code Part 1662 ("Right-to-Know Notice Costs") *and* 30 Ill. Reg. 17409 (eff. Oct. 23, 2006) (Adopting Part 1662)

[8] *See, e.g.*, 35 Ill. Adm. Code Part 858 ("Procedures for Operation of the Non-Hazardous Solid Waste Fee System") *and* 11 Ill. Reg. 1668 (eff. Jan. 1, 1987) (Adopting Part 858 as emergency rule), 11 Ill. Reg. 9605 (eff. May 15, 1987) (Adopting Part 858 as a permanent rule).

76. Here, the IEPA's failure to adopt reasonable regulatory procedures and its unilateral and arbitrary application of the fee provisions constitutes invalid rulemaking. The IEPA has failed to adopt procedures, pursuant to any provision of the APA, to determine when fees are required under Section 22.59(j). Furthermore, its application of Section 22.59(j)—which is intended for CCR surface impoundments—to closed ash ponds which do not meet the statutory definition of a CCR surface impoundment is both erroneous and invalid.

77. The IEPA's CCR fee determination process and Final Determination Letter with respect to the issues raised by Plaintiffs in its Ameren May Letter constitute a rule promulgated by the IEPA as to the definition and application of CCR surface impoundment under the Act and related fee provisions.

78. The IEPA's CCR fee determination process and Final Determination Letter was not promulgated in accordance with the provisions of the APA.

79. By virtue of the foregoing, the IEPA's fee determination process and Final Determination Letter with respect to the issues raised by Plaintiffs in its Ameren May Letter is an invalid rule because:

a. The fee determination process and Final Determination Letter was not promulgated in accordance with the APA and fails to provide due process;

b. The fee determination process and Final Determination Letter exceeds the IEPA's statutory authority, both to promulgate substantive rules which interpret the Act and to provide binding interpretations of the Act itself; and,

c. The fee determination process and Final Determination Letter is incorrect as a matter of law because it contradicts the express language of Section 3.143 of the Act.

CONCLUSION

WHEREFORE, for the foregoing reasons, the Plaintiffs pray that this Court enter judgment in their favor and against Defendants as follows:

A. Enter judgment in favor of Plaintiffs and against Defendants as to all Ameren ash ponds identified in the Final Determination Letter;

B. Pursuant to Section 10-55(c) of the Illinois Administrative Procedures Act, 5 ILCS 100/10-55(c), that the Court award to Plaintiffs the reasonable expenses of bringing this action, including attorneys' fees, together with reasonable pre and post-judgment interest on all sums due; and,

C. Such other and further relief as this Court deems right and just.

COUNT III: WRIT OF CERTIORARI

80. Plaintiffs re-allege and incorporate all preceding paragraphs by reference thereto as if fully set forth herein.

81. The IEPA's Final Determination Letter constitutes a final administrative decision for the purposes of judicial review.

82. The Act has not adopted the Administrative Review Law, 735 ILCS 5/3-101, *et. seq.*, for final administrative decisions like the one issued in the Final Determination Letter.

83. The Act's provisions related to appeal of certain IEPA decisions to the Illinois Pollution Control Board do not include fee determinations made by the IEPA.

84. The fee determination process and Final Determination Letter is wrong as a matter of law because it impermissibly expands the scope of Section 3.143 of the Act to include items which, by the express terms of Section 3.143's language, do not fall within the section's purview.

85. Alternatively and/or additionally, the fee determination process and Final Determination Letter is arbitrary and capricious because the IEPA did not articulate a factual or

legal basis in its Final Determination Letter to support its conclusion that the Plaintiffs owe the fees alleged in the Final Determination Letter. The Final Determination Letter also fails to respond to the objections made by Ameren on behalf of Plaintiffs in the Ameren May Letter.

CONCLUSION

WHEREFORE, for the foregoing reasons, the Plaintiffs pray that this Court enter judgment in their favor and against Defendants as follows:

A. Enter judgment in favor of Plaintiffs and against Defendants as to all Ameren ash ponds identified in the Final Determination Letter;

B. Issue a writ of certiorari directing the IEPA to withdraw, revoke, and/or disclaim the Final Determination Letter;

C. Award Plaintiffs their fees and costs to the maximum extent permitted by law; and,

D. Such other and further relief as this Court deems right and just.

Respectfully Submitted,
AMERENENERGY MEDINA VALLEY COGEN, LLC, and Union Electric Company, d/b/a Ameren Missouri, a Missouri Company authorized to do business in Illinois.

Dated: July 27, 2020 By: /s/ Claire A. Manning

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VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, Susan B Knowles, as Assistant General Counsel of AMERENENERGY MEDINA VALLEY COGEN, LLC and UNION ELECTRIC COMPANY D/B/A AMEREN MISSOURI hereby certifies that the statements set forth in the foregoing document are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she believes the same to be true.

Susan B Knowles (Jul 27, 2020 10:18 CDT)

Dated: July 24, 2020

CLOSURE PLAN:
ASH PONDS A, B, C & BOTTOM ASH POND
HUTSONVILLE POWER STATION
Project J04PT

AmerenEnergy Medina Valley Cogen, L.L.C.

Crawford County, Illinois

September 15, 2014 (Rev 0)

Revised February 23, 2015 (Rev 1)

Prepared by:

Hanson Professional Services

Dam Safety, Hydro & Civil Engineering
314.957.3202
3700 S. Lindbergh Blvd.
St. Louis, MO 63127

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CLOSURE PLAN:
ASH PONDS A, B, C & BOTTOM ASH POND
HUTSONVILLE POWER STATION
Project J04PT

Closure Plan

Appendix A – Hydrogeologic Site Investigation

Appendix B – Groundwater Monitoring Plan

Appendix C – Groundwater Model Report

Appendix D – Groundwater Management Zone Application

Appendix E – Post-Closure Care Plan

Appendix F – Construction Quality Assurance Plan

Appendix G – Construction Specification

Appendix H – Construction Plans

Appendix I – Hydraulic Calculations

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[redacted]

Ash Ponds Closure

Closure Plan

Hutsonville Power Station
AmerenEnergy Medina Valley Cogen, L.L.C.
Crawford County, Illinois

September 15, 2014

NATURAL RESOURCE TECHNOLOGY

HANSON
Engineering | Planning | Allied Services

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Figures and Tables

Figures

Tables

1. Introduction

AmerenEnergy Generating Company, pursuant to Title 35, Ill. Admin. Code, Part 840 [35 IAC 840] (Illinois PCB, 2011), completed closure of the Ash Pond D Coal Combustion Waste (CCW) pond at the Hutsonville Power Station (Site) in January 2013. AmerenEnergy Medina Valley Cogen, L.L.C. (AmerenEnergy Generating Company successor, and hereafter referred to as Ameren), is submitting this Closure Plan for the remaining CCW ponds: Ash Pond A, Ash Pond B, Ash Pond C, and the Bottom Ash Sluice Pond. The operation of the remaining ash ponds are regulated under Title 35 Illinois Administrative Code, Part 309 (35 IAC 309), and they will be closed in compliance with the requirements of 35 IAC 620. The proposed Closure Plan for the remaining ash ponds was developed to generally conform with the Ash Pond D site-specific rule 35 IAC 840, and where judged appropriate, elements of the proposed 35 IAC 841 rules, currently under development. Comparison of this closure plan with the elements in 35 IAC 840 and the 35 IAC 841 rulemaking is detailed in Table 1. Concurrently submitted supporting documents are listed in the Reference section of this report.

Upon approval of the Closure Plan by the Illinois Environmental Protection Agency (EPA), Ameren will begin closing these remaining facilities.

1.1 Site Background

The Site is located on the west bank of the Wabash River, and approximately one and one-half miles north of the Village of Hutsonville in Crawford County, Illinois. The Site is located in the South ½ of Section 17, Township 8 North, Range 11 West of the Second Principal Meridian (see Figure 1).

All ash ponds at the Site (see Figure 2) are out-of-service. Ash Pond D, the largest and oldest of the four ash ponds at the Site, was covered and closed during 2011-2012 under the 35 IAC Part 840 rules. The remaining ponds, including Ash Pond A, Ash Pond B, Ash Pond C, and the Bottom Ash Sluice Pond, will be closed following approval of this Closure Plan.

1.2 Summary of Regional and Site Geology

The Site geology consists primarily of Wisconsinan Stage fluvial deposits with some Illinoian Stage diamictons overlying Pennsylvanian bedrock. There are various fill materials along with three surficial (unlithified) units identified at the Site, including fine-grained fluvial deposits classified as Cahokia Alluvium, poorly sorted outwash sand and gravels of the Henry Formation, and silty and clayey diamictons of the Glasford Formation. The details of the Site geology are described in the Hydrogeologic Site Investigation (Hanson, 2014 b).

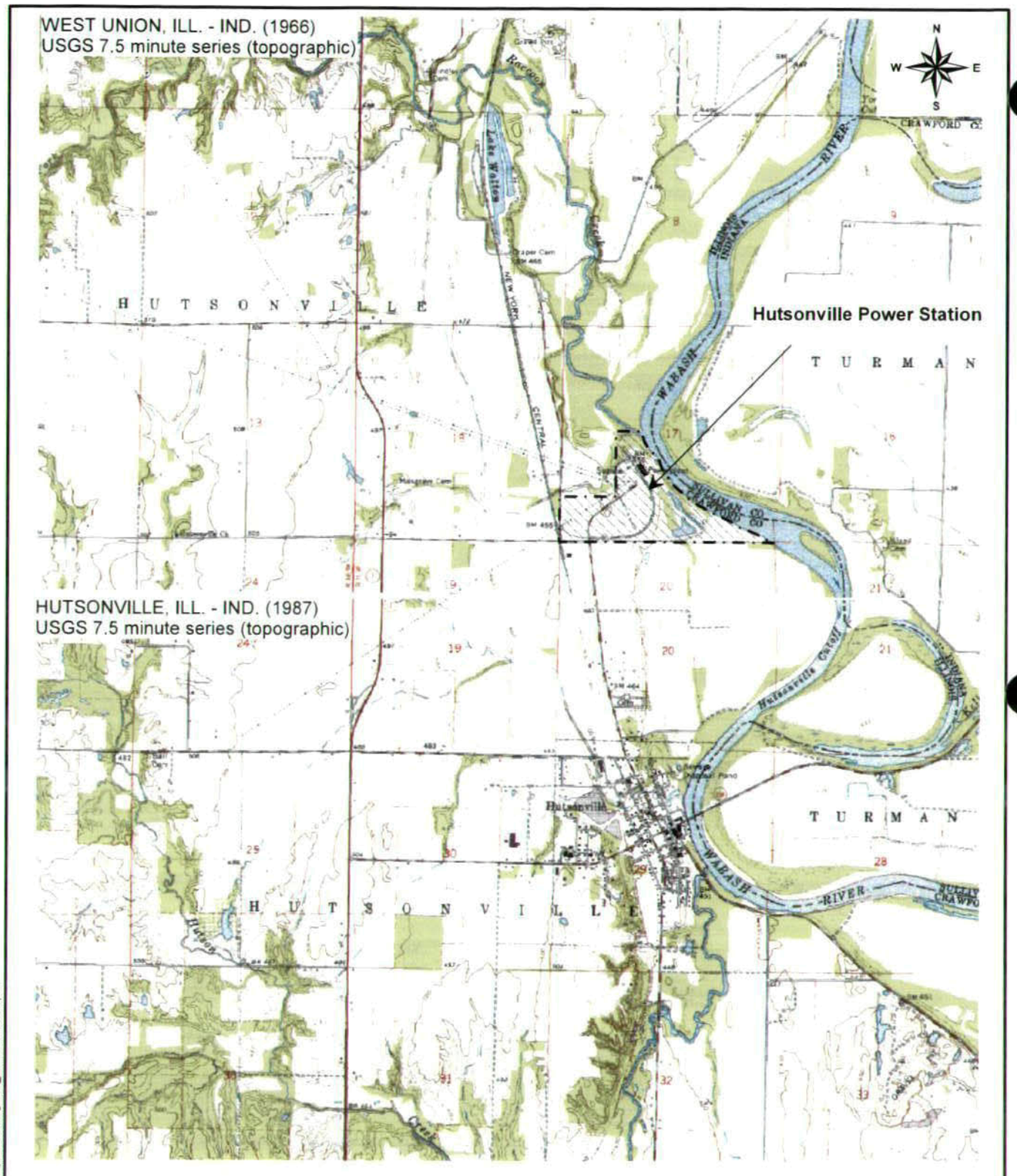
Earthen Fill is present across the majority of the Site, ranging from less than 2 to more than 10 feet (ft.) thick. Fill consists of sandy silts and silty sands, which has been used to elevate depressions and construct berms around the various ash ponds and structures. CCWs were found in ash pond areas. The thickness of CCWs in Ash Pond D ranges from 12 to 31 ft. The thickness of CCWs in the undeveloped area between Ash Ponds A and D, prior to the construction of Ash Ponds B and C, was up to 12 ft., but all CCWs were excavated during construction of Ash Pond B in 2000.

Table 1. Comparison of Closure Plan Requirements - 35 IAC 840.130 versus 35 IAC 841[1]

Part 840	Part 841	Description	Location in this Document
	841.210(b)	Site Map	Figure 2
840.130(b)	841.210(b)	Facility Description	Sections 1.1 and 3
840.130(c)	841.410(b)	[Desc.] Closure Activities to be Performed	Section 4 as summarized from the Project Plans and Specifications
840.130(d)	841.410(c) 841.200	[Desc.] Results of the Hydrogeologic Site Investigation	Section 1.2 as summarized from the Hydrogeologic Site Investigation
840.130(e)	N/A	[Desc.] Groundwater Trend Analysis Methods	N/A
NA	841.410(e) 841.235	[Desc.] Annual Statistical Analysis Methods	Section 7 as summarized from the Groundwater Monitoring Plan
840.130(f)	841.410(a) 841.210(a)	[Plans] for the Groundwater Monitoring System	Section 7 as summarized from the Groundwater Monitoring Plan
840.130(g)	841.410(d) 841.205	[Desc.] Groundwater Monitoring Program	Section 7 as summarized from the Groundwater Monitoring Plan
840.130(h)	841.410(a) 841.210(b)	Identification & Location of Monitoring Wells	Section 6 and Figure 2
840.130(i)	841.410(f) 841.315 841.320	[Plans] for the Groundwater Collection Trench (840); Groundwater Collection System and Discharge System (841)	Section 2.2 (Summary of previously installed Trench installation and operational plans)
840.130(j)	841.410(f) 841.415	[Plans] for the Final Slope Design; Compliance with Stability Criteria	Section 3.1
840.130(k)	841.410(f) 841.420	[Plans] for the Final Cover System	Sections 4.11 and 4.12
840.130(l)	841.410(g)	Estimates of Time to Complete Closure	Sections 4.6 and 8.1
840.130(l)	841.410(g)	Estimate of Time Required for Hydrostatic Equilibrium Beneath Unit, Cost of Closure, and Cost of Post-Closure Care	Section 8.2
840.130(m)	841.410(h)	[Desc.] Groundwater Management Zone	Section 5 as summarized from the Groundwater Management Zone Application
840.130(n)	841.410(i) 841.155	Construction Quality Assurance Program	Section 9 as summarized from the Construction Quality Assurance Plan
840.130(o)	841.410(j) 841.235	Actions Proposed to Mitigate Statistically Significant Increasing Trends	Section 7 as summarized from the Groundwater Monitoring Plan
	841.410(k)	[Desc.] Institutional Controls Prohibiting Potable Uses	Section 5
840.130(p)	841.410(l)	Professional Engineer Signature and Seal	Section 11

[ ] indicates paraphrasing; NA - Not applicable

[1] 35 IAC 841 draft version dated 06/12/2013



EXPLANATION

Property limits (approximate)

SCALE: 1 in. = 1,000 ft.

0 ft. 500 ft. 1,000 ft.

SOURCE: http://www.isgs.uiuc.edu/nsdihome/webdocs/drgs/

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SITE LOCATION MAP

ASH PONDS CLOSURE
HUTSONVILLE POWER STATION
HUTSONVILLE, CRAWFORD CO., ILLINOIS

HANSON NO. 14E0016 FIGURE NO. 1

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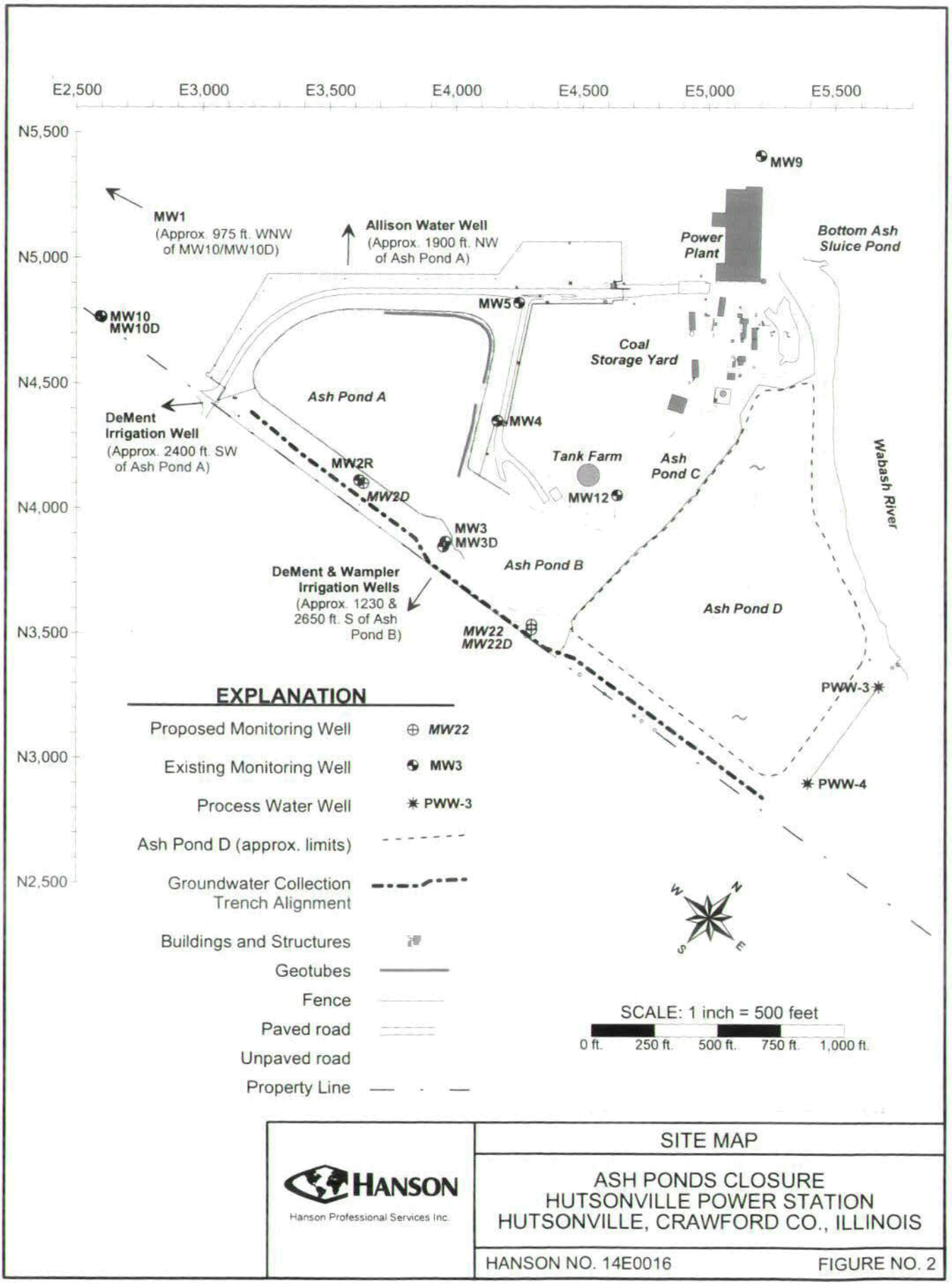

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SITE MAP

ASH PONDS CLOSURE
HUTSONVILLE POWER STATION
HUTSONVILLE, CRAWFORD CO., ILLINOIS

HANSON NO. 14E0016 FIGURE NO. 2

Two groundwater flow zones are identified at the Site: a shallow groundwater zone and a deep groundwater zone. The shallow groundwater zone consists of sand and gravel with varying thickness, typically 10 to 20 ft., underlain by 15 to more than 30 ft. of the upper, permeable portions of the sandstone. The shallow sand appears to grade to a fine-grained silty clay toward the northern portion of the Site. A thick shale unit underlies the sandstone at an approximate elevation of about 415 to 420 ft. National Geodetic Vertical Datum (NGVD).

The Wabash River valley contains a relatively fine-grained alluvium from land surface to an elevation of about 410 to 415 ft. NGVD, underlain by sand and gravel to an elevation of about 350 ft. The sand and gravel at depth in the Wabash River valley is referred to as the deep groundwater zone.

Groundwater generally flows from west to east towards the Wabash River within the shallow zone and from southwest to northeast, almost perpendicular to the banks of the Wabash River within the deep zone.

1.3 Summary of Groundwater Quality Downgradient of Ash Ponds A, B, and C

Groundwater downgradient of the ash ponds had concentrations of boron, sulfate, iron, manganese, and TDS higher than Class I groundwater quality standards at multiple locations during the period of 2011 through 2013. Boron had the greatest extent of Class I exceedances attributable to coal ash leachate and was used to define the extent of groundwater impacts from Ash Ponds A, B, C and the Bottom Ash Sluice Pond. The extent of impacts attributable to the ash ponds undergoing closure is discussed further in the accompanying modeling report.

Exceedances of Class I groundwater quality standards for the coal ash indicators boron and sulfate were observed in Ash Pond A, B, C monitoring wells MW2, MW3, and MW3D, while wells MW4, MW5, and MW12 did not have boron or sulfate exceedances in 2011 through 2013.

2. Prior Treatment and Control Options

2.1 Description of Ash Pond D Closure

Ash Pond D was formerly the largest and oldest of the four ash ponds at the Site. Ash Pond D was an unlined pond constructed in 1967 – 1968 and was the primary ash management unit until Ash Pond A began operation in 1986. Since then, it was used as a secondary settling pond until 2000 when it was removed from service. Ash Pond D was covered with a 22 acre cap and closed during 2011-2012 under the Title 35, IAC Part 840 rules (Illinois PCB, 2011). Closure activities included placement of a 40-mil thick textured high density polyethylene (HDPE) geomembrane with three foot protective soil cover with a vegetated surface. Surface water management features incorporated into the final cover design included intermediate berms and ditches to direct runoff to rip-rap-lined chutes running off the ash pond to surrounding areas. Details of the closure are provided in the Project Plans and Specifications (Hanson, 2011c).

2.2 Groundwater Collection Trench

A groundwater collection trench (Trench) was installed between the outside south toe of Ash Ponds A, B, and D and the south property line, as shown on Figure 2. Operation of the Trench is anticipated to begin upon approval of the Site's NPDES permit renewal (No. IL0004120) authorizing its use, which was issued for public notice on August 21, 2014. The Trench is designed to intercept groundwater that may migrate to the south from the ash ponds. The Trench is designed to collect groundwater at four separate sumps: a pair in the east portion of the Trench adjacent to Ash Pond D, and a pair in the west

portion of the Trench adjacent to Ash Pond A. Details are provided in the Ash Pond D Closure Plan (Hanson, 2011a) and Project Plans and Specifications (Hanson, 2011c).

Water captured by the Trench will be pumped from the four sumps to a central catch basin located adjacent to the existing Ash Pond D outlet structure along the mid-east side of the pond, from which it will then discharge to the Wabash River in accordance with the Station's NPDES permit.

3. Description of Ash Ponds

3.1 Ash Pond A

Ash Pond A was operational from 1986 until the plant ceased generation in December 2011 for disposal of CCWs generated at the Site. Fly ash from the operating units was collected by an electrostatic precipitator and sluiced to Ash Pond A. The pond was constructed with an 80 mil HDPE liner. CCWs were sluiced to the pond where solids were permitted to settle out and supernatant liquids were decanted. The pond contains fly ash within an area of approximately 12 acres, with an average ash thickness of 20.4 feet. It is estimated that Ash Pond A currently has 80,667 cubic yards (yd^3) of ash. The ash pond is contained by a 2,400 ft. long perimeter embankment that has an average height variance between 17 ft. on the southwest side, 15 ft. on the east side, and 18 ft. on the north side.

The exterior embankment slopes are approximately 3H:1V along the southwest and east sides and 2H:1V along the north side. Interior embankment slopes are currently 11H:1V, The mean thickness of ash in the pond is approximately 20.4 feet.

The cap will be constructed on a 20H:1V (5%) slope that will intersect the existing exterior embankment slope no higher than the existing ash surface. Soil embankment materials above that point will be removed and utilized for vegetative cover on the final cap.

Analyses of the structural integrity of Ash Pond A in the proposed closed condition, including slope stability, bearing capacity and settlement, have been completed. The critical sections, selected for slope stability analysis of the perimeter berm and the final cover, are shown on Figure 3. A cross-section of the fully constructed critical section and the critical analyzed potential failure surface are included on Figure 4. Analyses of the proposed final configuration of the pond resulted in the following factors of safety (FOS) and induced settlement with regard to the structural stability of the pond.

Table 2. Structural Stability Analysis Results for Ash Pond A

Structural Stability Criteria	Calculated FOS	Required FOS*
Short Term Slope Stability – Exterior Embankment	2.02	1.5
Long Term Slope Stability – Exterior Embankment	2.18	1.5
Seismic Event Slope Stability – Exterior Embankment	1.96	1.3
Short Term Slope Stability – Cover Materials	12.45	1.5
Long Term Slope Stability – Cover Materials	11.70	1.5
Seismic Event Slope Stability – Cover Materials	6.79	1.3
Bearing Capacity	36.9	2.0
Seismic Event Bearing Capacity	36.2	1.5
Maximum Induced Settlement	2.25	N.A.

*The Required FOS is based on Illinois EPA Landfill Requirements, for comparison purposes.

portion of the Trench adjacent to Ash Pond A. Details are provided in the Ash Pond D Closure Plan (Hanson, 2011a) and Project Plans and Specifications (Hanson, 2011c).

Water captured by the Trench will be pumped from the four sumps to a central catch basin located adjacent to the existing Ash Pond D outlet structure along the mid-east side of the pond, from which it will then discharge to the Wabash River in accordance with the Station's NPDES permit.

3. Description of Ash Ponds

3.1 Ash Pond A

Ash Pond A was operational from 1986 until the plant ceased generation in December 2011 for disposal of CCWs generated at the Site. Fly ash from the operating units was collected by an electrostatic precipitator and sluiced to Ash Pond A. The pond was constructed with an 80 mil HDPE liner. CCWs were sluiced to the pond where solids were permitted to settle out and supernatant liquids were decanted. The pond contains fly ash within an area of approximately 12 acres, with an average ash thickness of 20.4 feet. It is estimated that Ash Pond A currently has 80,667 cubic yards (yd^3) of ash. The ash pond is contained by a 2,400 ft. long perimeter embankment that has an average height variance between 17 ft. on the southwest side, 15 ft. on the east side, and 18 ft. on the north side.

The exterior embankment slopes are approximately 3H:1V along the southwest and east sides and 2H:1V along the north side. Interior embankment slopes are currently 11H:1V, The mean thickness of ash in the pond is approximately 24 feet.

The cap will be constructed on a 20H:1V (5%) slope that will intersect the existing exterior embankment slope no higher than the existing ash surface. Soil embankment materials above that point will be removed and utilized for vegetative cover on the final cap.

Analyses of the structural integrity of Ash Pond A in the proposed closed condition, including slope stability, bearing capacity and settlement, have been completed. The critical sections, selected for slope stability analysis of the perimeter berm and the final cover, are shown on Figure 3. A cross-section of the fully constructed critical section and the critical analyzed potential failure surface are included on Figure 4. Analyses of the proposed final configuration of the pond resulted in the following factors of safety (FOS) and induced settlement with regard to the structural stability of the pond.

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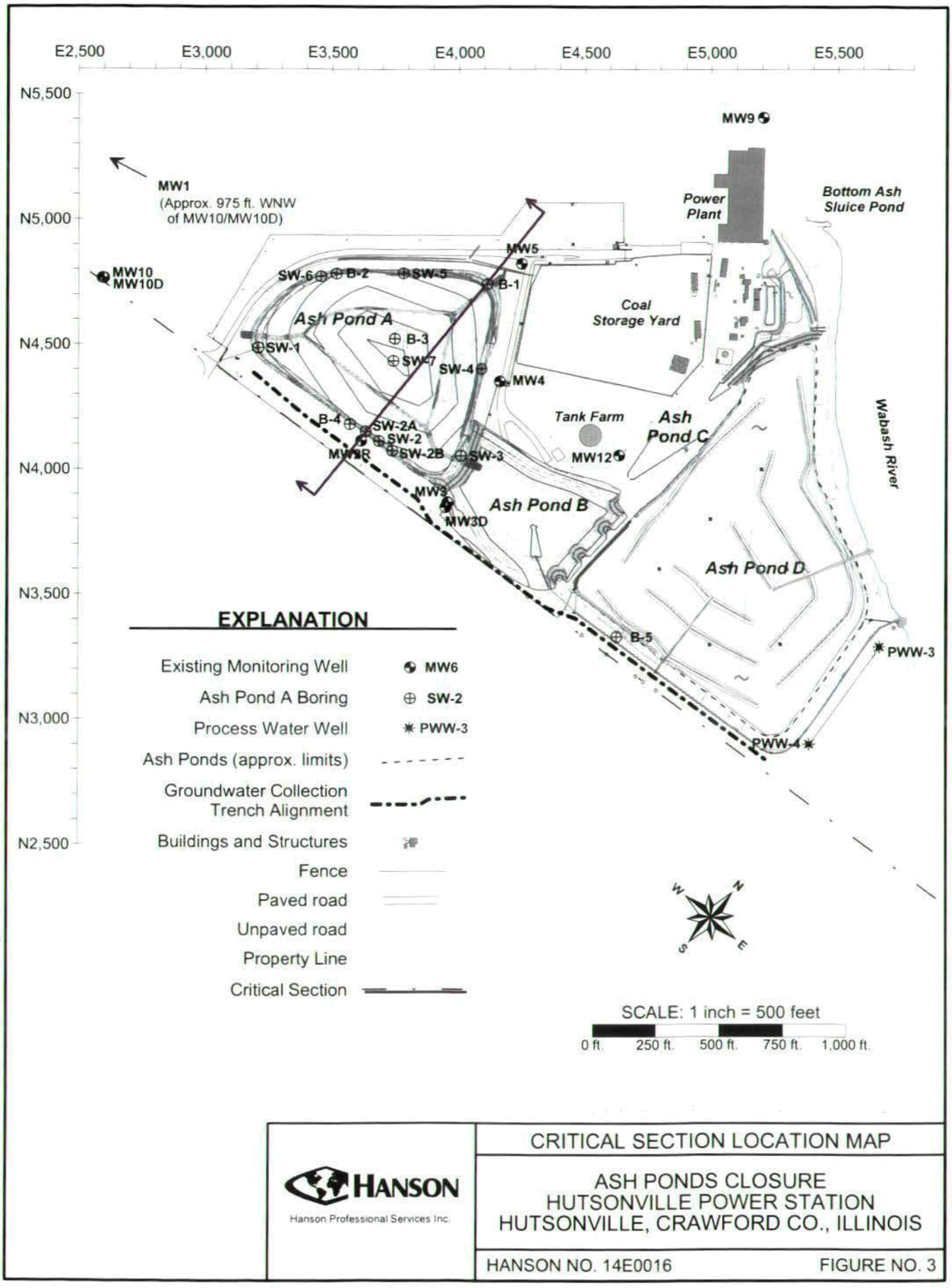
Seismic Event Bearing Capacity	36.2	1.5
Maximum Induced Settlement	2.25	N.A.

*The Required FOS is based on Illinois EPA Landfill Requirements, for comparison purposes.



I:\14jobs\14E0016\Admin\14-Reports\ClosurePlan\FIG_3CritSecLocMap_140915.srf

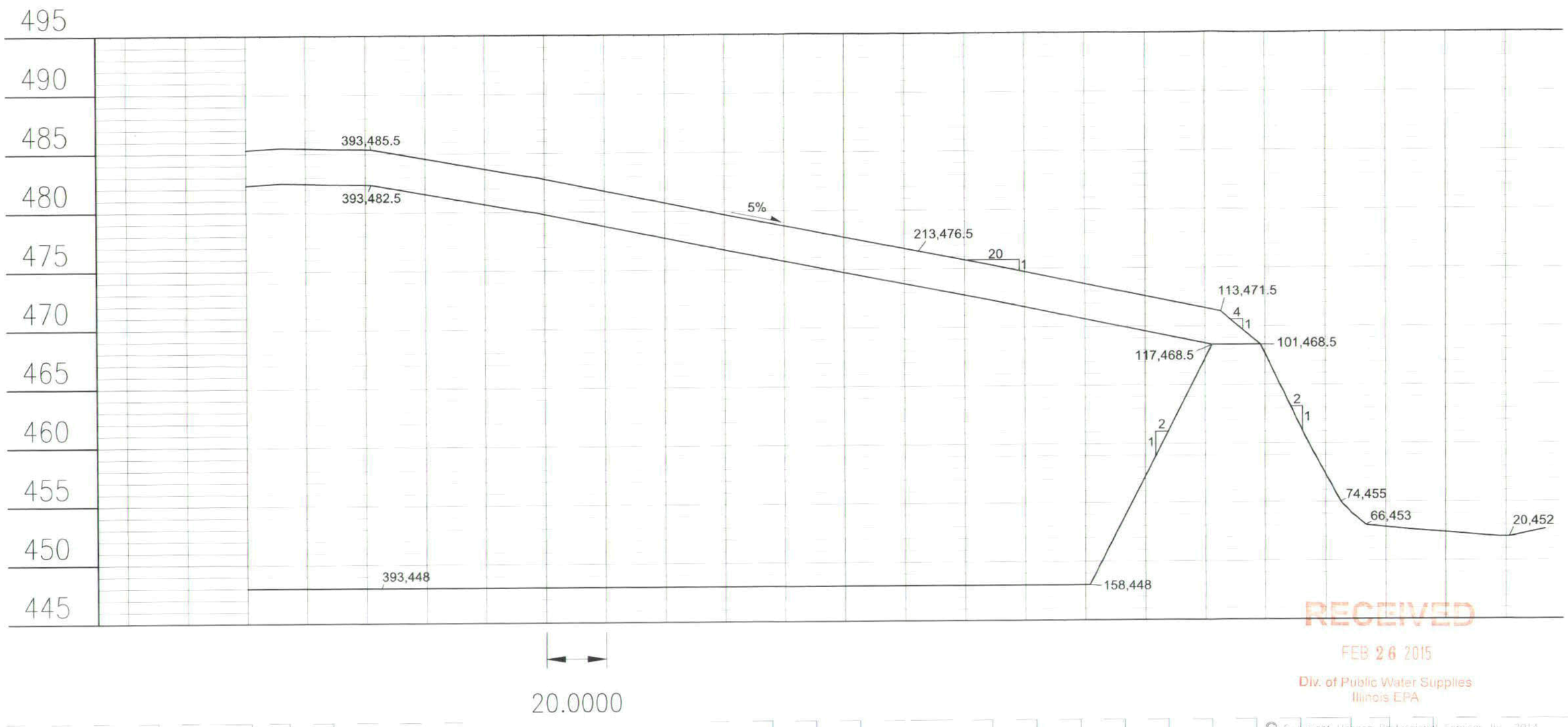
HANSON
Hanson Professional Services Inc.

CRITICAL SECTION LOCATION MAP

ASH PONDS CLOSURE
HUTSONVILLE POWER STATION
HUTSONVILLE, CRAWFORD CO., ILLINOIS

HANSON NO. 14E0016 FIGURE NO. 3

Cross Section at B-1



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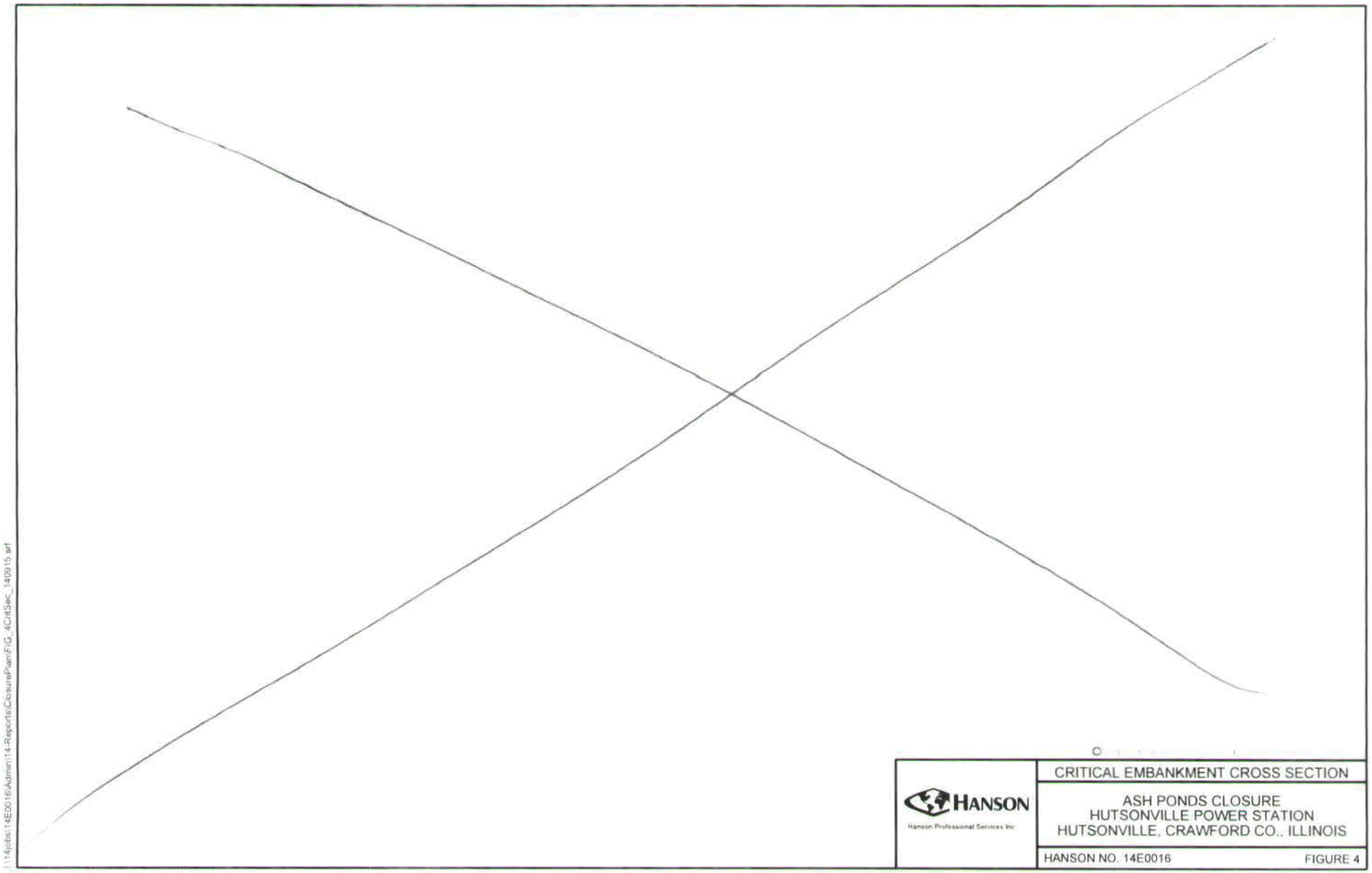
CRITICAL EMBANKMENT CROSS SECTION

ASH PONDS CLOSURE
HUTSONVILLE POWER STATION
HUTSONVILLE, CRAWFORD CO., ILLINOIS

HANSON NO. 14E0016 FIGURE 4

I:\14jobs\14E0016\Admin\14-Reports\ClosurePlan\FIG_4CritSec_140915.srf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Hanson Professional Services Inc
CRITICAL EMBANKMENT CROSS SECTION
ASH PONDS CLOSURE
HUTSONVILLE POWER STATION
HUTSONVILLE, CRAWFORD CO., ILLINOIS
HANSON NO. 14E0016
FIGURE 4

The results of the structural stability analyses indicate adequate slope stability and bearing factors of safety. The slope stability factors of safety above include those from analyses considering seismic events with a 224-year return period, based on United States Geologic Survey mapping. The maximum estimated induced settlement will occur in the middle of the pond area as the ash is graded and the cover system materials are placed, and will not be detrimental to the integrity of the cover system.

3.2 Ash Pond B

Ash Pond B, an HDPE-lined pond, was placed into service in 2000 for disposal of sluiced fly ash and bottom ash, but still receives wastewater and/or storm water for periodic discharge and is permitted under the site's NPDES and Subpart B permits. The ash pond has a surface area of approximately 4.4 acres, with a maximum unit height of 17 feet. It is estimated that Ash Pond B currently has 12,400 yd^3 of ash to an average depth of approximately 1.7 feet. Ash Pond B functioned as a polishing pond, receiving flow via a triplex pump station from Ash Pond C in addition to flow from Ash Pond A before discharging to the Wabash River via NPDES-permitted outfall #002 (IL0000175).

3.3 Ash Pond C

Ash Pond C, an HDPE-lined pond was placed into service from 2000 for disposal of sluiced bottom ash from the Bottom Ash Sluice Pond before discharge to the Wabash River via outfall #002. This pond still receives wastewater and/or storm water for periodic discharge and is permitted under the site's NPDES and Subpart B permits. As discussed above, water from Ash Pond C was discharged to Ash Pond B via a pump station. The ash pond has a surface area of approximately 2 acres, with a maximum unit height of 12 feet. It is estimated that Ash Pond C currently has 10,000 yd^3 of ash to an average depth of approximately 2.9 feet.

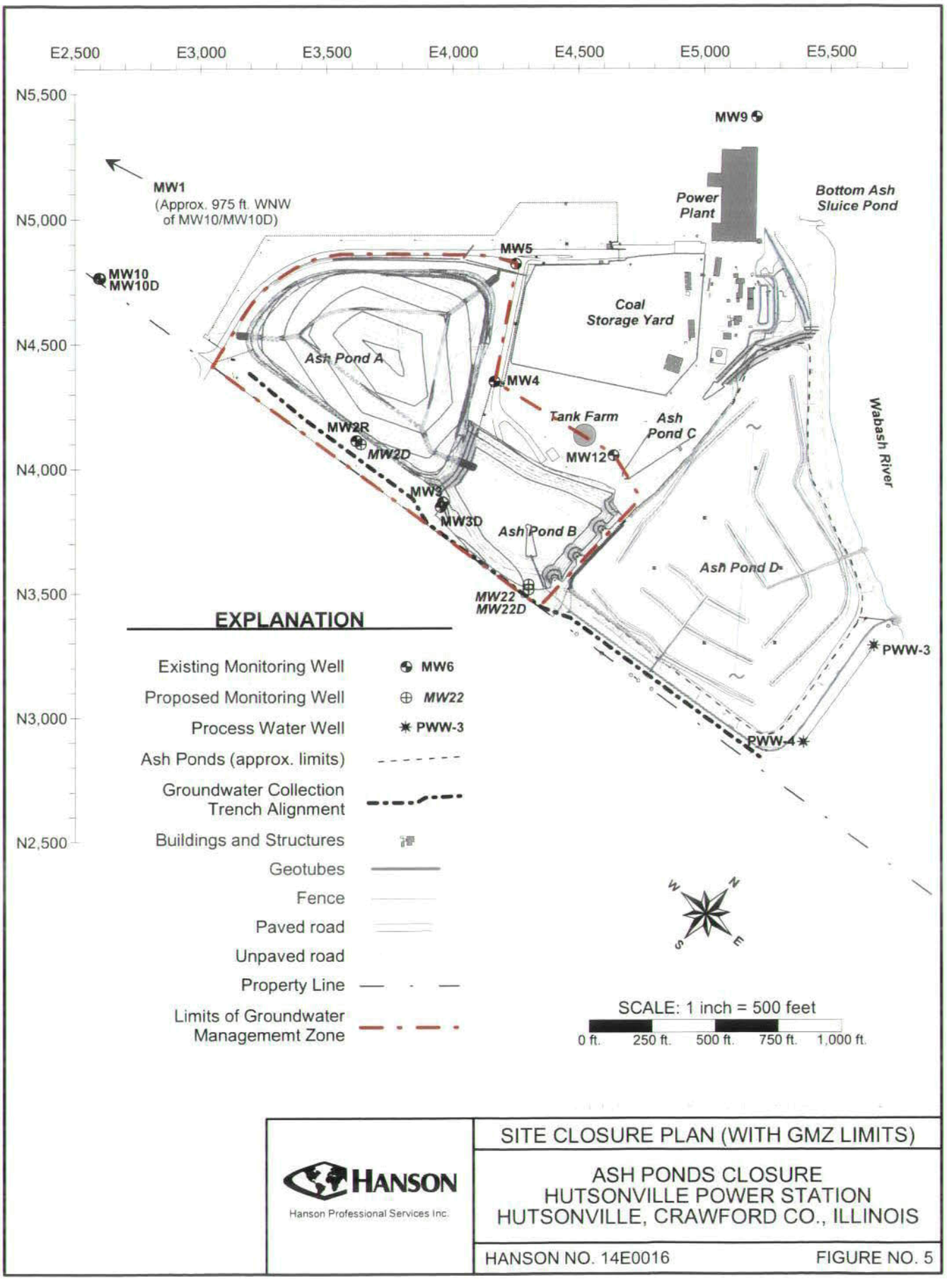
3.4 Bottom Ash Sluice Pond and Coal Yard

The Bottom Ash Sluice Pond was operational from 1969 until the plant ceased generation in December 2011 for disposal and reuse of bottom ash. This pond has a surface area of approximately 1.2 acres, with a maximum unit height of 15 feet. It is estimated that the Bottom Ash Sluice Pond contains 23,142 yd^3 of bottom ash to an estimated depth of 10 to 15 feet. This pond still receives wastewater and/or storm water for periodic discharge and is permitted under the site's NPDES and Subpart B permits.

The coal storage yard encompasses an area of approximately 7.9 acres and contains an average depth of 12 inches of spoils. It is estimated that approximately 12,700 yd^3 of material will be removed.

4. Closure Activities

Closure elements for each of the ash ponds are described below. Closure activities will be conducted in accordance with the Construction Quality Assurance (CQA) Plan prepared for this project that generally conforms with the Ash Pond D site-specific rule at 35 IAC 840, and where judged appropriate, elements of the proposed 35 IAC 841 rules, currently under development. The preliminary designs of the closure elements are shown on Figure 5.



I:\14jobs\14E0016\Admin\14-Reports\ClosurePlan\FIG_5FinalCondMap.srf

HANSON
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SITE CLOSURE PLAN (WITH GMZ LIMITS)

ASH PONDS CLOSURE
HUTSONVILLE POWER STATION
HUTSONVILLE, CRAWFORD CO., ILLINOIS

HANSON NO. 14E0016 FIGURE NO. 5

4.1 Capping of Ash Pond A

Ash Pond A will be the depository for disposal of materials from Ash Pond B, Ash Pond C, and the Bottom Ash Sluice Pond, which are all being clean-closed. An estimated 1-foot depth of spoils from the Coal Yard will also be removed and relocated to Ash Pond A. Total material that is being moved to Ash Pond A from other areas of the Site is estimated to be approximately 58,000 yd^3. Ash Pond A is the only pond of the four being closed that will have a constructed cap.

4.11 Backfilling and Grading

Ash and fill materials will be graded to establish the final sloped surface of the cap. Base grading of Ash Pond A will require approximately 32,400 yd^3 of material to be cut and 76,400 yd^3 of fill. Ash will be graded to a maximum slope of 20H:1V to promote surface drainage toward the outside of the berm and prevent ponding of runoff. The final ash grading will intersect the existing exterior embankment slope no higher than the existing ash surface, in accordance with the Rules. Soil embankment materials above that point will be removed and utilized for vegetative cover on the final cap. The final cover design will result in a maximum of about 34 feet of re-graded ash near the center of the pond. The final surface of the ash cap will be rolled smooth prior to the placement of the final cover system.

4.12 Final Cover Placement

Final cover components will include approximately 55,400 yd^2 of low permeability geosynthetic membrane cover and approximately 53,600 yd^3 of final protective soil material. See the closure Plans and Specifications completed for this project (Hanson, 2014d).

The low permeability layer will consist of textured high density polyethylene (HDPE) geomembrane which will have a 40-mil minimum nominal thickness. Geomembrane seams will be continuously fusion or extrusion welded to form one continuous membrane covering the entire area of exposed ash. The perimeter edges of the HDPE geomembrane will be finished in an anchor trench excavated in soil materials. This will serve to keep the membrane anchored in place and prevent any lateral migration of surface water into the cap.

The low permeability geomembrane will be covered with a minimum of three feet of soil materials. These soils will be compacted only to the extent required for equipment traffic and construction of overlying drainage structures.

Soils used for the final protective cover will be fertilized, seeded and mulched to facilitate and support a permanent self-sustaining vegetative cover.

Installation of the low permeability geomembrane and the overlying soils will be conducted in accordance with the CQA program. Required records will be maintained on site during construction.

The acceptance report and certification of final cover placement will be submitted to the Illinois EPA and be maintained at the offices of Ameren Environmental Services in St. Louis, Missouri.

4.13 Ash Pond Dewatering

Dewatering of Ash Pond A will take place to the extent necessary to facilitate construction in accordance with this Plan. Since Ash Pond A has an HDPE bottom liner the water level within the pond may be above the surrounding water table.

4.14 Surface Water Management

Surface water management features have been incorporated into the final cover design, which will be graded to drain surface water at a uniform 5% slope toward the outside berm. The cover drainage is split into three collection areas. Drainage off the western-most third of the cover will collect in a rock chute at the northwest corner, where it is free to discharge toward the northeast using the existing roadside ditch and then out through an existing culvert beneath the north Site access road. Drainage from the eastern-most third of the cover will collect in a similar rock chute at the northeast corner, where it also discharges to the north through the same culvert beneath the Site access road. Drainage from the southern-most third of the cover will collect in a rock chute at the southeast corner, where it will discharge into a storm water retention pond in the area where Ash Pond B is currently located.

4.2 Clean Closure of Ash Pond B

Ash Pond B will be clean-closed and the berms removed to be re-used as cover material for Ash Pond A. Ash removal from Ash Pond B and relocation to Ash Pond A is estimated at approximately 12,500 yd^3. The geomembrane liner at Ash Pond B will be removed and the pond bottom graded to 4-ft. below the pond perimeter. The pond bottom will then be graded to drain to the southeast through a culvert and into the existing paved ditch along the south side of Ash Pond D. Storm water tributary to this pond will be detained for intermediate to large rain events to elevation 446.00 by under sizing the outlet culvert.

4.3 Clean Closure of Ash Pond C and Bottom Ash Sluice Pond

Ash Pond C and the Bottom Ash Sluice Pond will be clean-closed and graded to drain to the northeast through an open cut channel through the original east perimeter berm of Ash Pond D and discharged towards the Wabash River. Ash removal from Ash Pond C and relocation to Ash Pond A is estimated at 10,000 yd^3. The geomembrane liner at Ash Pond C will be removed. An estimated depth of 12 feet of bottom ash over the 1.2 acre area of the Bottom Ash Sluice Pond contains approximately 23,000 yd^3, which will be removed and relocated to Ash Pond A. All ash in these areas will be removed to ensure clean closure of these ponds. Any modifications required at the interface between previously closed Ash Pond D and the Bottom Ash Sluice Pond will be constructed in full compliance with the site-specific (Ash Pond D) closure requirements at 35 IAC 840.126. The required documentation will be submitted to the Illinois EPA upon completion of construction.

4.4 Groundwater Model Simulation of Closure

The groundwater model predicts that groundwater quality after Site closure as the following:

- The proposed closure activities, consisting of excavation, capping, and operation of the completed groundwater trench system, will facilitate compliance of the surrounding groundwater to the Class I groundwater standard.
- Monitoring wells for Ash Ponds A, B, and C are predicted to reach the Class I groundwater standard within 10 years.

4.5 Schedule

Completion of the closure activities is dependent on final approval of this Plan by the Illinois EPA. Assuming approval by December 31, 2014, and dependent on weather, the closure will be completed during the 2015 construction season.

4.14 Surface Water Management

Surface water management features have been incorporated into the final cover design, which will be graded to drain surface water at a uniform 5% slope toward the outside berm. The cover drainage is split into three collection areas. Drainage off the western-most third of the cover will collect in a rock chute at the northwest corner, where it is free to discharge toward the northeast using the existing roadside ditch and then out through an existing culvert beneath the north Site access road. Drainage from the eastern-most third of the cover will collect in a similar rock chute at the northeast corner, where it also discharges to the north through the same culvert beneath the Site access road. Drainage from the southern-most third of the cover will collect in a rock chute at the southeast corner, where it will discharge into a storm water retention pond in the area where Ash Pond B is currently located.

4.2 Clean Closure of Ash Pond B

Ash Pond B will be clean-closed and the berms removed to be re-used as cover material for Ash Pond A. Ash removal from Ash Pond B and relocation to Ash Pond A is estimated at approximately 12,500 yd^3. The geomembrane liner at Ash Pond B will be removed and the pond bottom graded to 4-ft. below the pond perimeter. The pond bottom will then be graded to drain to the southeast through a culvert and into the existing paved ditch along the south side of Ash Pond D. Storm water tributary to this pond will be detained for intermediate to large rain events to elevation 446.00 by under sizing the outlet culvert.

4.3 Clean Closure of Ash Pond C and Bottom Ash Sluice Pond

Ash Pond C and the Bottom Ash Sluice Pond will be clean-closed and graded to drain to the northeast through an open cut channel through the original east perimeter berm of Ash Pond D and discharged towards the Wabash River. Ash removal from Ash Pond C and relocation to Ash Pond A is estimated at 10,000 yd^3. The geomembrane liner at Ash Pond C will be removed. An estimated 4-foot depth of ash from the Bottom Ash Sluice Pond, or approximately 23,000 yd^3, will be removed and relocated to Ash Pond A.

4.4 Groundwater Model Simulation of Closure

The groundwater model predicts that groundwater quality after Site closure as the following:

- The proposed closure activities, consisting of excavation, capping, and operation of the completed groundwater trench system, will facilitate compliance of the surrounding groundwater to the Class I groundwater standard.
- Monitoring wells for Ash Ponds A, B, and C are predicted to reach the Class I groundwater standard within 10 years.

4.5 Schedule

Completion of the closure activities is dependent on final approval of this Plan by the Illinois EPA. Assuming approval by December 31, 2014, and dependent on weather, the closure will be completed during the 2015 construction season.

5. Groundwater Management Zone Application

See the separate Groundwater Management Zone (GMZ) Application (Hanson and NRT, 2014a) that was prepared for this project. Ameren requested establishment of a GMZ pursuant to 35 IAC 620.250(a)(2) as a three-dimensional region containing groundwater being managed to mitigate impairments caused by a release of leachate from Ash Ponds A, B, and C.

The proposed GMZ covers a larger area than the area of impacted groundwater within the Site. The approximate boundary of the proposed GMZ is depicted in Figure 5. The GMZ will extend vertically through the unlithified deposits and sandstone bedrock, with the base of the GMZ coincident with the bottom of the sandstone, which rests on top of the shale bedrock at an approximate elevation of 405 to 410 feet NGVD within the boundaries of the GMZ.

6. Groundwater Monitoring System

See Sections 2 and 3 in the separate Groundwater Monitoring Plan (Hanson, 2014c) that was prepared for this project. A monitoring system maintenance plan is included at the end of Section 2.2 of that report.

Locations of the (potential) 11 monitoring wells to be used for statistical analysis are identified in Table 3 below and are shown on Figure 2.

Table 3. Ash Pond A Groundwater Monitoring System

Well ID	Well Designation	Monitoring Zone	Install Date	Location[2]		Screen Interval
				Easting	Northing	
MW2R	Downgradient	Shallow	6 Apr 12	3617.43	4112.60	446.0-435.2
MW2D[3]	Downgradient	Deep	*proposed*	3612.	4110.	435.0-430.0
MW3	Downgradient	Shallow	9 Feb 84	3952.03	3860.23	450.9-445.9
MW3D	Downgradient	Deep	6 Oct 98	3952.03	3860.23	433.6-438.6
MW4	Downgradient	Shallow	13 Feb 84	4164.06	4350.55	450.8-443.3
MW5	Downgradient	Shallow	13 Feb 84	4249.98	4821.99	453.5-440.5
MW9	Piezometer	Shallow	14 Oct 84	5202.	5408.	448.2-438.2
MW10	Upgradient	Shallow	7 Oct 98	2559.81	4730.48	447.2-442.2
MW10D	Upgradient	Deep	7 Oct 98	2564.72	4729.43	437.6-433.6
MW12	Downgradient	Shallow	8 Oct 98	4637.98	4053.58	448.6-438.6
MW22[3]	Downgradient	Shallow	*proposed*	4300.	3525.	450.0-445.0
MW22D[3]	Downgradient	Deep	*proposed*	4300.	3525.	435.0-430.0

[2] Well locations based on Plant coordinate system.

[3] Proposed monitoring well to be installed upon approval of this Groundwater Monitoring Plan by Illinois EPA. Deep wells (D suffix) may need to be installed due to shallow zone dewatering from collection trench.

7. Groundwater Monitoring Program

Upon approval of the Groundwater Management Zone Application (Hanson and NRT, 2014a), the groundwater monitoring program will be instituted. The requirements of the Groundwater Monitoring Program are found in the accompanying Groundwater Monitoring Plan (Hanson, 2014c).

The elements of the groundwater monitoring plan include:

1. Groundwater monitoring system with background (upgradient) and compliance (downgradient) monitoring wells identified including construction details/depths.
2. Groundwater monitoring for 7 field and 24 inorganic parameters (Table 4 and Table 5).
3. Quarterly groundwater monitoring frequency.
4. Groundwater sample collection protocol with standard operating procedures.
5. Laboratory analysis by a state-certified laboratory and listing of methods and reporting limits.
6. Quality Assurance Program for field collection of samples and laboratory analysis of samples.
7. Groundwater monitoring system maintenance, including schedule of inspections and methods for inspection of monitoring wells.
8. Data reporting schedule and content of reports.
9. Demonstration of compliance (Section 7.1 below). Statistical methods for evaluating groundwater quality data (Section 7.2 below). Included is a notification schedule with actions to be taken in cases of non-compliance.

Groundwater monitoring can be concluded upon successful completion of post-closure activities and approval of the Illinois EPA. All monitoring data and trend analysis data will be maintained at the offices of Ameren Environmental Services in St. Louis, Missouri, for a minimum of ten years following generation of the data.

7.1 Demonstration of Compliance

Compliance will be based on attainment of groundwater quality that meets the numeric standards for Class I potable resource groundwater as set forth in 35 IAC 620.410. Groundwater quality that does not meet the Class I standard will be considered in compliance when no statistically significant increasing trend can be attributed to the ash ponds at the compliance (GMZ) boundary for four (4) consecutive years, which must be approved by the Illinois EPA. Post-closure groundwater compliance monitoring will continue for a minimum of ten years from the Illinois EPA's approval of this Closure Plan.

Table 4. Field Monitoring Parameters

Parameters[2]
pH[3]
Specific Conductance[3]
Elevation of GW Surface[3]
Depth of Well (bls)[3]
Temperature
Depth to Water (bmp)
Elevation of measuring point

Table 5. Routine Monitoring Parameters

Parameters[2]	Parameters[2]
Antimony, dissolved	Iron[3], dissolved
Arsenic, dissolved	Lead, dissolved
Barium, dissolved	Manganese[3], dissolved
Beryllium, dissolved	Mercury, dissolved
Boron[3], dissolved	Nickel, dissolved
Cadmium, dissolved	Nitrate (as N), dissolved
Chloride, dissolved	Selenium, dissolved
Chromium, dissolved	Silver, dissolved
Cobalt, dissolved	Sulfate[3], dissolved
Copper, dissolved	Total Dissolved Solids (TDS)[3]
Cyanide, total	Thallium, dissolved
Fluoride, dissolved	Vanadium, dissolved
	Zinc, dissolved

7.2 Compliance Determination and Mitigation Requirements

Groundwater Management Zone (GMZ) compliance will be demonstrated by performing an annual trend analysis for each downgradient monitoring well for all of the monitored constituents listed in Table 4 and Table 5. The analysis shall be performed on a minimum of four (4) consecutive samples and use Sen's Estimate of Slope for compliance determination. Generally, if analyses for a parameter show an increasing trend at a down-gradient well, a Mann-Kendall analysis must be performed at a 95% confidence limit to determine whether the increasing trend is statistically significant. If there is a statistically significant increase, then an investigation determining that the statistically significant increasing trend is due to a superseding cause will be performed, and the Illinois EPA will be notified in writing, stating the cause of the increasing trend and the rationale used in its determination.

[2] Routine parameters are reported as dissolved (filtered) concentrations with the exception of the Field Monitoring Parameters and Cyanide, which are taken from total (unfiltered) samples.
[3] Mandatory monitoring parameter under 35 IAC 840.114(a).

If a statistically significant increasing trend continues to be observed over two or more consecutive monitoring periods and there is no superseding cause, a hydrogeologic investigation (and additional site investigation(s), if necessary) must be performed.

Based on the outcome of the additional activities, action must be taken to mitigate the statistically significant increasing trends that are causing, threatening or allowing exceedances of the GMZ groundwater quality standards. Any actions must be proposed as a modification to the post-closure care plan within 180 days after completion of the additional hydrogeologic and/or additional site investigations.

8. Time and Cost Estimates

8.1 Time to Complete Closure

Completion of the closure activities is dependent on weather and final approval of the closure plan and accompanying submittals by the Illinois EPA. However, they are expected to be completed during the 2015 construction season.

8.2 Time to Reach Hydrostatic Equilibrium of Groundwater

The Hydrogeologic Evaluation of Landfill Performance model (HELP Version 3.07) was used to estimate the time for groundwater levels within Ash Pond A to reach hydrostatic equilibrium following completion of the cap. Based on model results for four scenarios with initial moisture contents ranging from zero to 180 inches, the minimum and maximum times for hydraulic head to reach equilibrium ranged from 6 to 8 years. Three of the four scenarios resulted in modeled equilibriums ranging from 61 to 69 inches of head occurring in Year 6 following cap completion.

8.3 Model Predicted Time to Attain Groundwater Quality Standards

The number of years following closure for model predicted boron concentrations (NRT, 2014) in Ash Pond A, B, and C monitoring wells to attain the Class I groundwater standard is approximately 10 years (2025). Predicted boron concentrations will stabilize shortly after the closure plan is implemented in monitoring wells with low concentrations (wells MW5 and MW9), while other wells are predicted to take as long as 40 years to stabilize. Stabilization time is greater than time to comply with Class I groundwater standards at some wells because concentrations continue to decline for a period after the standard is attained.

8.4 Cost of Closure and Post-Closure Care (or Cost of Closure Alternative)

The cost for closure activities related to the closure of Ash Pond A, Ash Pond B, Ash Pond C, and the Bottom Ash Sluice Pond, as described in Section 4 of this Closure Plan and as detailed in the Plans and Specifications (Hanson, 2014d), is estimated to be $2,600,000. The cost for post-closure care activities related to the closure of Ash Pond A, Ash Pond B, Ash Pond C, and the Bottom Ash Sluice

2. If there is no superseding cause, and monitoring frequency has been decreased to semi-annual or annual, then sampling must return to a quarterly frequency. If after 4 consecutive quarters no statistically significant increasing trend is observed, then sampling frequency can return to the previous frequency.
3. Notification of statistically significant increasing trends and revision to the sampling frequency must be reported to the Illinois EPA within 30 days of making the determinations.

If a statistically significant increasing trend continues to be observed over two or more consecutive years and there is no superseding cause, a hydrogeologic investigation (and additional site investigation(s), if necessary) must be performed.

Based on the outcome of the additional activities, action must be taken to mitigate the statistically significant increasing trends that are causing, threatening or allowing exceedances of off-site groundwater quality standards. Any actions must be proposed as a modification to the post-closure care plan within 180 days after completion of the additional hydrogeologic and/or additional site investigations.

8. Time and Cost Estimates

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Completion of the closure activities is dependent on weather and final approval of the closure plan and accompanying submittals by the Illinois EPA. However, they are expected to be completed during the 2015 construction season.

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8.3 Model Predicted Time to Attain Groundwater Quality Standards

The number of years following closure for model predicted boron concentrations (NRT, 2014) in Ash Pond A, B, and C monitoring wells to attain the Class I groundwater standard is approximately 10 years (2025). Predicted boron concentrations will stabilize shortly after the closure plan is implemented in monitoring wells with low concentrations (wells MW5 and MW9), while other wells are predicted to take as long as 40 years to stabilize. Stabilization time is greater than time to comply with Class I groundwater standards at some wells because concentrations continue to decline for a period after the standard is attained.

8.4 Cost of Closure and Post-Closure Care (or Cost of Closure Alternative)

The cost for closure activities related to the closure of Ash Pond A, Ash Pond B, Ash Pond C, and the Bottom Ash Sluice Pond, as described in Section 4 of this Closure Plan and as detailed in the Plans and Specifications (Hanson, 2014d), is estimated to be $2,600,000. The cost for post-closure care activities related to the closure of Ash Pond A, Ash Pond B, Ash Pond C, and the Bottom Ash Sluice

Pond, as specified in the Post-Closure Care Plan (Hanson, 2014e) completed for this project, is estimated to be $63,000 annually. Total cost for closure and post-closure care under this alternative, which includes capital cost and O&M, is $2,600,000 (closure cost) + $630,000 (10-year post-closure care cost) = $3,230,000 (in 2014 dollars).

For comparison purposes, a clean closure alternative for the Ash Pond A, Ash Pond B, Ash Pond C, and the Bottom Ash Sluice Pond at the Site would exceed the $33,000,000 just for the disposal charges (tipping fees) at a permitted disposal facility, and does not include excavation, handling, and transportation to the disposal location. Along with the handling and disposal charges, large volumes of fill could be needed to return the Site to conditions that would promote positive site drainage. Estimated costs are highly dependent on costs associated with disposal of ash in a municipal waste landfill and upon the availability of local fill material. If the material is not suitable for disposal in a solid waste landfill, the disposal cost will be significantly higher than estimated. Due to unfavorable cost and the expected effectiveness of the chosen alternative, this option was not selected.

9. Construction Quality Assurance Program

As previously indicated, see the Construction Quality Assurance (CQA) Plan completed for this project (Hanson, 2014a), which describes the CQA program for the closure of Ash Ponds A, B, C and the Bottom Ash Sluice Pond.

The CQA Plan requires a scheduled program of CQA monitoring, inspection, sampling and testing to verify compliance with project plans and specifications. The goal of the program is to achieve a reasonable degree of certainty that the construction of the facility meets the specified designs.

The elements of the Plan include:

1. Responsibility and authority of project personnel, including: the owner (Ameren); design engineer; CQA personnel, including owner's representative retained as a CQA Officer and a document controller; testing and monitoring firms under the direction of the CQA officer, including the soil/concrete testing lab(s), surveyor, geosynthetics monitor and geosynthetics testing laboratory; and, contractors, suppliers and installers performing their designated portions of the work.
2. Project meetings, including preconstruction meetings, routine progress meetings and as needed, problem or work deficiency meetings.
3. In-progress acceptance of work by the geosynthetic installers and the vegetative cover installers to insure that the geosynthetic is not damaged.
4. Sampling and testing requirements. Prequalification and placement sampling/testing requirements for the various materials and construction activities.
5. Corrective measures. The CQA Officer shall reject and require replacement of all materials for which sampling, testing or inspection show that prequalification requirements are not met. The CQA Officer shall also reject workmanship (and require corrective rework) for which sampling, testing or inspection show that material placement requirements are not met.
6. Documentation of sampling, inspections, and testing, with daily inspection reports and weekly summary reports prepared by the CQA Officer or his designated representative.

7. Acceptance report prepared by the CQA Officer upon completion of the construction contract and submitted to the Illinois EPA. The acceptance report shall contain the following:
    - Certification by the CQA Officer that the construction has been prepared and constructed in accordance with the engineering design.
    - "As-built" drawings.
    - Weekly summary reports.
8. Construction management activities, including:
    - Procedures for requests for information (RFIs), clarification or interpretation of contract documents by the General Contractor or installer to the CQA Officer.
    - Review procedures of contractor submitted drawings, product data and samples by the CQA Officer in accordance with the requirements of the project specifications so as not to cause delay in project work.
    - Process by which the contractor shall prepare Field Change Order (FCO) requests to the CQA Officer and responsibilities of the CQA Officer for logging FCOs and updating project costs.
9. Procedures for document control and project records, including revisions of the CQA Plan, as necessary, by the CQA Officer, and issuance and maintenance of the CQA Plan and revisions to the CQA Plan by the Document Controller.

10. Licensed Professional Acknowledgement

I hereby affirm that all information and design contained in this Closure Plan is true and accurate to the best of my knowledge and belief in accordance with good engineering practice.

Steve M. Bishoff, P.E.
Hanson Professional Services Inc.
1525 South Sixth Street
Springfield, IL 62703-2886
(217) 788-2450
Registration No. 062-040449

Seal:

Signature: _____ Date: 10-2-2014

11. References

Hanson, 2011a. "Closure of Ash Pond D, Hutsonville Power Station, Closure Plan, Ameren Energy Generating Company, Crawford County, Illinois". Hanson Professional Services Inc., Springfield, IL.

Hanson, 2011b. "Closure of Ash Pond D, Hutsonville Power Station, Groundwater Monitoring Plan, Ameren Energy Generating Company, Crawford County, Illinois". Hanson Professional Services Inc., Springfield, IL.

Hanson, 2011c. "Closure of Ash Pond D, Hutsonville Power Station, Plans and Specifications, Ameren Energy Generating Company, Crawford County, Illinois". Hanson Professional Services Inc., Springfield, IL.

Hanson, 2014a. "Ash Ponds Closure, Construction Quality Assurance Plan, AmerenEnergy Medina Valley Cogen, L.L.C., Crawford County, Illinois". Hanson Professional Services Inc., Springfield, IL.

Hanson, 2014b. "Ash Ponds Closure, Hydrogeologic Site Investigation, AmerenEnergy Medina Valley Cogen, L.L.C., Crawford County, Illinois". Hanson Professional Services Inc., Springfield, IL.

Hanson, 2014c. "Ash Ponds Closure, Groundwater Monitoring Plan, AmerenEnergy Medina Valley Cogen, L.L.C., Crawford County, Illinois". Hanson Professional Services Inc., Springfield, IL.

Hanson, 2014d. "Ash Ponds Closure, Plans and Specifications, AmerenEnergy Medina Valley Cogen, L.L.C., Crawford County, Illinois". Hanson Professional Services Inc., Springfield, IL.

Hanson, 2014e. "Ash Ponds Closure, Post-Closure Care Plan, AmerenEnergy Medina Valley Cogen, L.L.C., Crawford County, Illinois". Hanson Professional Services Inc., Springfield, IL.

Hanson and NRT, 2014. "Ash Ponds Closure, Groundwater Management Zone Application, AmerenEnergy Medina Valley Cogen, L.L.C., Crawford County, Illinois". Hanson Professional Services Inc., Springfield, IL; Natural Resource Technology, Inc., Milwaukee, WI.

Illinois PCB, 2011. Rulemaking R2009-21 – "Ameren Ash Pond Closure Rules (Hutsonville Power Station): Proposed 35 Ill. Adm. Code Part 840.101 through 840.152 – Adopted Rule. Final Opinion and Order". Illinois Pollution Control Board, Springfield, IL, 80 pp.

Illinois PCB, 2013. Rulemaking R2014-10 "Coal Combustion Waste Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code Part 841 – Statement of Reason". Illinois Pollution Control Board, Springfield, IL, 305 pp + Appendices.

NRT, 2014. "Ash Ponds Closure, Modeling Report, AmerenEnergy Medina Valley Cogen, L.L.C., Crawford County, Illinois". Natural Resource Technology, Inc., Milwaukee, WI.

The Hanson 2014 documents, the Hanson/NRT 2014 document and the NRT 2014 document listed above are being submitted concurrently as part of and/or supporting this Closure Plan.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829
BRUCE RAUNER, GOVERNOR LISA BONNETT, DIRECTOR

April 8, 2015

W0330100003

Mr. Kevin Kersting, Manager Water Quality
Ameren Services
1901 Chouteau Avenue
P.O. Box 66149, MC 606
St. Louis, Missouri 62257

06 L

Dear Mr. Kersting;

This transmittal responds to the Ameren Energy Medina Valley Cogen, LLC (Ameren) Closure Plan: Ash Ponds A, B, C and Bottom Ash Pond Hutsonville Power Station dated October 23, 2014, the Cover-Liner Comparison dated January 14, 2015, and responses, with attachments, to Agency comments dated February 25, 2015 and March 12, 2015, received at the Illinois Environmental Protection Agency ("Agency") headquarters.

The Agency has reviewed the Closure Plan, which includes a section on post-closure care. The Agency finds that the Closure Plan, in conjunction with the supplemental submissions referenced above, represent an appropriate means by which to close Ash Ponds A, B, C and the Bottom Ash Pond at the Hutsonville Power Station.

The Agency notes that the Closure Plan contains a Groundwater Management Zone ("GMZ") application. A letter approving the establishment of a GMZ as described in the GMZ application will be issued upon the Agency's receipt and favorable review of the Acceptance Report and Certification of Final Cover Placement described in Section 4.12 of the Closure Plan.

Thank you for your attention to these matters. If you have any questions or concerns, please contact Lynn Dunaway of my staff or me at the letterhead address or 217/785-4787.

Sincerely,

William E. Buscher

William E. Buscher, P.G.
Supervisor, Hydogeology and Compliance Unit
Groundwater Section
Division of Public Water Supplies
Bureau of Water

CC: Lynn Dunaway
Darin LeCrone
Records

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GEOTECHNOLOGY INC
FROM THE GROUND UP

CONSTRUCTION QUALITY ASSURANCE REPORT
CLOSURE OF ASH POND A, ASH POND B, ASH POND C, AND BOTTOM ASH POND
HUTSONVILLE POWER STATION
15142 EAST 1900 AVENUE
CRAWFORD COUNTY, ILLINOIS

Prepared for:

AMERENENERGY MEDINA VALLEY COGEN, L.L.C.

Prepared by:

GEOTECHNOLOGY, INC.
St. Louis, Missouri

Project No. J019896.05

November 21, 2016

GEOTECHNOLOGY INC
FROM THE GROUND UP

November 21, 2016

J019896.05

Mr. Mike Wagstaff, P. E.
Ameren Missouri
3700 South Lindbergh Boulevard
St. Louis, Missouri

Re: Construction Quality Assurance Report
Closure of Ash Pond A, Ash Pond B, Ash Pond C, and Bottom Ash Pond
Hutsonville Power Station
15142 East 1900 Avenue
Crawford County, Illinois

Dear Mr. Wagstaff:

Attached is the Construction Quality Assurance report for the referenced site. This report is documentation of the activities associated with the closure of Ash Pond A, Ash Pond B, Ash Pond C, and the Bottom Ash Pond at the Hutsonville Power Station in Crawford County, Illinois.

If you have any questions or comments regarding the attached information, please feel free to contact the undersigned at (314) 997-7440.

Very truly yours,

GEOTECHNOLOGY, INC.

Anna M. Saindon, P.E., Ph.D.
Project Manager

JYH/AMS/MSR:jyh/jsj

J019896.05

CONSTRUCTION QUALITY ASSURANCE REPORT
CLOSURE OF ASH POND A, ASH POND B, ASH POND C, AND BOTTOM ASH POND
HUTSONVILLE POWER STATION
15142 EAST 1900 AVENUE
CRAWFORD COUNTY, ILLINOIS

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15142 EAST 1900 AVENUE
CRAWFORD COUNTY, ILLINOIS

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CONSTRUCTION QUALITY ASSURANCE REPORT
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HUTSONVILLE POWER STATION
15142 EAST 1900 AVENUE
CRAWFORD COUNTY, ILLINOIS

1.0 PROJECT BACKGROUND

The AmerenEnergy Medina Valley Cogen, L.L.C. (Ameren) Hutsonville Power Station (Hutsonville) is located at 15142 East 1900 Avenue, Hutsonville, Illinois. This report is documentation of the completed Construction Quality Assurance (CQA) program for the closure of four ash ponds: Ash Pond A, Ash Pond B, Ash Pond C, and the Bottom Ash Pond. The plan has been completed in general accordance with the coal combustion byproduct (CCB) surface impoundment closure requirements of 35 Illinois Administration Code (IAC) 840.146 entitled Construction Quality Assurance Program.

Ash Pond A was operational from 1986 until the plant ceased operations in December 2011. Fly ash from the operating units was collected by an electrostatic precipitator and sluiced to Ash Pond A. The pond was constructed with an 80 mil high-density polyethylene (HDPE) liner. Ash was sluiced to the pond where solids were permitted to settle out and supernatant liquids were decanted. The pond contained fly ash within an area of approximately 12 acres, with an average ash depth of approximately 20 feet. Prior to closure initiation, it was estimated that Ash Pond A contained approximately 81,000 cubic yards of ash. The ash pond was contained by a 2,400 foot long perimeter embankment approximately 15 feet high.

Ash Pond B, an HDPE-lined pond, was placed in service in 2000 for disposal of sluiced fly ash and bottom ash. This pond received wastewater and/or storm water for periodic discharge and was permitted under the facility's National Pollutant Discharge Elimination System (NPDES) and Subpart B permits. Ash Pond B had a surface area of approximately 4.4 acres, with a maximum embankment height of 17 feet. Prior to closure initiation, it was estimated that Ash Pond B contained approximately 12,400 cubic yards of ash. Ash Pond B functioned as a secondary settling pond (polishing pond), receiving flow via a triplex pump station in Ash Pond C and flow from Ash Pond A before discharging to the Wabash River via NPDES-permitted outfall #002 (IL0000175).

Ash Pond C was an HDPE-lined pond placed in service in 2000 for disposal of sluice water from the Bottom Ash Pond. This pond received storm water and was permitted under the facility's NPDES and Subpart B permits. Storm water from the Bottom Ash Pond and Ash Pond C was discharged to Ash Pond B via a pump station. Ash Pond C was incised with a surface area of approximately 2 acres. Prior to closure initiation, it was estimated that Ash Pond C contained approximately 10,000 cubic yards of ash.

The Bottom Ash Pond was put into service in 1969 for disposal and reuse of bottom ash. The Bottom Ash Pond had a surface area of approximately 1.2 acres, with a maximum embankment height of 15 feet. Prior to closure initiation, it was estimated that the Bottom Ash Pond contained approximately 23,000 cubic yards of bottom ash. This pond received storm water for periodic discharge and was permitted under the facility's NPDES and Subpart B permits.

In summary, the closure activities for the three clean-closure ash ponds included: removal of CCB, removal of geomembrane, grading, construction of surface water control structures, and vegetation. The closure activities for Ash Pond A included: placement of CCB from the three clean-closure ash ponds, CCB subgrade grading, CCB subgrade compaction, placement of 40-mil HDPE geomembrane, placement of a three-foot thick final cover soil layer, construction of surface water control structures, and vegetation. As required in the CQA Plan, a scheduled program of monitoring, inspecting, sampling, and testing was performed. The CQA Plan was used to evaluate compliance with the intent of the closure plans[1] and specifications[2]. A summary of the site activities, construction observation, field testing, laboratory testing, and surveying during the ash pond closures are included in this CQA report. Presented in Appendix A are the weekly memorandums, daily reports, meeting minutes, and photograph logs. Presented in Appendix B are the CQA certifications.

2.0 CLEAN CLOSURE ACTIVITIES

2.1 CCB Removal Activities

CCB was removed from Ash Pond B, Ash Pond C, and the Bottom Ash Pond to facilitate clean closure of these ponds. CCB removal began on June 4, 2015 and concluded on September 24, 2015. A CQA representative periodically observed the CCB removal activities to assess the completeness of CCB removal. The CCB removed from Ash Pond B, Ash Pond C, and the Bottom Ash Pond was placed in Ash Pond A. After the CCB was removed, the ponds were brought to final grade, storm water controls were installed, and the ponds were vegetated.

[1] *Construction Plans for the Closure of Ash Ponds A, B, C and Bottom Ash Pond, Medina Valley Cogen, LLC, Hutsonville Power Station, Revised August 2014*; prepared by Hanson Professional Services Inc. for Ameren Energy Generating Company, 2014.

[2] *Construction Specification UE-2165 for Closure of Ash Ponds A, B, C and Bottom Ash Pond at Medina Valley Cogen, LLC Hutsonville Power Station*; prepared by Hanson Professional Services Inc. for Ameren Energy Generating Company, 2014.

2.2 Coal Yard

The Coal Yard previously stored coal for use at the power plant. The excess coal stored in the Coal Yard after the power plant operation ceased was removed prior to the beginning of the project. Coal spoils were still present in the Coal Yard after these removal activities. The top twelve inches of coal spoils were removed from the surface of the Coal Yard and placed in Ash Pond A. The top twelve inches were then backfilled with excess soil from on site.

2.3 Ash Pond D Slope at the Bottom Ash Pond

Ash Pond D was closed on the site in 2012. The slope of Ash Pond D adjacent to the east end of the Bottom Ash Pond contained ash extending into Ash Pond D. The Ash Pond D slope, extending from a tie-in to the previously installed Ash Pond D geomembrane to the base of the slope, was installed using the same procedures outlined in Section 4.0 (Geomembrane) of this report. The Ash Pond D geomembrane was installed on November 5, 2015 and protective cover was installed on November 20, 2015.

2.4 Survey of Final Grade

The finished grade of Ash Pond B, Ash Pond C, and the Bottom Ash Pond was surveyed by a licensed surveyor for a final as-built drawing. The results of the survey are illustrated and summarized on Sheet S-XXX-001A.

2.5 Surface Water Management

Surface water management structures in Ash Pond B, Ash Pond C, and the Bottom Ash Pond, including ditches and outfalls, were built in accordance with the design and approved modifications thereof.

2.6 Vegetation

After Ash Pond B, Ash Pond C, the Bottom Ash Pond, and the Coal Yard were brought to final grade, they were fertilized and seeded using synthetic mats and straw as needed to establish vegetation.

3.0 ASH POND A SUBGRADE PREPARATION

Subgrade preparation began on May 11, 2015 and was completed on October 30, 2015. In summary, subgrade preparation activities consisted of placing CCB material excavated from Ash Pond B, Ash Pond C, and the Bottom Ash Pond, placing spoils excavated from the Coal Yard, grading CCB in Ash Pond A, compacting the top 1 foot of subgrade material, performing compaction testing, and surveying the final subgrade elevations. In addition, the prepared subgrade was visually assessed by the CQA Officer to observe that the surface was relatively smooth and free of deleterious materials (i.e. jagged, irregularly-shaped protrusions) that could damage the geomembrane.

3.1 Laboratory Testing

Three CCB bulk samples were obtained from the existing subgrade. Index testing (moisture content and Atterberg limits) was performed on select samples. Standard Proctor moisture-density relationship was performed on the three bulk samples. The laboratory test results are summarized and presented in Appendix C.

3.2 Subgrade Compaction

Nuclear gauge density tests were performed on the upper 12 inches of the prepared subgrade at a frequency of five tests per acre (refer to Table 1). The field density tests were compared to the standard Proctor moisture-density relationship laboratory test data (Appendix C) to provide information regarding subgrade compaction. The project specifications required the subgrade to be compacted to 90 percent of the maximum standard Proctor dry density. Areas of failed density tests were recompacted and retested as needed. Based on the laboratory test results and field density test results, the subgrade was compacted in conformance with the CQA plan. The field tests are summarized in Table 1 and provided in the field observation reports in Appendix A.

3.3 Subgrade Survey

The subgrade was surveyed by a licensed surveyor. In addition, the subgrade was observed by the CQA Officer to verify that the prepare slopes did not have sharp grade changes, depressions, or protrusions. Repairs were made to areas that did not meet these criteria prior to geomembrane placement. A final as-built survey of the subgrade was performed. The results of the survey are illustrated and summarized on Sheet SUV-1. After the subgrade was smoothed, certification of the survey data and general condition of the subgrade was provided by the CQA Officer prior to installation of the 40-mil HDPE geomembrane liner (Appendix B).

4.0 GEOMEMBRANE

Geomembrane placement began on October 30, 2015 and was completed on November 13, 2015.

4.1 Prequalification Testing

The geomembrane manufacturer supplied an inventory list of the 40-mil HDPE geomembrane rolls to the owner and the CQA Officer. The geomembrane manufacturer submitted samples from the prequalification rolls to an independent geosynthetics laboratory for verification of selected manufacturer's guaranteed properties (presented in Appendix D). On each geomembrane roll selected for sampling, a 3-foot long sample was collected along the entire width of the roll.

In addition, the manufacturer submitted documentation that the materials supplied were tested for the parameters listed in the manufacturers list of guaranteed properties at the required testing frequency. The results of the testing, including identification of tested rolls, were submitted to the CQA Officer for review. The manufacturer certified that all rolls met the manufacturer's guaranteed properties in accordance with the specified testing frequency rate (Appendix D).

Geomembrane prequalification testing was completed prior to delivery. Copies of the testing results are provided in Appendix D.

4.2 Installer Certification of Placement Surface

The geomembrane installer's inspection and acceptance of the prepared subgrade surface as suitable for the geomembrane installation is documented through Certificates of Acceptance (Appendix E). Certificates of Acceptance were provided to the CQA Officer each day for the area covered by geomembrane that day.

4.3 Seam Overlap Testing

The general contractor and geomembrane installer arranged the geomembrane panels in an orientation to reduce the number of field seams. Within the geomembrane footprint, seam overlaps were field measured by the geomembrane installer to verify that the required 3 inches of overlap was met for all seams. Seam overlaps were "shingled" in the direction of the downslope. The CQA Officer and field representatives made independent measurements of the seam overlaps for additional verification.

4.4 Non-Destructive Testing

The geomembrane installer performed non-destructive testing of seams at the frequency specified in the CQA Plan. The seams were non-destructively tested over the full-length using a vacuum test unit, air pressure test, or other methods (i.e., spark testing for geomembrane boots around vent pipes) approved by the CQA Officer. Vacuum testing and air pressure testing procedures are presented in Sections 4.4.1 and 4.4.2. Continuity testing was completed as the seaming progressed. The CQA Officer and field representatives observed the non-destructive testing performed by the geomembrane installer. The geomembrane installer submitted all non-destructive field-testing results to the CQA Officer (Appendix C).

4.4.1 Vacuum Testing (Extrusion Welds)

Extrusion welds were typically used for repairs, protrusions through the geomembrane, and the tie-in to the existing geomembrane of Ash Pond D. Vacuum testing procedures for extrusion welds follow.

Equipment

The following equipment was used:

- Vacuum box assembly consisting of a rigid housing with a transparent viewing window, soft neoprene gasket attached to the bottom, port hole or valve assembly and a vacuum gauge;
- Vacuum tank and pump assembly equipped with a pressure controller and pipe connections;
- Rubber pressure or vacuum hose with fittings and connections;
- Bucket; and
- Soapy solution.

Procedures

The following procedures were followed:

1. The vacuum pump was energized and tank pressure was adjusted to approximately 10 inches of mercury.
2. A strip of geomembrane approximately 12 inches wide by 48 inches long (an area larger than the coverage of the vacuum box) was wetted with the soapy solution.
3. The box was placed over the wetted area.
4. The bleed valve was closed and the vacuum valve opened.
5. Creation of a leak tight seal was verified.

6. The geomembrane was observed for at least ten seconds through the viewing window for the presence of soap bubbles.
7. When bubbles were not observed after 10 seconds, the vacuum valve was closed, and the bleed valve opened. The box was moved to the next adjoining area, and the process was repeated.
8. All areas where soap bubbles appeared were marked, repaired, and retested until passing test results were obtained.

4.4.2 Air Pressure Testing (Double Fusion Welds)

Double fusion seams were typically used to fuse two panels of geomembrane together. Air pressure testing procedures for double fusion welds follow.

Equipment

The following equipment was used:

- Air pump (manual or motor driven) equipped with pressure gauge capable of generating and sustaining a pressure of 25 to 30 pounds per square inch (psi) and mounted on a cushion to protect the geomembrane;
- Rubber hose with fittings and connections; and
- Sharp hollow needle.

Procedures

The following procedures were followed:

1. Both ends of the seam to be tested were sealed.
2. A needle was inserted into the tunnel created by the fusion weld.
3. A protective cushion was inserted between the air pump and the geomembrane.
4. The air pump was energized to a pressure between 25 psi and 30 psi. The valve was closed, and the pressure was sustained for a minimum of five minutes.
5. If loss of pressure exceeded 3 psi or did not stabilize, the leaking area was located, then repaired and retested until passing test results were obtained.
6. At the conclusion of a passing air pressure test, the opposite end of the seam was slit and the subsequent drop in pressure was observed. Our observation of the pressure drop indicated that the seam passed.
7. The needle was removed and the needle hole sealed.

4.5 Destructive Testing

Destructive seam tests were performed at randomly selected geomembrane locations as seaming work progressed. The purpose of the destructive seam tests was to evaluate seam strength. The CQA Officer and field representatives observed the destructive testing performed by the geomembrane installer.

The geomembrane installer submitted the results of the field destructive testing to the CQA Officer. An independent laboratory, selected by the CQA Officer, performed the destructive seam tests that included peel and shear strength testing. The destructive seam testing results (field-testing and independent testing) are presented in Appendix D.

4.5.1 Testing Location and Frequency

The CQA Officer or field representative selected the destructive test locations where seam samples were removed for testing at a minimum frequency of one sample per 500 feet of seaming. In addition, the CQA Officer or field representative could select additional destructive seam sample locations at their discretion. Destructive seam test locations include random seam testing and areas of possible defects (excess crystallinity, contamination, offset welds, equipment malfunction).

4.5.2 Sampling Procedures

Destructive seam samples were obtained as the seaming progressed. This method was used to facilitate approval of the geomembrane results prior to covering the geomembrane with the next layer of the closure construction. The geomembrane installer assigned a number to each destructive seam sample and marked the location and seaming information on each collected sample. The destructive seam sample location was recorded on an as-built drawing. The locations of the destructive seam samples were repaired in accordance with the CQA Plan. The continuity of the repairs was subsequently vacuum tested.

4.5.3 Field Testing

The geomembrane installer used a tensiometer to test ten 1-inch wide strips from each sample identified for destructive testing. In accordance with the CQA Plan, the field destructive tests consisted of five samples for peel adhesion and five samples for shear strength. Upon successful field-testing, the remaining destructive seam samples were qualified to be submitted for independent laboratory testing.

4.5.4 Laboratory Testing

Samples that passed the prequalifying field-tests were submitted to the independent testing laboratory. Ten specimens from each destructive seam sample were tested, including five shear strength tests and five peel adhesion tests. Laboratory testing was in accordance with "Standard Test Method for Determining the Integrity of Nonreinforced Geomembrane Seams Produced Using Thermo-Fusion Methods" (ASTM D 6392). Acceptance was based on the criteria outlined in the Geosynthetic Research Institute (GRI) standard GRI GM19 as provided in the CQA Plan.

4.5.5 Procedures for Failed Destructive Tests

If a destructive sample did not pass either a field or a laboratory test, the geomembrane installer had two options to remediate the failure. The geomembrane installer could reconstruct and repair the seam between any two passed test locations completed by the same technician on the same day. Alternatively, the geomembrane installer could trace the welding path to an intermediate location at least 10 feet from the failed test in either direction and take additional destructive seam samples. The additional samples were then field-tested prior to sending to the independent laboratory as previously described. If the additional samples passed, then the seam was reconstructed between the two passing samples. If the additional samples failed, then the process was repeated to establish the zone in which the seam should be reconstructed.

Reconstructed seams were bounded by two locations with passing laboratory destructive tests. In cases that exceeded 150 feet of reconstructed seam, a destructive sample was taken from the zone in the reconstructed area. The geomembrane installer documented the actions taken in conjunction with destructive test failures (Appendix D).

5.0 FINAL COVER

After the geomembrane was constructed and approved, 3 feet of final cover (soil) was placed over the 40-mil HDPE geomembrane. Soil grading began on November 23, 2015. On December 22, 2015, the protective cover was winterized for completion in the spring; all parts of the HDPE geomembrane were covered by at least two feet of protective cover as of this date. Protective cover placement, shaping, and grading resumed on April 6, 2016 and were completed on June 6, 2016.

The final cover installer's inspection and acceptance of the geomembrane surface as suitable for the final cover installation is documented through Certificates of Acceptance (Appendix E). Certificates of Acceptance were provided to the CQA Officer each day for the area of geomembrane covered by final cover that day.

The soil grading activities consisted of:

- Visually observing that the geomembrane surface was free of defects prior to soil placement,
- Removing deleterious materials (such as roots and rocks) from the soil that could damage the geomembrane,
- Spreading the soil over the geomembrane,
- Preparing the partial cover for the winter months,
- Repairing erosive damage to the partial cover when work resumed in the spring,
- Surveying the final subgrade elevations on the established 100-foot grid points, and
- Calculating the difference between the ash subgrade and the final surface to confirm that a minimum of 3 feet of soil as a final cover was present over the geomembrane.

The soil was placed in a 2-foot thick lift by a low pressure bulldozer. During the placement of the 2-foot thick lift, a 3-foot thick road was built and maintained to allow haul trucks to transport soil onto Ash Pond A. The soil was then brought to final grade in a second grading phase after the geomembrane surface was covered. The final surface survey data and calculated thickness are provided on Sheet SUV-1. Discussions of the soil placement are provided on the field observation reports presented in Appendix A.

After the final cover was graded and the surface water management controls constructed, Ash Pond A was fertilized and seeded using synthetic mats and straw as needed to establish vegetation.

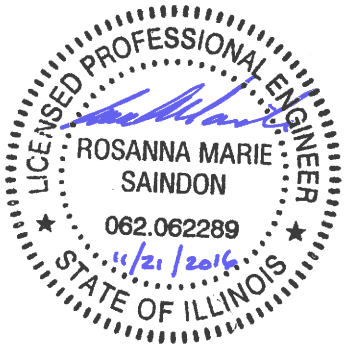
6.0 SURFACE WATER MANAGEMENT

Berms and channels were constructed on the final cover for surface water management. Construction of the berms and channels were observed and an as-built survey was performed.

A copy of the surface water management structure survey data is provided on Sheet S-XXX-001A. Additional information on the field observations are provided in Appendix A.

7.0 SIGNATURE

As Construction Quality Assurance (CQA) Officer for the construction of the closure of Ash Pond A, Ash Pond B, Ash Pond C, and the Bottom Ash Pond (from April 14, 2015 to October 12, 2016), located at the AmerenEnergy Medina Valley Cogen, Hutsonville Plant in Hutsonville, Illinois, I am familiar with the plans and specifications, and the CQA Plan as prepared and approved for the project. Based on my observations and the observations of the Construction Quality Assurance Officers-In-Absentia (Cassandra Baresel, Steve Graham, and Jessie Hahn), it is my professional opinion that the construction was completed as described in this Report. CQA certification by the owner's representative does not relieve the contractor of their obligations to furnish all work in accordance with the contract.



Rosanna M. Saindon, P.E., Ph.D.
Illinois Licensed Professional Engineer
Project Manager
Geotechnology, Inc.

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397
BRUCE RAUNER, GOVERNOR ALEC MESSINA, DIRECTOR

March 30, 2017

Mr. Kevin Kersting, Manager Water Quality
Ameren Services
1901 Chouteau Avenue
P.O. Box 66149, MC 606
St. Louis, Missouri 62257

Dear Mr. Kersting;

This transmittal responds to the Ameren Energy Medina Valley Cogen, LLC ("Ameren") Construction Quality Assurance Report: Closure of Ash Pond A, Ash Pond B, Ash Pond C and Bottom Ash Pond Hutsonville Power Station dated November 21, 2016 ("Report"), received at the Illinois Environmental Protection Agency ("Agency") headquarters.

The Agency has reviewed the Report, and its description of the Closure activities completed at the site. The Agency finds that the Report adequately documents the Closure process.

In addition to approval of the Report, the Agency herein transmits its approval of the Groundwater Management Zone ("GMZ") application, consistent with the requirements of 35 Ill. Adm. Code 620.250, contained in the Closure Plan submitted by Ameren, dated October 23, 2015.

Thank you for your attention to these matters. If you have any questions or concerns, please contact Lynn Dunaway of my staff or me at the letterhead address or 217/785-4787.

Sincerely,

William E. Buscher

William E. Buscher, P.G.
Supervisor, Hydogeology and Compliance Unit
Groundwater Section
Division of Public Water Supplies
Bureau of Water

CC: Lynn Dunaway
Darin LeCrone
Records

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412 SW Washington St., Suite D, Peoria, IL 61602 (309)671-3022
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200
100 W. Randolph, Suite 10-300, Chicago, IL 60601

CLOSURE PLAN
FLY ASH POND AND BOTTOM ASH POND
MEREDOSIA POWER STATION
800 SOUTH WASHINGTON STREET
MEREDOSIA, ILLINOIS

Prepared for:

AMERENENERGY MEDINA VALLEY COGEN, LLC
St. Louis, Missouri

Prepared by:

GEOTECHNOLOGY, INC.
St. Louis, Missouri

Project No. J024917.01

August 15, 2016

J024917.01

FLY ASH POND AND BOTTOM ASH POND
MEREDOSIA POWER STATION
800 SOUTH WASHINGTON STREET
MEREDOSIA, ILLINOIS

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CLOSURE PLAN
FLY ASH POND AND BOTTOM ASH POND
MEREDOSIA POWER STATION
800 SOUTH WASHINGTON STREET
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Prepared for:

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St. Louis, Missouri

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August 15, 2016

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CLOSURE PLAN
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J024917.01

CLOSURE PLAN
FLY ASH POND AND BOTTOM ASH POND
MEREDOSIA POWER STATION
800 SOUTH WASHINGTON STREET
MEREDOSIA, ILLINOIS

1.0 INTRODUCTION

This Closure Plan for the AmerenEnergy Medina Valley Cogen, LLC Meredosia Power Station (Meredosia Power Station) Fly Ash Pond and Bottom Ash Pond Coal Combustion Waste Surface Impoundments has been prepared in general accordance with the requirements of the site-specific rule in 35 Illinois Administrative Code (IAC) Part 840.101 through 840.152 and the United States Environmental Protection Agency (USEPA) regulation at 40 Code of Federal Regulations (CFR) Parts 257 and 261. Supporting documents to this Closure Plan are listed in the Reference Section of this report.

2.0 SITE LAYOUT

The Meredosia power Station is located at 800 South Washington Street, Meredosia, Illinois. The Fly Ash and Bottom Ash Ponds are located southwest of the coal pile and plant facilities. The site location and topography are shown on Plate 1. The existing structures, ash ponds, and boring/monitoring wells are shown on Plate 2.

3.0 SITE HISTORY

The Meredosia Power Station is located south of Meredosia in Morgan County, Illinois, which is located in west-central Illinois. The Meredosia Power Station ash ponds are located in the south half of Section 21 and the north half of Section 28, T.16N, R.13W. The plant generated electricity from 1948 until February 2012. The plant is located on the floodplain east of the Illinois River. A third ash pond referred to as the "Old Ash Pond" was reportedly closed, and will not be further discussed in this report. Reportedly, the Bottom Ash and Fly Ash Ponds were constructed of native materials.

The Bottom Ash Pond was constructed in 1972 with a design surface area of 11 acres, a height of 24 feet and a volume of approximately 90 acre-feet. The Bottom Ash Pond had received low-volume wastewater, bottom ash and storm water runoff. The site operates under NPDES Permit IL0000116, Outfall 003, which is for the Bottom Ash Pond. Reportedly, the Bottom Ash Pond did not have standing water within two months of the plant closure.

The Fly Ash Pond was constructed in 1968. The Fly Ash Pond has a surface area of 34 acres, a height of 24 feet and a volume of approximately 500 acre-feet. The Fly Ash Pond reportedly received fly ash, low-volume wastewater and storm water runoff. The site operates under NPDES Permit IL0000116, Outfall 004, which is for the Fly Ash Pond. The Fly Ash Pond was reportedly dry by October 2012.

A feasibility analysis was performed regarding the closure options for the Fly Ash and Bottom Ash Ponds on the site. The options included no action, complete clean closure, soil/geosynthetic composite cap, and partial clean closure with a ClosureTurf® cap alternatives. The no closure option was not selected due to the known groundwater impacts at the site and facility decommissioning activities. Clean closure of both ponds was cost and time prohibitive due to ash disposal and subsequent backfilling and grading of the site. The soil/geosynthetic composite cap option was not selected due to the long term maintenance issues, lack of personnel on site to perform maintenance activities, cost, and the longer time frame needed to close the ponds. Partial clean closure of the bottom ash pond, moving the bottom ash to the fly ash pond, and capping the fly ash pond and bottom ash pond berm with ClosureTurf® was selected as an effective and efficient option.

4.0 SLOPE STABILITY ANALYSIS

Slope stability analysis consists of comparing the driving forces within a cross-section of slope to the resisting forces and calculating the factor of safety. Per the Illinois Department Natural Resources (IDNR)[1], embankments should have a minimum factor of safety of 1.5 for long-term static stability, and 1.0 for the pseudo-static condition (seismic condition). Major flood conditions and rapid drawdown conditions were also analyzed due to the proximity of the site to the Illinois River. Slope stability analysis discussion, section profiles, and calculated critical failure arcs at selected locations are presented in Appendix A. Global stability analysis results, at current groundwater elevations in relation to mean sea level (MSL) and design grades for the Fly Ash and Bottom Ash Ponds, are summarized in the following table.

[1] *Rules for Construction and Maintenance of Dams*, Illinois Department of Natural Resources, Office of Water Resources, Springfield, Illinois.

SUMMARY OF STABILITY ANALYSES			
Section Location	**Case**	**Calculated Factor of Safety**	**Target Factor of Safety**
Fly Ash Pond West Embankment	Static Condition Normal River Stage	2.1	1.5
	Static Condition Major Flood Stage (447'MSL)	2.5	1.5
	Rapid Drawdown Major Flood Stage (447'MSL)	1.7	1.2
	Seismic Condition	1.3	1.0
Bottom Ash Pond West Embankment	Static Condition Normal River Stage	1.8	1.5
	Static Condition Major Flood Stage (447'MSL)	1.6	1.5
	Rapid Drawdown Major Flood Stage (447'MSL)	1.7	1.2
	Seismic Condition	1.3	1.0

The stability models for each section at the Fly Ash Pond and Bottom Ash Pond closures have calculated factors of safety greater than or equal to the recommended IDNR target factor of safety for the static and seismic conditions.

5.0 CLOSURE ACTIVITIES

Proposed closure activities include grading, installation of high performance high density polyethylene (HDPE) geomembrane, and establishment of surface water control features for the Fly Ash and Bottom Ash Ponds. Closure activities will be performed in accordance with the Closure Plans and Specifications. Quality control will be performed in accordance with the Construction Quality Assurance (CQA) Plan prepared for this project and will be documented by a professional engineer licensed in Illinois.

Refer to the Plans and Specifications completed for this project (CDG, 2016) for details on the closure system.

5.1 Grading. Ash and other material (i.e. embankment soils, bottom ash, and approved demolition debris) will be moved within and between the Fly Ash and Bottom Ash Ponds to achieve design grades. Embankment materials and bottom ash may be used to bring the subgrade to within one foot of design elevations. At least one foot of fly ash will be placed on top of the

bottom ash to provide a good surface for ClosureTurf® installation. Ash will be placed at a maximum slope of 1V:10H (10 percent slope). Slopes are designed to promote surface runoff and reduce ponding. The final subgrade surface will be compacted and drum-rolled to provide a smooth surface prior to placement of the high performance HDPE system.

5.2 ClosureTurf®/HydroTurf® Installation. The ClosureTurf®/HydroTurf® system is a low permeability synthetic liner used to control storm water infiltration and limit exposure of the capped material to humans and vectors (i.e. animals). The design grades facilitate storm water runoff to the surface water management features outside the Fly Ash and Bottom Ash Ponds.

The ClosureTurf®/HydroTurf® is generally installed in the following manner (Refer to the CQA Plan for specific installation guidelines):

- The geomembrane component is installed per the manufacturer's requirements including the use of heat welding for seaming.
- The turf component is installed per the manufacturer's requirements including the use of a sewing machine for seaming.
- Sand or hydrobinder infill is placed and hydrated per the manufacturer's requirements.
- The perimeter of the geomembrane and turf components is secured by an anchor trench.

5.3 Surface Water Management. Surface water management features have been incorporated into the final cover design. Surface water features, such as ditches, will be formed in the subgrade to facilitate runoff. The ClosureTurf®/HydroTurf® will be placed over the berms and into ditches. Additional details are provided in the Plans and Specifications (CDG, 2016).

Surface water features are designed to handle runoff from a 20-year precipitation event without damage to the final cover and water ponding.

5.4 Construction Quality Assurance (CQA) Program. Refer to the CQA Plan (Geotechnology, 2016) for details on the project specific CQA program.

6.0 HYDROGEOLOGIC SITE INVESTIGATION

The Hydrogeologic Site Investigation includes a summary of geologic data, hydrogeologic data, and known impacts to the groundwater for the site. Boron and arsenic are typically the best indicator chemicals for coal combustion waste related impacts at the site. Please refer to the separate Hydrogeologic Site Investigation Report (Geotechnology, 2016) for detailed information.

7.0 GROUNDWATER

7.1 Groundwater Monitoring Program. Requirements for the groundwater monitoring program and associated quality assurance are found in the Groundwater Monitoring Plan (Geotechnology, 2016). Quarterly groundwater sampling of the groundwater monitoring system will occur for the first five years after the CQA acceptance report is submitted, and sampling frequencies may be reduced after that time frame. Monitoring data and trend analysis data will be maintained at the offices of Medina Valley Cogen, LLC until a post-closure completion report is accepted by the IEPA.

7.2 Groundwater Monitoring System. Nine monitoring wells (Groundwater Monitoring Program, Plate 2) have been installed in the vicinity of the Fly Ash and Bottom Ash Ponds. These monitoring wells are used for the groundwater monitoring system. Additional monitoring wells are not planned at this time. The monitoring well network will be evaluated two years after completion of the ash pond closures for effectiveness. One monitoring well (APW-1) will be sampled for background values, and eight monitoring wells will be sampled for groundwater assessment. Please refer to the separate Groundwater Monitoring Plan (Geotechnology, 2016) for additional information.

7.3 Groundwater Trend Analysis. Intrawell analysis will be used to assess groundwater trends over time. Please refer to the separate Groundwater Monitoring Plan (Geotechnology, 2016) for additional information.

7.4 Mitigation of Statistically Significant Trends. If statistically significant increasing trends are noted in the groundwater analysis, additional investigation into the cause of the increasing trends will be needed. Refer to the Groundwater Monitoring Plan (Geotechnology, 2016) for additional information.

8.0 TIME AND COST ESTIMATES

8.1 Time to Complete Closure. Completion of closure activities is dependent on weather and final approval of the closure plan by the IEPA. However, closure activities are anticipated to begin in 2016 and be completed in 2017.

8.2 Time to Reach Class I Groundwater Standards. Boron concentrations for the current ash pond configurations were modeled for 25 years to represent a scenario where the ash ponds were not closed. After 25 years, Monitoring Well APW-3 (the well with historically highest boron concentrations) stabilized at 16.9 mg/L of boron, which exceeds the Class I Groundwater standards. Monitoring Wells APW-2, APW-6, APW-7, and APW-8 also exceeded the Class I Groundwater standards at 25 years with no action.

After the dewatering and closure activities of the Fly Ash and Bottom Ash Ponds are complete, it will take approximately three years for boron concentrations to decrease below the Class I Groundwater standards for each well on site according to the model results.

Refer to the Hydrogeologic Site Investigation Report (Geotechnology, 2016) for more information regarding the groundwater modeling.

8.3 Remediation Time Frame. Once the ClosureTurf® caps for the Fly Ash and Bottom Ash Ponds are in place, precipitation will be diverted away from the ash ponds. Infiltration of precipitation into the ash ponds will be reduced or eliminated and further reductions of the concentrations of COCs are anticipated. Boron exhibited the highest concentration over the largest area and was used as the indicator contaminant for contaminant transport modeling. Based on the modeling results, the length of time required for the concentration of boron to decrease below the Class I Groundwater Standards is approximately three years. Additional contamination transport modeling information is in the Hydrogeologic Site Investigation Report (Geotechnology, 2016).

8.4 Cost of Closure. The cost for closure activities related to the closure of the Fly Ash and Bottom Ash Ponds as specified in the drawings and specifications is estimated to be $10,000,000.

8.5 Cost of Post-Closure Care. The cost for post-closure care activities related to the closure of the Fly Ash and Bottom Ash Ponds as specified in the Post-Closure Plan is estimated to be $20,000 annually while quarterly groundwater sampling is in progress.

9.0 REFERENCES

CDG, 2016. "Specifications and Construction Plans, Fly Ash and Bottom Ash Ponds Closure, Meredosia Power Station." CDG Engineers Architects Planners, Inc., St. Louis, Missouri, 2016

Geotechnology, Inc., Construction Quality Assurance Plan, Meredosia Power Station, Ameren, 2016.

Geotechnology, Inc., Groundwater Monitoring Plan, Meredosia Power Station, Ameren, 2016.

Geotechnology, Inc., Groundwater Management Zone Plan, Meredosia Power Station, Ameren, 2016.

Geotechnology, Inc., Post-Closure Plan, Meredosia Power Station, Ameren, 2016.

10.0 LICENSED PROFESSIONAL SIGNATURE/SEAL

I hereby affirm that the information and design documents contained in this closure plan are true and accurate to the best of my knowledge and professional opinion.

Rosanna M. Saindon, P.E., Ph.D.
Illinois Licensed Professional Engineer
Project Manager
Geotechnology, Inc.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397
BRUCE RAUNER, GOVERNOR ALEC MESSINA, DIRECTOR

March 8, 2017

Mr. Mike Bollinger, Principal Environmental Scientist
Ameren Services
1901 Chouteau Avenue
P.O. Box 66149, MC 602
St. Louis, Missouri 63166-6149

Dear Mr. Bollinger;

This transmittal responds to the AmerenEnergy Medina Valley Cogen, LLC (Ameren) supplemental data and responses received at the Illinois Environmental Protection Agency ("Agency") headquarters, dated February 6, 2017, which amends the "Closure Plan: Fly Ash Pond and Bottom Ash Pond, Meredosia Power Station". The Agency has reviewed the additional data and responses Ameren provided, and finds that the document adequately addresses the Agency's comments dated November 1, 2016.

The Agency notes that Ameren has committed to submitting a signed groundwater management zone ("GMZ") application upon the Agency's approval of the Meredosia Station Closure Plan which includes the initial plan dated August 15, 2016 as modified by the supplemental information dated February 6, 2017. The Agency hereby approves the Closure Plan for the Meredosia Station. The Agency will acknowledge approval of the signed GMZ application under separate cover.

Thank you for your attention to these matters. If you have any questions or concerns, please contact Lynn Dunaway of my staff or me at the letterhead address or 217/785-4787.

Sincerely,

William E. Buscher, P.G.
Supervisor, Hydogeology and Compliance Unit
Groundwater Section
Division of Public Water Supplies
Bureau of Water

CC: Lynn Dunaway
Darin LeCrone
Records

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Ameren MISSOURI

Development and Resource Center

W137030005-5

January 31, 2019

IL0000116

Bill Buscher
Groundwater Protection
Division of Water Pollution Control
Illinois Environmental Protection Agency
PO Box 19276
Springfield, IL 62794-9276

RE: Medina Valley Cogen, LLC
Meredosia Energy Center
Ash Pond Closures

Mr. Buscher,

I am pleased to inform you that Medina Valley Cogen, LLC has completed closure of the inactive Fly Ash and Bottom Ash Ponds at Meredosia Power Station. The closure project was deemed substantially complete December 5, 2018 in accordance with the Closure Plan approved by IEPA on March 8, 2017.

Enclosed are two copies of the Construction Quality Assurance (CQA) Report and Certification dated January 18, 2019, as required by Title 35, Part 840, Subpart A, Section 840.134. Please note that the Post-Closure Care Plan was submitted previously and approved by IEPA as part of the Closure Plan.

In accordance with Section 840.144, Annual Reports are due no later than March 28 of each year during the closure and throughout the post-closure care period. Ameren plans to submit an annual report containing groundwater monitoring data and any closure or post-closure activities after December 5, 2018.

If you have any questions or comments regarding this submittal, please contact me at (314) 957-3202 or at mwagstaff@ameren.com.

Sincerely,

Michael J. Wagstaff, P.E.
Consulting Engineer
On behalf of Medina Valley Cogen, LLC

Encl.

cc: D. E. Harley, w/o enclosure
M. Frerking, w/o enclosure
C. Henderson, w/o enclosure
S. B. Knowles, w/o enclosure
C. Giesmann, w/o enclosure
M. Kohlbusch, w/ enclosure (2)

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GEOTECHNOLOGY INC
FROM THE GROUND UP

CONSTRUCTION QUALITY ASSURANCE REPORT
CLOSURE OF THE BOTTOM ASH POND AND FLY ASH POND
MEREDOSIA POWER STATION
800 SOUTH WASHINGTON STREET
MEREDOSIA, MORGAN COUNTY, ILLINOIS

Prepared for:

AMEREN ENERGY RESOURCES
ST. LOUIS, MISSOURI

Prepared by:

GEOTECHNOLOGY, INC.
ST. LOUIS, MISSOURI

Date:

JANUARY 18, 2019

Geotechnology Project No.:

J024917.04

SAFETY
QUALITY
INTEGRITY
PARTNERSHIP
OPPORTUNITY
RESPONSIVENESS

GEOTECHNOLOGY INC
FROM THE GROUND UP

January 18, 2019

Mr. Mike Wagstaff, P.E.
Ameren Energy Resources
3700 South Lindbergh Boulevard
St. Louis, Missouri

RE: Construction Quality Assurance Report
Closure of the Bottom Ash Pond and Fly Ash Pond
Meredosia Power Station
800 South Washington Street
Meredosia, Morgan County, Illinois
Geotechnology Project Number: J024917.04

Dear Mr. Wagstaff:

Attached is the Construction Quality Assurance report for the referenced site. This report is documentation of the activities associated with the closure of the Bottom Ash Pond and the Fly Ash Pond at the Meredosia Power Station in Meredosia, Morgan County, Illinois performed through December 5, 2018. Site activities ceased on December 5, 2018 after reaching substantial completion. Final punch-list activities will be performed after the conclusion of winter weather and will be summarized in an addendum letter.

If you have any questions or comments regarding the attached information, please contact the undersigned at (314) 997-7440.

Very truly yours,

GEOTECHNOLOGY, INC.

Anna M. Saindon, P.E., Ph.D.
Project Manager

JYG/AMS/JAW:jyg/jsj

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APPENDICES

1.0 PROJECT BACKGROUND

Geotechnology, Inc. prepared this Construction Quality Assurance (CQA) report for the Bottom Ash Pond and Fly Ash Pond closure at the Meredosia Power Station in Meredosia, Morgan County, Illinois. The CQA report was prepared in general accordance with the Coal Combustion Residual (CCR) surface impoundment closure guidance of 35 Illinois Administrative Code (IAC) 840.146 entitled Site-Specific Closures of Coal Combustion Waste Surface Impoundments Subpart A: Closure of Ash Pond D, Hutsonville Power Station Construction Quality Assurance Program.

The Meredosia Power Station is located in the floodplain east of the Illinois River, south of Meredosia in Morgan County, Illinois, which is located in west-central Illinois. The Meredosia Power Station ash ponds are located in the south half of Section 21 and the north half of Section 28, T.16N, R.13W. The plant generated electricity from 1948 until February 2012. A third ash pond referred to as the "Old Ash Pond" was previously closed, and will not be further discussed in this report. The Bottom Ash Pond and Fly Ash Pond were constructed of native materials. A site overview with key feature locations is provided on Figure 1.

The Bottom Ash Pond was constructed in 1972 with a design surface area of 11 acres, a height of 24 feet and a volume of approximately 90 acre-feet. The Bottom Ash Pond reportedly received low-volume wastewater, bottom ash, and storm water runoff. The site operates under NPDES Permit IL0000116 Outfall 003 for the Bottom Ash Pond.

The Fly Ash Pond was constructed in 1968. The Fly Ash Pond has a surface area of 34 acres, a height of 24 feet and a volume of approximately 500 acre-feet. The Fly Ash Pond reportedly received fly ash, low-volume wastewater, and storm water runoff. The site operates under NPDES Permit IL0000116 Outfall 004 for the Fly Ash Pond. A Fly Ash Stockpile formerly located southeast of the Fly Ash Pond was clean closed as part of closure activities.

Clean closure activities for the Bottom Ash Pond generally consisted of CCR material removal, backfill to design grade with soil fill, construction of surface water control structures, and vegetation. A berm with CCR materials was closed-in-place in order to provide access to a river dock on the site. Closure activities for the berm generally consisted of placement, grading, and compaction of bottom ash and soil fill to design grade and installation of a ClosureTurf system consisting of 40-mil high density polyethylene (HDPE) MicroSpike geomembrane, a synthetic turf geotextile, and sand infill. ArmorFill was placed in the sand infill.

Closure activities for the Fly Ash Pond included placement of CCR materials excavated from the Bottom Ash Pond and the Fly Ash Stockpile, grading and compacting the subgrade to design slopes, construction of surface water control structures, and installation of a ClosureTurf system consisting of 40-mil MicroSpike HDPE geomembrane, a synthetic turf geotextile, and sand infill. ArmorFill will be placed in the sand infill in the stormwater ditches at the perimeter of the Fly Ash Pond in the spring of 2019.

2.0 CLEAN CLOSURE ACTIVITIES

2.1 CCR Removal Activities

CCR was removed from the Bottom Ash Pond and the Fly Ash Stockpile to facilitate clean closure of these areas. The berm in the Bottom Ash Pond was excluded from clean closure activities and is discussed later in this report. CCR removal at the Bottom Ash Pond began on March 12, 2018 and concluded on May 23, 2018. CCR removal at the Fly Ash Stockpile began on June 12, 2018 and concluded on July 11, 2018. A CQA representative periodically observed the CCR removal activities to assess the extent of CCR removal. CCR removed from the Bottom Ash Pond and the Fly Ash Stockpile was placed in the Fly Ash Pond. The CQA Certifications by the CQA Officer are provided in Appendix B. After CCR removal and CQA Officer approval, the areas were brought to final grade, stormwater controls were installed, and the areas were vegetated.

2.2 Coal Pile

The Coal Pile was used to store coal for use at the power plant during operation. The excess coal stored in the Coal Pile after the power plant operation ceased was removed prior to the beginning of this project. Residual coal spoils were present in the coal yard after removal activities were performed. Approximately two feet of soil and residual coal spoils were removed from the Coal Pile and a runoff area southwest of the Coal Pile. The residual coal materials and mixed soils were placed in the Fly Ash Pond. The CQA Certifications by the CQA Officer are provided in Appendix B.

2.3 Survey of Final Grade

The finished grade of the Bottom Ash Pond, the Coal Pile, and the Fly Ash Stockpile was surveyed by a licensed surveyor for a final as-built drawing. The results of the survey are illustrated and summarized on Figure 2.

2.4 Surface Water Management

Surface water management structures in the Bottom Ash Pond, the Coal Pile, and the Fly Ash Stockpile, including ditches and outfalls, were built in accordance with the design and approved modifications thereof.

2.5 Vegetation

After the Bottom Ash Pond, the Coal Pile, and the Fly Ash Stockpile were brought to final grade, they were fertilized and seeded using synthetic mats and straw to establish vegetation.

3.0 SUBGRADE PREPARATION

Subgrade preparation at the Bottom Ash Pond Berm began on June 5, 2018 and was completed on June 29, 2018. Subgrade preparation at the Fly Ash Pond began on May 7, 2018 and was completed on August 14, 2018.

Subgrade preparation activities at the Bottom Ash Pond Berm generally consisted of placement and compaction of fill soils in approximately 12-inch lifts, performing compaction testing, and surveying the final subgrade elevations.

Subgrade preparation activities at the Fly Ash Pond generally consisted of placing CCR material excavated from the Bottom Ash Pond and the Fly Ash Stockpile, placing residual coal spoils and mixed soils from the Coal Pile, grading the CCR materials placed in the Fly Ash Pond, compacting the top 12-inches of subgrade material, performing compaction testing, and surveying the final subgrade elevations. In addition, the prepared subgrade was visually assessed by the CQA Officer to observe that the surface was relatively smooth and free of deleterious materials (i.e. jagged, irregularly-shaped protrusions) that could damage the geomembrane.

3.1 Laboratory Testing

Two soil fill bulk samples and four CCR bulk samples were collected and submitted to the Geotechnology soil laboratory for standard Proctor moisture-density relationship testing. The laboratory testing results are summarized and presented in Appendix C.

One pre-qualification sample was collected of off-site backfill soils to be used as backfill in the Bottom Ash Pond (outside the berm area) and in the Fly Ash Stockpile. Additional conformance samples were collected for every 25,000 cubic yards of backfill brought onto the site. The laboratory testing results are summarized and presented in Appendix C.

3.2 Subgrade Compaction

Moisture/density tests were performed on each 12-inch lift of soil fill placed at the Bottom Ash Pond Berm and on the upper 12 inches of the Fly Ash Pond subgrade. The moisture/density results were compared to the standard Proctor moisture-density relationship laboratory testing data to assess the compaction. The project specifications require the subgrade to be compacted to 90 percent of the maximum standard Proctor dry density. Areas of failed moisture/density tests were re-compacted and re-tested as needed. Based on the laboratory and field testing results, the subgrade was compacted in general conformance with the CQA plan. The field tests are summarized in Table 1 (Bottom Ash Pond Berm) and Table 2 (Fly Ash Pond), and field reports with results are provided in Appendix C.

In addition to moisture/density testing, the Fly Ash Pond and the Bottom Ash Pond Berm subgrade were proof rolled using an 84-inch Sakai smooth drum roller under the observation of a CQA Representative to visually confirm firmness and stability of fill prior to placement of HDPE geomembrane.

Compaction of backfill materials at the Bottom Ash Pond (outside of the berm area) was performed using an 84-inch Sakai smooth drum roller. A proof roll of each lift using the smooth drum roller was used to confirm compaction of the Bottom Ash Pond backfill materials.

3.3 Survey of Final Grade

The finished grade of the Fly Ash Pond was surveyed by a licensed surveyor prior to installation of the geomembrane. The results of the survey are illustrated and summarized on Figure 2.

4.0 HDPE GEOMEMBRANE

40-mil HDPE MicroSpike geomembrane placement at the Bottom Ash Pond Berm began on August 6, 2018 and was completed on August 16, 2018.

40-mil HDPE MicroSpike geomembrane placement at the Fly Ash Pond began on August 17, 2018 and was completed on October 30, 2018.

Site activities ceased on December 5, 2018 after reaching substantial completion. Final punch-list activities will be performed after the conclusion of winter weather and will be summarized in an addendum letter.

Final punch-list activities are not required at the Bottom Ash Pond Berm. Final punch-list activities at the Fly Ash Pond include minor repair to the HDPE geomembrane.

4.1 Prequalification Testing

The geomembrane manufacturer, Agru America, Inc., supplied an inventory list of the 40-mil HDPE MicroSpike geomembrane rolls to the owner and the CQA Officer. The geomembrane manufacturer submitted samples from the prequalification rolls to an independent geosynthetics laboratory for verification of selected manufacturer's guaranteed properties (presented in Appendix D). On each geomembrane roll selected for sampling, a 2-foot long sample was collected along the entire width of the roll.

In addition, the manufacturer submitted documentation that the materials supplied were tested for the parameters listed in the manufacturers list of guaranteed properties at the required testing frequency. The results of the testing, including identification of tested rolls, were submitted to the CQA Officer for review. The manufacturer certified that all tested rolls met the manufacturer's guaranteed properties in accordance with the specified testing frequency rate (Appendix D).

Geomembrane prequalification testing was completed prior to delivery. Copies of the testing results are provided in Appendix D.

4.2 Installer Certification of Placement Surface

The geomembrane installer's inspection and acceptance of the prepared subgrade surface as suitable for the geomembrane installation is documented through Certificates of Acceptance (Appendix F). Certificates of Acceptance were provided to the CQA Officer each day for the area covered by geomembrane that day.

4.3 Seam Overlap Testing

The geomembrane installer arranged the geomembrane panels in an orientation to reduce the number of field seams. Within the geomembrane footprint, seam overlaps were field measured by the geomembrane installer to verify that the required 3 inches of overlap was met for each seam. Seam overlaps were generally "shingled" in the direction of the downslope. The CQA Officer and field representatives made independent measurements of the seam overlaps for additional verification.

4.4 Non-Destructive Testing

The geomembrane installer performed non-destructive testing of seams at the frequency specified in the CQA Plan. The seams were non-destructively tested over the full-length using a vacuum test unit, air pressure test, or other methods (i.e., spark testing for geomembrane boots around penetrations for pipeline supports and electric pole guy wires) approved by the CQA Officer. Vacuum testing and air pressure testing procedures are presented in Sections 4.4.1 and 4.4.2. Testing was completed as the seaming progressed. The CQA Officer and field representatives observed the non-destructive testing performed by the geomembrane installer. The geomembrane installer submitted all non-destructive field-testing results to the CQA Officer (Appendix D).

4.4.1 Air Pressure Testing (Double Fusion Welds)

Double fusion welders were typically used to fuse two panels of geomembrane together. Air pressure testing procedures for double fusion welds follow.

The air pressure test equipment included:

- Air pump (manual or motor driven) or air compressor equipped with pressure gauge capable of generating and sustaining a pressure of 25 to 30 pounds per square inch (psi) and mounted on a cushion to protect the geomembrane,
- Rubber hose with fittings and connections, and
- Sharp hollow needle with pressure gauge.

The air pressure test procedure was as follows:

1. Both ends of the seam to be tested were sealed.
2. A needle was inserted into the tunnel created by the fusion weld.
3. A protective cushion was inserted between the air pump and the geomembrane.
4. The air pump was energized to a pressure between 25 psi and 30 psi. The valve was closed, and the pressure was sustained for a minimum of five minutes.
5. If loss of pressure exceeded 3 psi or did not stabilize, the leaking area was located, then repaired and retested until passing test results were obtained.

6. At the conclusion of a passing air pressure test, the opposite end of the seam was slit and the subsequent drop in pressure was observed. Our observation of the pressure drop indicated that the seam passed.
7. The needle was removed. An extrusion-welded repair is required at each air test penetration.

4.4.2 Vacuum Testing (Extrusion Welds)

Extrusion welds were typically used for repairs and protrusions through the geomembrane. Vacuum testing procedures for extrusion welds follow.

The vacuum test equipment included:

- Vacuum box assembly consisting of a rigid housing with a transparent viewing window, soft neoprene gasket attached to the bottom, port hole or valve assembly and a vacuum gauge;
- Vacuum tank and pump assembly equipped with a pressure controller and pipe connections;
- Rubber pressure or vacuum hose with fittings and connections;
- Bucket; and
- Soapy solution.

The vacuum test procedure was as follows:

1. The vacuum pump was energized and tank pressure was adjusted to approximately 10 inches of mercury.
2. A strip of geomembrane approximately 12 inches wide by 48 inches long (an area larger than the coverage of the vacuum box) was wetted with the soapy solution.
3. The box was placed over the wetted area.
4. The bleed valve was closed and the vacuum valve opened.
5. A leak tight seal was verified.
6. The geomembrane was observed for at least ten seconds through the viewing window for the presence of soap bubbles.
7. When bubbles were not observed after 10 seconds, the vacuum valve was closed, and the bleed valve opened. The box was moved to the next adjoining area, and the process was repeated.
8. All areas where soap bubbles appeared were marked, repaired, and retested until passing test results were obtained.

4.4.3 Spark Testing (Extrusion Welds at Penetrations)

The spark test equipment included:

- An electrically conductive tape or wire placed beneath the seam prior to welding;
- A hand-held holiday spark tester; and
- A conductive wand that generates a high voltage.

The spark test procedure was as follows:

1. Note: Care should be taken if flammable gases may be present in the area of testing.
2. Place the electrically conductive tape or wire beneath the seam prior to welding.
3. A trial seam containing a con-welded segment shall be subject to a visual calibration test to ensure that such a defect will be identified under the planned machine settings and procedures (i.e., exposed wire will cause a spark to occur).
4. Upon completion of the weld, enable the spark tester and hold approximately 1 inch above the weld, moving slowly over the entire length of the weld in accordance with ASTM 6365.
5. A spark indicates a hole in the seam. If there is no spark, the weld has a passing test.
6. Mark, repair, and retest areas where sparks occur.

4.5 Destructive Testing

Destructive seam tests were performed at randomly selected geomembrane locations as seaming work progressed. The purpose of the destructive seam tests was to evaluate seam strength. The CQA Officer or field representatives observed the field destructive testing performed by the geomembrane installer.

The geomembrane installer submitted the results of the field destructive testing to the CQA Officer. An independent laboratory selected by the CQA Officer performed the destructive seam tests, consisting of peel and shear strength testing. The destructive seam testing results (field-testing and independent testing) are presented in Appendix D.

4.5.1 Testing Location and Frequency

The CQA Officer or field representative selected the destructive test locations where seam samples were removed for testing at a minimum frequency of one sample per 500 feet of seaming. This minimum frequency is the average taken throughout the entire area of placement and does not include retests. In addition, the CQA Officer or field representative could select additional destructive seam sample locations at their discretion. Destructive seam test locations include random seam testing and areas of possible defects (excess crystallinity, contamination, offset welds, equipment malfunction).

4.5.2 Sampling Procedures

Destructive seam samples were obtained as the seaming progressed. This method was used to facilitate approval of the destructive testing results prior to covering the geomembrane with the next layer of the closure construction. The CQA Officer or field representative assigned a number to each destructive seam sample and marked the location and seaming information on each collected sample. The destructive seam sample location was recorded on an as-built drawing. The locations of the destructive seam samples were repaired in accordance with the CQA Plan. The repairs were subsequently vacuum tested.

4.5.3 Field Testing

The geomembrane installer used a tensiometer to test four 1-inch wide strips from each sample identified for destructive testing. In accordance with the CQA Plan, the field destructive tests consisted of two samples for peel adhesion and two samples for shear strength. Upon successful field-testing, the remaining destructive seam samples were qualified to be submitted for independent laboratory testing.

4.5.4 Laboratory Testing

Samples that passed the prequalifying field tests were submitted to the independent testing laboratory. Ten specimens from each destructive seam sample were tested: five specimens were tested for shear strength and five specimens were tested for peel adhesion. Laboratory testing was in accordance with "Standard Test Method for Determining the Integrity of Nonreinforced Geomembrane Seams Produced Using Thermo-Fusion Methods" (ASTM D 6392). Acceptance was based on the criteria outlined in the Geosynthetic Research Institute (GRI) standard GRI GM19 as provided in the CQA Plan.

4.5.5 Procedures for Failed Destructive Tests

If a destructive sample did not pass either a field or a laboratory test, the geomembrane installer had two options to remediate the failure. The geomembrane installer could reconstruct and repair the seam between any two passed test locations completed by the same technician on the same day. Alternatively, the geomembrane installer could trace the welding path to an intermediate location at least 10 feet from the failed test in either direction and take additional destructive seam samples. The additional samples were then field-tested prior to sending to the independent laboratory for testing as previously described. If the additional samples passed, then the seam was reconstructed between the two passing samples. If the additional samples failed, then the process was repeated to establish the zone in which the seam should be reconstructed.

Reconstructed seams were bounded by two locations with passing laboratory destructive tests. In cases that exceeded 150 feet of reconstructed seam, a destructive sample was taken from the zone in the reconstructed area. The geomembrane installer documented the actions taken in conjunction with destructive test failures (Appendix D).

5.0 SYNTHETIC TURF GEOTEXTILE

Synthetic turf geotextile placement at the Bottom Ash Pond Berm began on August 14, 2018 and was completed on August 16, 2018.

Synthetic turf geotextile placement at the Fly Ash Pond began on August 17, 2018 and was completed on November 22, 2018.

Site activities ceased on December 5, 2018 after reaching substantial completion. Final punch-list activities will be performed after the conclusion of winter weather and will be summarized in a Final Construction Quality Assurance Report.

Final punch-list activities are not required at the Bottom Ash Pond Berm. Final punch-list activities at the Fly Ash Pond include minor repair of synthetic turf geotextile.

5.1 Prequalification Testing

The geomembrane manufacturer, Agru America, Inc., supplied an inventory list of the synthetic turf geotextile rolls to the owner and the CQA Officer. The synthetic turf geotextile manufacturer submitted samples from the roll list to an independent geosynthetics laboratory for verification of selected manufacturer's guaranteed properties (presented in Appendix E). On each synthetic turf geotextile roll selected for sampling, a 2-foot long sample was collected along the entire width of the roll.

In addition, the manufacturer submitted documentation that the materials supplied were tested for the parameters listed in the manufacturers list of guaranteed properties at the required testing frequency. The results of the testing, including identification of tested rolls, were submitted to the CQA Officer for review. The manufacturer certified that all tested rolls met the manufacturer's guaranteed properties in accordance with the specified testing frequency rate (Appendix E).

Synthetic turf geotextile prequalification testing was completed prior to delivery. Copies of the testing results are provided in Appendix E.

5.2 Field Installation Monitoring

The CQA Officer or designated representative observed the synthetic turf geotextile as it was placed and welded. The placed synthetic turf geotextile was observed for wrinkles that could fold over and, if observed, required repairs were performed in these areas. The synthetic turf geotextile welds were observed for locations where the surface synthetic turf was melted and, if observed, required repairs were performed in these areas.

6.0 SAND INFILL AND ARMORFILL

Sand infill placement at the Bottom Ash Pond Berm occurred on October 15-16, 2018. ArmorFill placement at the Bottom Ash Pond Berm occurred on October 17, 2018.

Sand infill placement at the Fly Ash Pond began on September 12, 2018 and was substantially completed on November 30, 2018.

One prequalification test and one conformance test were performed for the sand used as synthetic turf geotextile infill. The analytical testing results are provided and summarized in Appendix C.

The sand was spread and brushed into place on the synthetic turf geotextile with a thickness between 0.50 and 0.75 inch. The CQA Officer or designated representative measured the thickness of the sand using a caliper on an approximately 100-foot grid.

Site activities ceased on December 5, 2018 after reaching substantial completion. Final punch-list activities will be performed after the conclusion of winter weather and will be summarized in an addendum letter.

Final punch-list activities are not required at the Bottom Ash Pond Berm.

At the Fly Ash Pond, cold temperatures and wet weather prevented effective sand placement and brushing near the conclusion of site activities for winter weather. Final punch-list activities at the Fly Ash Pond include final brushing and thickness testing of sand on the eastern portion and the perimeter ditch of the Fly Ash Pond, as well as placement, brushing, and testing at HDPE geomembrane repair locations.

7.0 SURFACE WATER MANAGEMENT

Surface water control structures generally included ditch and outlet structures at the Fly Ash Pond perimeter, two outfalls from the site to the Illinois River, and other piping/rip-rap placements on the site. A final as-built survey was performed.

A copy of the surface water management structure survey data is provided on Figure 2. Additional information on the field observations are provided in Appendix A.

8.0 SIGNATURE

As Construction Quality Assurance (CQA) Officer for the construction of the closure of the Fly Ash Pond and the Bottom Ash Pond (from February 9, 2018 to December 5, 2018), located at the Ameren Energy Resources, Meredosia Power Station in Meredosia, Illinois, I am familiar with the plans and specifications, and the CQA Plan as prepared and approved for the project. Based on my observations and the observations of the Construction Quality Assurance Officers-In-Absentia (Steve Graham, Jessie Goodwin, Kyle Henson, and Alyssa Okom), it is my professional opinion that the construction was completed as described in this Report. CQA certification by the owner's representative does not relieve the contractor of their obligations to furnish all work in accordance with the contract.

Rosanna M. Saindon, P.E., Ph.D.
Illinois Licensed Professional Engineer
Project Manager
Geotechnology, Inc.

AN ACT concerning coal ash.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Environmental Protection Act is amended by changing Sections 3.140, 21, 39, and 40 and by adding Sections 3.142, 3.143, and 22.59 as follows:

(415 ILCS 5/3.140) (was 415 ILCS 5/3.76)

Sec. 3.140. Coal combustion waste. "Coal combustion waste" means any CCR or any fly ash, bottom ash, slag, or flue gas or fluid bed boiler desulfurization by-products generated as a result of the combustion of:

(1) coal, or

(2) coal in combination with: (i) fuel grade petroleum coke, (ii) other fossil fuel, or (iii) both fuel grade petroleum coke and other fossil fuel, or

(3) coal (with or without: (i) fuel grade petroleum coke, (ii) other fossil fuel, or (iii) both fuel grade petroleum coke and other fossil fuel) in combination with no more than 20% of tire derived fuel or wood or other materials by weight of the materials combusted; provided that the coal is burned with other materials, the Agency has made a written determination that the storage or disposal of the resultant wastes in accordance with the provisions of item (r) of Section 21 would

result in no environmental impact greater than that of wastes generated as a result of the combustion of coal alone, and the storage disposal of the resultant wastes would not violate applicable federal law.

(Source: P.A. 92-574, eff. 6-26-02.)

(415 ILCS 5/3.142 new)

Sec. 3.142. Coal combustion residual; CCR. "Coal combustion residual" or "CCR" means fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers.

(415 ILCS 5/3.143 new)

Sec. 3.143. CCR surface impoundment. "CCR surface impoundment" means a natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of CCR and liquids, and the unit treats, stores, or disposes of CCR.

(415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

Sec. 21. Prohibited acts. No person shall:

(a) Cause or allow the open dumping of any waste.

(b) Abandon, dump, or deposit any waste upon the public highways or other public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted

by the Board.

(c) Abandon any vehicle in violation of the "Abandoned Vehicles Amendment to the Illinois Vehicle Code", as enacted by the 76th General Assembly.

(d) Conduct any waste-storage, waste-treatment, or waste-disposal operation:

(1) without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; provided, however, that, except for municipal solid waste landfill units that receive waste on or after October 9, 1993, and CCR surface impoundments, no permit shall be required for (i) any person conducting a waste-storage, waste-treatment, or waste-disposal operation for wastes generated by such person's own activities which are stored, treated, or disposed within the site where such wastes are generated, or (ii) a facility located in a county with a population over 700,000 as of January 1, 2000, operated and located in accordance with Section 22.38 of this Act, and used exclusively for the transfer, storage, or treatment of general construction or demolition debris, provided that the facility was receiving construction or demolition debris on the effective date of this amendatory Act of the

96th General Assembly;

(2) in violation of any regulations or standards adopted by the Board under this Act; or

(3) which receives waste after August 31, 1988, does not have a permit issued by the Agency, and is (i) a landfill used exclusively for the disposal of waste generated at the site, (ii) a surface impoundment receiving special waste not listed in an NPDES permit, (iii) a waste pile in which the total volume of waste is greater than 100 cubic yards or the waste is stored for over one year, or (iv) a land treatment facility receiving special waste generated at the site; without giving notice of the operation to the Agency by January 1, 1989, or 30 days after the date on which the operation commences, whichever is later, and every 3 years thereafter. The form for such notification shall be specified by the Agency, and shall be limited to information regarding: the name and address of the location of the operation; the type of operation; the types and amounts of waste stored, treated or disposed of on an annual basis; the remaining capacity of the operation; and the remaining expected life of the operation.

Item (3) of this subsection (d) shall not apply to any person engaged in agricultural activity who is disposing of a substance that constitutes solid waste, if the substance was acquired for use by that person on his own property, and the

substance is disposed of on his own property in accordance with regulations or standards adopted by the Board.

This subsection (d) shall not apply to hazardous waste.

(e) Dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

(f) Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:

(1) without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or

(2) in violation of any regulations or standards adopted by the Board under this Act; or

(3) in violation of any RCRA permit filing requirement established under standards adopted by the Board under this Act; or

(4) in violation of any order adopted by the Board under this Act.

Notwithstanding the above, no RCRA permit shall be required under this subsection or subsection (d) of Section 39 of this

Act for any person engaged in agricultural activity who is disposing of a substance which has been identified as a hazardous waste, and which has been designated by Board regulations as being subject to this exception, if the substance was acquired for use by that person on his own property and the substance is disposed of on his own property in accordance with regulations or standards adopted by the Board.

(g) Conduct any hazardous waste-transportation operation:

(1) without registering with and obtaining a special waste hauling permit from the Agency in accordance with the regulations adopted by the Board under this Act; or

(2) in violation of any regulations or standards adopted by the Board under this Act.

(h) Conduct any hazardous waste-recycling or hazardous waste-reclamation or hazardous waste-reuse operation in violation of any regulations, standards or permit requirements adopted by the Board under this Act.

(i) Conduct any process or engage in any act which produces hazardous waste in violation of any regulations or standards adopted by the Board under subsections (a) and (c) of Section 22.4 of this Act.

(j) Conduct any special waste transportation operation in violation of any regulations, standards or permit requirements adopted by the Board under this Act. However, sludge from a water or sewage treatment plant owned and operated by a unit of

local government which (1) is subject to a sludge management plan approved by the Agency or a permit granted by the Agency, and (2) has been tested and determined not to be a hazardous waste as required by applicable State and federal laws and regulations, may be transported in this State without a special waste hauling permit, and the preparation and carrying of a manifest shall not be required for such sludge under the rules of the Pollution Control Board. The unit of local government which operates the treatment plant producing such sludge shall file an annual report with the Agency identifying the volume of such sludge transported during the reporting period, the hauler of the sludge, and the disposal sites to which it was transported. This subsection (j) shall not apply to hazardous waste.

(k) Fail or refuse to pay any fee imposed under this Act.

(l) Locate a hazardous waste disposal site above an active or inactive shaft or tunneled mine or within 2 miles of an active fault in the earth's crust. In counties of population less than 225,000 no hazardous waste disposal site shall be located (1) within 1 1/2 miles of the corporate limits as defined on June 30, 1978, of any municipality without the approval of the governing body of the municipality in an official action; or (2) within 1000 feet of an existing private well or the existing source of a public water supply measured from the boundary of the actual active permitted site and excluding existing private wells on the property of the permit

applicant. The provisions of this subsection do not apply to publicly-owned sewage works or the disposal or utilization of sludge from publicly-owned sewage works.

(m) Transfer interest in any land which has been used as a hazardous waste disposal site without written notification to the Agency of the transfer and to the transferee of the conditions imposed by the Agency upon its use under subsection (g) of Section 39.

(n) Use any land which has been used as a hazardous waste disposal site except in compliance with conditions imposed by the Agency under subsection (g) of Section 39.

(o) Conduct a sanitary landfill operation which is required to have a permit under subsection (d) of this Section, in a manner which results in any of the following conditions:

(1) refuse in standing or flowing waters;

(2) leachate flows entering waters of the State;

(3) leachate flows exiting the landfill confines (as determined by the boundaries established for the landfill by a permit issued by the Agency);

(4) open burning of refuse in violation of Section 9 of this Act;

(5) uncovered refuse remaining from any previous operating day or at the conclusion of any operating day, unless authorized by permit;

(6) failure to provide final cover within time limits established by Board regulations;

(7) acceptance of wastes without necessary permits;

(8) scavenging as defined by Board regulations;

(9) deposition of refuse in any unpermitted portion of the landfill;

(10) acceptance of a special waste without a required manifest;

(11) failure to submit reports required by permits or Board regulations;

(12) failure to collect and contain litter from the site by the end of each operating day;

(13) failure to submit any cost estimate for the site or any performance bond or other security for the site as required by this Act or Board rules.

The prohibitions specified in this subsection (o) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to sanitary landfills.

(p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

(1) litter;

(2) scavenging;

(3) open burning;

(4) deposition of waste in standing or flowing waters;

(5) proliferation of disease vectors;

(6) standing or flowing liquid discharge from the dump site;

(7) deposition of:

(i) general construction or demolition debris as defined in Section 3.160(a) of this Act; or

(ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act.

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

(q) Conduct a landscape waste composting operation without an Agency permit, provided, however, that no permit shall be required for any person:

(1) conducting a landscape waste composting operation for landscape wastes generated by such person's own activities which are stored, treated, or disposed of within the site where such wastes are generated; or

(1.5) conducting a landscape waste composting operation that (i) has no more than 25 cubic yards of landscape waste, composting additives, composting material, or end-product compost on-site at any one time and (ii) is not engaging in commercial activity; or

(2) applying landscape waste or composted landscape waste at agronomic rates; or

(2.5) operating a landscape waste composting facility at a site having 10 or more occupied non-farm residences within 1/2 mile of its boundaries, if the facility meets all of the following criteria:

(A) the composting facility is operated by the farmer on property on which the composting material is utilized, and the composting facility constitutes no more than 2% of the site's total acreage;

(A-5) any composting additives that the composting facility accepts and uses at the facility are necessary to provide proper conditions for composting and do not exceed 10% of the total composting material at the facility at any one time;

(B) the property on which the composting facility is located, and any associated property on which the compost is used, is principally and diligently devoted to the production of agricultural crops and is not owned, leased, or otherwise controlled by any waste hauler or generator of nonagricultural compost materials, and the operator of the composting facility is not an employee, partner, shareholder, or in any way connected with or controlled by any such waste hauler or generator;

(C) all compost generated by the composting

facility is applied at agronomic rates and used as mulch, fertilizer, or soil conditioner on land actually farmed by the person operating the composting facility, and the finished compost is not stored at the composting site for a period longer than 18 months prior to its application as mulch, fertilizer, or soil conditioner;

(D) no fee is charged for the acceptance of materials to be composted at the facility; and

(E) the owner or operator, by January 1, 2014 (or the January 1 following commencement of operation, whichever is later) and January 1 of each year thereafter, registers the site with the Agency, (ii) reports to the Agency on the volume of composting material received and used at the site; (iii) certifies to the Agency that the site complies with the requirements set forth in subparagraphs (A), (A-5), (B), (C), and (D) of this paragraph (2.5); and (iv) certifies to the Agency that all composting material was placed more than 200 feet from the nearest potable water supply well, was placed outside the boundary of the 10-year floodplain or on a part of the site that is floodproofed, was placed at least 1/4 mile from the nearest residence (other than a residence located on the same property as the facility) or a lesser distance from the nearest residence (other than a residence

located on the same property as the facility) if the municipality in which the facility is located has by ordinance approved a lesser distance than 1/4 mile, and was placed more than 5 feet above the water table; any ordinance approving a residential setback of less than 1/4 mile that is used to meet the requirements of this subparagraph (E) of paragraph (2.5) of this subsection must specifically reference this paragraph; or

(3) operating a landscape waste composting facility on a farm, if the facility meets all of the following criteria:

(A) the composting facility is operated by the farmer on property on which the composting material is utilized, and the composting facility constitutes no more than 2% of the property's total acreage, except that the Board may allow a higher percentage for individual sites where the owner or operator has demonstrated to the Board that the site's soil characteristics or crop needs require a higher rate;

(A-1) the composting facility accepts from other agricultural operations for composting with landscape waste no materials other than uncontaminated and source-separated (i) crop residue and other agricultural plant residue generated from the production and harvesting of crops and other customary farm practices, including, but not limited to, stalks,

leaves, seed pods, husks, bagasse, and roots and (ii) plant-derived animal bedding, such as straw or sawdust, that is free of manure and was not made from painted or treated wood;

(A-2) any composting additives that the composting facility accepts and uses at the facility are necessary to provide proper conditions for composting and do not exceed 10% of the total composting material at the facility at any one time;

(B) the property on which the composting facility is located, and any associated property on which the compost is used, is principally and diligently devoted to the production of agricultural crops and is not owned, leased or otherwise controlled by any waste hauler or generator of nonagricultural compost materials, and the operator of the composting facility is not an employee, partner, shareholder, or in any way connected with or controlled by any such waste hauler or generator;

(C) all compost generated by the composting facility is applied at agronomic rates and used as mulch, fertilizer or soil conditioner on land actually farmed by the person operating the composting facility, and the finished compost is not stored at the composting site for a period longer than 18 months prior to its application as mulch, fertilizer, or soil

conditioner;

(D) the owner or operator, by January 1 of each year, (i) registers the site with the Agency, (ii) reports to the Agency on the volume of composting material received and used at the site, (iii) certifies to the Agency that the site complies with the requirements set forth in subparagraphs (A), (A-1), (A-2), (B), and (C) of this paragraph (q)(3), and (iv) certifies to the Agency that all composting material:

(I) was placed more than 200 feet from the nearest potable water supply well;

(II) was placed outside the boundary of the 10-year floodplain or on a part of the site that is floodproofed;

(III) was placed either (aa) at least 1/4 mile from the nearest residence (other than a residence located on the same property as the facility) and there are not more than 10 occupied non-farm residences within 1/2 mile of the boundaries of the site on the date of application or (bb) a lesser distance from the nearest residence (other than a residence located on the same property as the facility) provided that the municipality or county in which the facility is located has by ordinance approved a lesser distance than 1/4 mile and there are not more than 10 occupied non-farm residences

within 1/2 mile of the boundaries of the site on the date of application; and

(IV) was placed more than 5 feet above the water table.

Any ordinance approving a residential setback of less than 1/4 mile that is used to meet the requirements of this subparagraph (D) must specifically reference this subparagraph.

For the purposes of this subsection (q), "agronomic rates" means the application of not more than 20 tons per acre per year, except that the Board may allow a higher rate for individual sites where the owner or operator has demonstrated to the Board that the site's soil characteristics or crop needs require a higher rate.

(r) Cause or allow the storage or disposal of coal combustion waste unless:

(1) such waste is stored or disposed of at a site or facility for which a permit has been obtained or is not otherwise required under subsection (d) of this Section; or

(2) such waste is stored or disposed of as a part of the design and reclamation of a site or facility which is an abandoned mine site in accordance with the Abandoned Mined Lands and Water Reclamation Act; or

(3) such waste is stored or disposed of at a site or facility which is operating under NPDES and Subtitle D permits issued by the Agency pursuant to regulations

adopted by the Board for mine-related water pollution and permits issued pursuant to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto, and the owner or operator of the facility agrees to accept the waste; and either

(i) such waste is stored or disposed of in accordance with requirements applicable to refuse disposal under regulations adopted by the Board for mine-related water pollution and pursuant to NPDES and Subtitle D permits issued by the Agency under such regulations; or

(ii) the owner or operator of the facility demonstrates all of the following to the Agency, and the facility is operated in accordance with the demonstration as approved by the Agency: (1) the disposal area will be covered in a manner that will support continuous vegetation, (2) the facility will be adequately protected from wind and water erosion, (3) the pH will be maintained so as to prevent excessive leaching of metal ions, and (4) adequate containment or other measures will be provided to protect surface water and groundwater from contamination at levels prohibited by this Act, the Illinois Groundwater Protection Act, or regulations

adopted pursuant thereto.

Notwithstanding any other provision of this Title, the disposal of coal combustion waste pursuant to item (2) or (3) of this subdivision (r) shall be exempt from the other provisions of this Title V, and notwithstanding the provisions of Title X of this Act, the Agency is authorized to grant experimental permits which include provision for the disposal of wastes from the combustion of coal and other materials pursuant to items (2) and (3) of this subdivision (r).

(s) After April 1, 1989, offer for transportation, transport, deliver, receive or accept special waste for which a manifest is required, unless the manifest indicates that the fee required under Section 22.8 of this Act has been paid.

(t) Cause or allow a lateral expansion of a municipal solid waste landfill unit on or after October 9, 1993, without a permit modification, granted by the Agency, that authorizes the lateral expansion.

(u) Conduct any vegetable by-product treatment, storage, disposal or transportation operation in violation of any regulation, standards or permit requirements adopted by the Board under this Act. However, no permit shall be required under this Title V for the land application of vegetable by-products conducted pursuant to Agency permit issued under Title III of this Act to the generator of the vegetable by-products. In addition, vegetable by-products may be transported in this State without a special waste hauling

permit, and without the preparation and carrying of a manifest.

(v) (Blank).

(w) Conduct any generation, transportation, or recycling of construction or demolition debris, clean or general, or uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads that is not commingled with any waste, without the maintenance of documentation identifying the hauler, generator, place of origin of the debris or soil, the weight or volume of the debris or soil, and the location, owner, and operator of the facility where the debris or soil was transferred, disposed, recycled, or treated. This documentation must be maintained by the generator, transporter, or recycler for 3 years. This subsection (w) shall not apply to (1) a permitted pollution control facility that transfers or accepts construction or demolition debris, clean or general, or uncontaminated soil for final disposal, recycling, or treatment, (2) a public utility (as that term is defined in the Public Utilities Act) or a municipal utility, (3) the Illinois Department of Transportation, or (4) a municipality or a county highway department, with the exception of any municipality or county highway department located within a county having a population of over 3,000,000 inhabitants or located in a county that is contiguous to a county having a population of over 3,000,000 inhabitants; but it shall apply to an entity that contracts with a public utility, a municipal utility, the Illinois

Department of Transportation, or a municipality or a county highway department. The terms "generation" and "recycling" as used in this subsection do not apply to clean construction or demolition debris when (i) used as fill material below grade outside of a setback zone if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure, (ii) solely broken concrete without protruding metal bars is used for erosion control, or (iii) milled asphalt or crushed concrete is used as aggregate in construction of the shoulder of a roadway. The terms "generation" and "recycling", as used in this subsection, do not apply to uncontaminated soil that is not commingled with any waste when (i) used as fill material below grade or contoured to grade, or (ii) used at the site of generation.

(Source: P.A. 100-103, eff. 8-11-17.)

(415 ILCS 5/22.59 new)

Sec. 22.59. CCR surface impoundments.

(a) The General Assembly finds that:

(1) the State of Illinois has a long-standing policy to restore, protect, and enhance the environment, including the purity of the air, land, and waters, including groundwaters, of this State;

(2) a clean environment is essential to the growth and well-being of this State;

(3) CCR generated by the electric generating industry has caused groundwater contamination and other forms of pollution at active and inactive plants throughout this State;

(4) environmental laws should be supplemented to ensure consistent, responsible regulation of all existing CCR surface impoundments; and

(5) meaningful participation of State residents, especially vulnerable populations who may be affected by regulatory actions, is critical to ensure that environmental justice considerations are incorporated in the development of, 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.

Therefore, the purpose of this Section is to promote a healthful environment, including clean water, air, and land, meaningful public involvement, and the responsible disposal and storage of coal combustion residuals, so as to protect public health and to prevent pollution of the environment of this State.

The provisions of this Section shall be liberally construed to carry out the purposes of this Section.

(b) No person shall:

(1) cause or allow the discharge of any contaminants

from a CCR surface impoundment into the environment so as to cause, directly or indirectly, a violation of this Section or any regulations or standards adopted by the Board under this Section, either alone or in combination with contaminants from other sources;

(2) construct, install, modify, operate, or close any CCR surface impoundment without a permit granted by the Agency, or so as to violate any conditions imposed by such permit, any provision of this Section or any regulations or standards adopted by the Board under this Section; or

(3) cause or allow, directly or indirectly, the discharge, deposit, injection, dumping, spilling, leaking, or placing of any CCR upon the land in a place and manner so as to cause or tend to cause a violation this Section or any regulations or standards adopted by the Board under this Section.

(c) For purposes of this Section, a permit issued by the Administrator of the United States Environmental Protection Agency under Section 4005 of the federal Resource Conservation and Recovery Act, shall be deemed to be a permit under this Section and subsection (y) of Section 39.

(d) Before commencing closure of a CCR surface impoundment, in accordance with Board rules, the owner of a CCR surface impoundment must submit to the Agency for approval a closure alternatives analysis that analyzes all closure methods being considered and that otherwise satisfies all closure

requirements adopted by the Board under this Act. Complete removal of CCR, as specified by the Board's rules, from the CCR surface impoundment must be considered and analyzed. Section 3.405 does not apply to the Board's rules specifying complete removal of CCR. The selected closure method must ensure compliance with regulations adopted by the Board pursuant to this Section.

(e) Owners or operators of CCR surface impoundments who have submitted a closure plan to the Agency before May 1, 2019, and who have completed closure prior to 24 months after the effective date of this amendatory Act of the 101st General Assembly shall not be required to obtain a construction permit for the surface impoundment closure under this Section.

(f) Except for the State, its agencies and institutions, a unit of local government, or not-for-profit electric cooperative as defined in Section 3.4 of the Electric Supplier Act, any person who owns or operates a CCR surface impoundment in this State shall post with the Agency a performance bond or other security for the purpose of: (i) ensuring closure of the CCR surface impoundment and post-closure care in accordance with this Act and its rules; and (ii) insuring remediation of releases from the CCR surface impoundment. The only acceptable forms of financial assurance are: a trust fund, a surety bond guaranteeing payment, a surety bond guaranteeing performance, or an irrevocable letter of credit.

(1) The cost estimate for the post-closure care of a

CCR surface impoundment shall be calculated using a 30-year post-closure care period or such longer period as may be approved by the Agency under Board or federal rules.

(2) The Agency is authorized to enter into such contracts and agreements as it may deem necessary to carry out the purposes of this Section. Neither the State, nor the Director, nor any State employee shall be liable for any damages or injuries arising out of or resulting from any action taken under this Section.

(3) The Agency shall have the authority to approve or disapprove any performance bond or other security posted under this subsection. Any person whose performance bond or other security is disapproved by the Agency may contest the disapproval as a permit denial appeal pursuant to Section 40.

(g) The Board shall adopt rules establishing construction permit requirements, operating permit requirements, design standards, reporting, financial assurance, and closure and post-closure care requirements for CCR surface impoundments. Not later than 8 months after the effective date of this amendatory Act of the 101st General Assembly the Agency shall propose, and not later than one year after receipt of the Agency's proposal the Board shall adopt, rules under this Section. The rules must, at a minimum:

(1) be at least as protective and comprehensive as the federal regulations or amendments thereto promulgated by

the Administrator of the United States Environmental Protection Agency in Subpart D of 40 CFR 257 governing CCR surface impoundments;

(2) specify the minimum contents of CCR surface impoundment construction and operating permit applications, including the closure alternatives analysis required under subsection (d);

(3) specify which types of permits include requirements for closure, post-closure, remediation and all other requirements applicable to CCR surface impoundments;

(4) specify when permit applications for existing CCR surface impoundments must be submitted, taking into consideration whether the CCR surface impoundment must close under the RCRA;

(5) specify standards for review and approval by the Agency of CCR surface impoundment permit applications;

(6) specify meaningful public participation procedures for the issuance of CCR surface impoundment construction and operating permits, including, but not limited to, public notice of the submission of permit applications, an opportunity for the submission of public comments, an opportunity for a public hearing prior to permit issuance, and a summary and response of the comments prepared by the Agency;

(7) prescribe the type and amount of the performance

bonds or other securities required under subsection (f), and the conditions under which the State is entitled to collect moneys from such performance bonds or other securities;

(8) specify a procedure to identify areas of environmental justice concern in relation to CCR surface impoundments;

(9) specify a method to prioritize CCR surface impoundments required to close under RCRA if not otherwise specified by the United States Environmental Protection Agency, so that the CCR surface impoundments with the highest risk to public health and the environment, and areas of environmental justice concern are given first priority;

(10) define when complete removal of CCR is achieved and specify the standards for responsible removal of CCR from CCR surface impoundments, including, but not limited to, dust controls and the protection of adjacent surface water and groundwater; and

(11) describe the process and standards for identifying a specific alternative source of groundwater pollution when the owner or operator of the CCR surface impoundment believes that groundwater contamination on the site is not from the CCR surface impoundment.

(h) Any owner of a CCR surface impoundment that generates CCR and sells or otherwise provides coal combustion byproducts

pursuant to Section 3.135 shall, every 12 months, post on its publicly available website a report specifying the volume or weight of CCR, in cubic yards or tons, that it sold or provided during the past 12 months.

(i) The owner of a CCR surface impoundment shall post all closure plans, permit applications, and supporting documentation, as well as any Agency approval of the plans or applications on its publicly available website.

(j) The owner or operator of a CCR surface impoundment shall pay the following fees:

(1) An initial fee to the Agency within 6 months after the effective date of this amendatory Act of the 101st General Assembly of:

$50,000 for each closed CCR surface impoundment; and

$75,000 for each CCR surface impoundment that have not completed closure.

(2) Annual fees to the Agency, beginning on July 1, 2020, of:

$25,000 for each CCR surface impoundment that has not completed closure; and

$15,000 for each CCR surface impoundment that has completed closure, but has not completed post-closure care.

(k) All fees collected by the Agency under subsection (j) shall be deposited into the Environmental Protection Permit and

Inspection Fund.

(l) The Coal Combustion Residual Surface Impoundment Financial Assurance Fund is created as a special fund in the State treasury. Any moneys forfeited to the State of Illinois from any performance bond or other security required under this Section shall be placed in the Coal Combustion Residual Surface Impoundment Financial Assurance Fund and shall, upon approval by the Governor and the Director, be used by the Agency for the purposes for which such performance bond or other security was issued. The Coal Combustion Residual Surface Impoundment Financial Assurance Fund is not subject to the provisions of subsection (c) of Section 5 of the State Finance Act.

(m) The provisions of this Section shall apply, without limitation, to all existing CCR surface impoundments and any CCR surface impoundments constructed after the effective date of this amendatory Act of the 101st General Assembly, except to the extent prohibited by the Illinois or United States Constitutions.

(415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

Sec. 39. Issuance of permits; procedures.

(a) When the Board has by regulation required a permit for the construction, installation, or operation of any type of facility, equipment, vehicle, vessel, or aircraft, the applicant shall apply to the Agency for such permit and it shall be the duty of the Agency to issue such a permit upon

proof by the applicant that the facility, equipment, vehicle, vessel, or aircraft will not cause a violation of this Act or of regulations hereunder. The Agency shall adopt such procedures as are necessary to carry out its duties under this Section. In making its determinations on permit applications under this Section the Agency may consider prior adjudications of noncompliance with this Act by the applicant that involved a release of a contaminant into the environment. In granting permits, the Agency may impose reasonable conditions specifically related to the applicant's past compliance history with this Act as necessary to correct, detect, or prevent noncompliance. The Agency may impose such other conditions as may be necessary to accomplish the purposes of this Act, and as are not inconsistent with the regulations promulgated by the Board hereunder. Except as otherwise provided in this Act, a bond or other security shall not be required as a condition for the issuance of a permit. If the Agency denies any permit under this Section, the Agency shall transmit to the applicant within the time limitations of this Section specific, detailed statements as to the reasons the permit application was denied. Such statements shall include, but not be limited to the following:

(i) the Sections of this Act which may be violated if the permit were granted;

(ii) the provision of the regulations, promulgated under this Act, which may be violated if the permit were

granted;

(iii) the specific type of information, if any, which the Agency deems the applicant did not provide the Agency; and

(iv) a statement of specific reasons why the Act and the regulations might not be met if the permit were granted.

If there is no final action by the Agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued; except that this time period shall be extended to 180 days when (1) notice and opportunity for public hearing are required by State or federal law or regulation, (2) the application which was filed is for any permit to develop a landfill subject to issuance pursuant to this subsection, or (3) the application that was filed is for a MSWLF unit required to issue public notice under subsection (p) of Section 39. The 90-day and 180-day time periods for the Agency to take final action do not apply to NPDES permit applications under subsection (b) of this Section, to RCRA permit applications under subsection (d) of this Section, ~~or~~ to UIC permit applications under subsection (e) of this Section, or to CCR surface impoundment applications under subsection (y) of this Section.

The Agency shall publish notice of all final permit determinations for development permits for MSWLF units and for significant permit modifications for lateral expansions for

existing MSWLF units one time in a newspaper of general circulation in the county in which the unit is or is proposed to be located.

After January 1, 1994 and until July 1, 1998, operating permits issued under this Section by the Agency for sources of air pollution permitted to emit less than 25 tons per year of any combination of regulated air pollutants, as defined in Section 39.5 of this Act, shall be required to be renewed only upon written request by the Agency consistent with applicable provisions of this Act and regulations promulgated hereunder. Such operating permits shall expire 180 days after the date of such a request. The Board shall revise its regulations for the existing State air pollution operating permit program consistent with this provision by January 1, 1994.

After June 30, 1998, operating permits issued under this Section by the Agency for sources of air pollution that are not subject to Section 39.5 of this Act and are not required to have a federally enforceable State operating permit shall be required to be renewed only upon written request by the Agency consistent with applicable provisions of this Act and its rules. Such operating permits shall expire 180 days after the date of such a request. Before July 1, 1998, the Board shall revise its rules for the existing State air pollution operating permit program consistent with this paragraph and shall adopt rules that require a source to demonstrate that it qualifies for a permit under this paragraph.

(b) The Agency may issue NPDES permits exclusively under this subsection for the discharge of contaminants from point sources into navigable waters, all as defined in the Federal Water Pollution Control Act, as now or hereafter amended, within the jurisdiction of the State, or into any well.

All NPDES permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act.

The Agency may issue general NPDES permits for discharges from categories of point sources which are subject to the same permit limitations and conditions. Such general permits may be issued without individual applications and shall conform to regulations promulgated under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended.

The Agency may include, among such conditions, effluent limitations and other requirements established under this Act, Board regulations, the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto, and schedules for achieving compliance therewith at the earliest reasonable date.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of NPDES permits, and which are consistent with the Act or regulations adopted by the Board, and with the Federal Water Pollution Control Act, as now or hereafter amended, and regulations

pursuant thereto.

The Agency, subject to any conditions which may be prescribed by Board regulations, may issue NPDES permits to allow discharges beyond deadlines established by this Act or by regulations of the Board without the requirement of a variance, subject to the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto.

(c) Except for those facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act, no permit for the development or construction of a new pollution control facility may be granted by the Agency unless the applicant submits proof to the Agency that the location of the facility has been approved by the County Board of the county if in an unincorporated area, or the governing body of the municipality when in an incorporated area, in which the facility is to be located in accordance with Section 39.2 of this Act. For purposes of this subsection (c), and for purposes of Section 39.2 of this Act, the appropriate county board or governing body of the municipality shall be the county board of the county or the governing body of the municipality in which the facility is to be located as of the date when the application for siting approval is filed.

In the event that siting approval granted pursuant to Section 39.2 has been transferred to a subsequent owner or operator, that subsequent owner or operator may apply to the Agency for, and the Agency may grant, a development or

construction permit for the facility for which local siting approval was granted. Upon application to the Agency for a development or construction permit by that subsequent owner or operator, the permit applicant shall cause written notice of the permit application to be served upon the appropriate county board or governing body of the municipality that granted siting approval for that facility and upon any party to the siting proceeding pursuant to which siting approval was granted. In that event, the Agency shall conduct an evaluation of the subsequent owner or operator's prior experience in waste management operations in the manner conducted under subsection (i) of Section 39 of this Act.

Beginning August 20, 1993, if the pollution control facility consists of a hazardous or solid waste disposal facility for which the proposed site is located in an unincorporated area of a county with a population of less than 100,000 and includes all or a portion of a parcel of land that was, on April 1, 1993, adjacent to a municipality having a population of less than 5,000, then the local siting review required under this subsection (c) in conjunction with any permit applied for after that date shall be performed by the governing body of that adjacent municipality rather than the county board of the county in which the proposed site is located; and for the purposes of that local siting review, any references in this Act to the county board shall be deemed to mean the governing body of that adjacent municipality;

provided, however, that the provisions of this paragraph shall not apply to any proposed site which was, on April 1, 1993, owned in whole or in part by another municipality.

In the case of a pollution control facility for which a development permit was issued before November 12, 1981, if an operating permit has not been issued by the Agency prior to August 31, 1989 for any portion of the facility, then the Agency may not issue or renew any development permit nor issue an original operating permit for any portion of such facility unless the applicant has submitted proof to the Agency that the location of the facility has been approved by the appropriate county board or municipal governing body pursuant to Section 39.2 of this Act.

After January 1, 1994, if a solid waste disposal facility, any portion for which an operating permit has been issued by the Agency, has not accepted waste disposal for 5 or more consecutive calendars years, before that facility may accept any new or additional waste for disposal, the owner and operator must obtain a new operating permit under this Act for that facility unless the owner and operator have applied to the Agency for a permit authorizing the temporary suspension of waste acceptance. The Agency may not issue a new operation permit under this Act for the facility unless the applicant has submitted proof to the Agency that the location of the facility has been approved or re-approved by the appropriate county board or municipal governing body under Section 39.2 of this

Act after the facility ceased accepting waste.

Except for those facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act, and except for new pollution control facilities governed by Section 39.2, and except for fossil fuel mining facilities, the granting of a permit under this Act shall not relieve the applicant from meeting and securing all necessary zoning approvals from the unit of government having zoning jurisdiction over the proposed facility.

Before beginning construction on any new sewage treatment plant or sludge drying site to be owned or operated by a sanitary district organized under the Metropolitan Water Reclamation District Act for which a new permit (rather than the renewal or amendment of an existing permit) is required, such sanitary district shall hold a public hearing within the municipality within which the proposed facility is to be located, or within the nearest community if the proposed facility is to be located within an unincorporated area, at which information concerning the proposed facility shall be made available to the public, and members of the public shall be given the opportunity to express their views concerning the proposed facility.

The Agency may issue a permit for a municipal waste transfer station without requiring approval pursuant to Section 39.2 provided that the following demonstration is made:

(1) the municipal waste transfer station was in

existence on or before January 1, 1979 and was in continuous operation from January 1, 1979 to January 1, 1993;

(2) the operator submitted a permit application to the Agency to develop and operate the municipal waste transfer station during April of 1994;

(3) the operator can demonstrate that the county board of the county, if the municipal waste transfer station is in an unincorporated area, or the governing body of the municipality, if the station is in an incorporated area, does not object to resumption of the operation of the station; and

(4) the site has local zoning approval.

(d) The Agency may issue RCRA permits exclusively under this subsection to persons owning or operating a facility for the treatment, storage, or disposal of hazardous waste as defined under this Act. Subsection (y) of this Section, rather than this subsection (d), shall apply to permits issued for CCR surface impoundments.

All RCRA permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act. The Agency may include among such conditions standards and other requirements established under this Act, Board regulations, the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, and regulations pursuant thereto,

and may include schedules for achieving compliance therewith as soon as possible. The Agency shall require that a performance bond or other security be provided as a condition for the issuance of a RCRA permit.

In the case of a permit to operate a hazardous waste or PCB incinerator as defined in subsection (k) of Section 44, the Agency shall require, as a condition of the permit, that the operator of the facility perform such analyses of the waste to be incinerated as may be necessary and appropriate to ensure the safe operation of the incinerator.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of RCRA permits, and which are consistent with the Act or regulations adopted by the Board, and with the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, and regulations pursuant thereto.

The applicant shall make available to the public for inspection all documents submitted by the applicant to the Agency in furtherance of an application, with the exception of trade secrets, at the office of the county board or governing body of the municipality. Such documents may be copied upon payment of the actual cost of reproduction during regular business hours of the local office. The Agency shall issue a written statement concurrent with its grant or denial of the permit explaining the basis for its decision.

(e) The Agency may issue UIC permits exclusively under this

subsection to persons owning or operating a facility for the underground injection of contaminants as defined under this Act.

All UIC permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act. The Agency may include among such conditions standards and other requirements established under this Act, Board regulations, the Safe Drinking Water Act (P.L. 93-523), as amended, and regulations pursuant thereto, and may include schedules for achieving compliance therewith. The Agency shall require that a performance bond or other security be provided as a condition for the issuance of a UIC permit.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of UIC permits, and which are consistent with the Act or regulations adopted by the Board, and with the Safe Drinking Water Act (P.L. 93-523), as amended, and regulations pursuant thereto.

The applicant shall make available to the public for inspection, all documents submitted by the applicant to the Agency in furtherance of an application, with the exception of trade secrets, at the office of the county board or governing body of the municipality. Such documents may be copied upon payment of the actual cost of reproduction during regular business hours of the local office. The Agency shall issue a written statement concurrent with its grant or denial of the

permit explaining the basis for its decision.

(f) In making any determination pursuant to Section 9.1 of this Act:

(1) The Agency shall have authority to make the determination of any question required to be determined by the Clean Air Act, as now or hereafter amended, this Act, or the regulations of the Board, including the determination of the Lowest Achievable Emission Rate, Maximum Achievable Control Technology, or Best Available Control Technology, consistent with the Board's regulations, if any.

(2) The Agency shall adopt requirements as necessary to implement public participation procedures, including, but not limited to, public notice, comment, and an opportunity for hearing, which must accompany the processing of applications for PSD permits. The Agency shall briefly describe and respond to all significant comments on the draft permit raised during the public comment period or during any hearing. The Agency may group related comments together and provide one unified response for each issue raised.

(3) Any complete permit application submitted to the Agency under this subsection for a PSD permit shall be granted or denied by the Agency not later than one year after the filing of such completed application.

(4) The Agency shall, after conferring with the

applicant, give written notice to the applicant of its proposed decision on the application including the terms and conditions of the permit to be issued and the facts, conduct or other basis upon which the Agency will rely to support its proposed action.

(g) The Agency shall include as conditions upon all permits issued for hazardous waste disposal sites such restrictions upon the future use of such sites as are reasonably necessary to protect public health and the environment, including permanent prohibition of the use of such sites for purposes which may create an unreasonable risk of injury to human health or to the environment. After administrative and judicial challenges to such restrictions have been exhausted, the Agency shall file such restrictions of record in the Office of the Recorder of the county in which the hazardous waste disposal site is located.

(h) A hazardous waste stream may not be deposited in a permitted hazardous waste site unless specific authorization is obtained from the Agency by the generator and disposal site owner and operator for the deposit of that specific hazardous waste stream. The Agency may grant specific authorization for disposal of hazardous waste streams only after the generator has reasonably demonstrated that, considering technological feasibility and economic reasonableness, the hazardous waste cannot be reasonably recycled for reuse, nor incinerated or chemically, physically or biologically treated so as to

neutralize the hazardous waste and render it nonhazardous. In granting authorization under this Section, the Agency may impose such conditions as may be necessary to accomplish the purposes of the Act and are consistent with this Act and regulations promulgated by the Board hereunder. If the Agency refuses to grant authorization under this Section, the applicant may appeal as if the Agency refused to grant a permit, pursuant to the provisions of subsection (a) of Section 40 of this Act. For purposes of this subsection (h), the term "generator" has the meaning given in Section 3.205 of this Act, unless: (1) the hazardous waste is treated, incinerated, or partially recycled for reuse prior to disposal, in which case the last person who treats, incinerates, or partially recycles the hazardous waste prior to disposal is the generator; or (2) the hazardous waste is from a response action, in which case the person performing the response action is the generator. This subsection (h) does not apply to any hazardous waste that is restricted from land disposal under 35 Ill. Adm. Code 728.

(i) Before issuing any RCRA permit, any permit for a waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, waste incinerator, or any waste-transportation operation, any permit or interim authorization for a clean construction or demolition debris fill operation, or any permit required under subsection (d-5) of Section 55, the Agency shall conduct an evaluation of the prospective owner's or operator's prior experience in waste

management operations, clean construction or demolition debris fill operations, and tire storage site management. The Agency may deny such a permit, or deny or revoke interim authorization, if the prospective owner or operator or any employee or officer of the prospective owner or operator has a history of:

(1) repeated violations of federal, State, or local laws, regulations, standards, or ordinances in the operation of waste management facilities or sites, clean construction or demolition debris fill operation facilities or sites, or tire storage sites; or

(2) conviction in this or another State of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court; or conviction in this or another state or federal court of any of the following crimes: forgery, official misconduct, bribery, perjury, or knowingly submitting false information under any environmental law, regulation, or permit term or condition; or

(3) proof of gross carelessness or incompetence in handling, storing, processing, transporting or disposing of waste, clean construction or demolition debris, or used or waste tires, or proof of gross carelessness or incompetence in using clean construction or demolition debris as fill.

(i-5) Before issuing any permit or approving any interim

authorization for a clean construction or demolition debris fill operation in which any ownership interest is transferred between January 1, 2005, and the effective date of the prohibition set forth in Section 22.52 of this Act, the Agency shall conduct an evaluation of the operation if any previous activities at the site or facility may have caused or allowed contamination of the site. It shall be the responsibility of the owner or operator seeking the permit or interim authorization to provide to the Agency all of the information necessary for the Agency to conduct its evaluation. The Agency may deny a permit or interim authorization if previous activities at the site may have caused or allowed contamination at the site, unless such contamination is authorized under any permit issued by the Agency.

(j) The issuance under this Act of a permit to engage in the surface mining of any resources other than fossil fuels shall not relieve the permittee from its duty to comply with any applicable local law regulating the commencement, location or operation of surface mining facilities.

(k) A development permit issued under subsection (a) of Section 39 for any facility or site which is required to have a permit under subsection (d) of Section 21 shall expire at the end of 2 calendar years from the date upon which it was issued, unless within that period the applicant has taken action to develop the facility or the site. In the event that review of the conditions of the development permit is sought pursuant to

Section 40 or 41, or permittee is prevented from commencing development of the facility or site by any other litigation beyond the permittee's control, such two-year period shall be deemed to begin on the date upon which such review process or litigation is concluded.

(l) No permit shall be issued by the Agency under this Act for construction or operation of any facility or site located within the boundaries of any setback zone established pursuant to this Act, where such construction or operation is prohibited.

(m) The Agency may issue permits to persons owning or operating a facility for composting landscape waste. In granting such permits, the Agency may impose such conditions as may be necessary to accomplish the purposes of this Act, and as are not inconsistent with applicable regulations promulgated by the Board. Except as otherwise provided in this Act, a bond or other security shall not be required as a condition for the issuance of a permit. If the Agency denies any permit pursuant to this subsection, the Agency shall transmit to the applicant within the time limitations of this subsection specific, detailed statements as to the reasons the permit application was denied. Such statements shall include but not be limited to the following:

(1) the Sections of this Act that may be violated if the permit were granted;

(2) the specific regulations promulgated pursuant to

this Act that may be violated if the permit were granted;

(3) the specific information, if any, the Agency deems the applicant did not provide in its application to the Agency; and

(4) a statement of specific reasons why the Act and the regulations might be violated if the permit were granted.

If no final action is taken by the Agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued. Any applicant for a permit may waive the 90-day limitation by filing a written statement with the Agency.

The Agency shall issue permits for such facilities upon receipt of an application that includes a legal description of the site, a topographic map of the site drawn to the scale of 200 feet to the inch or larger, a description of the operation, including the area served, an estimate of the volume of materials to be processed, and documentation that:

(1) the facility includes a setback of at least 200 feet from the nearest potable water supply well;

(2) the facility is located outside the boundary of the 10-year floodplain or the site will be floodproofed;

(3) the facility is located so as to minimize incompatibility with the character of the surrounding area, including at least a 200 foot setback from any residence, and in the case of a facility that is developed or the permitted composting area of which is expanded after

November 17, 1991, the composting area is located at least 1/8 mile from the nearest residence (other than a residence located on the same property as the facility);

(4) the design of the facility will prevent any compost material from being placed within 5 feet of the water table, will adequately control runoff from the site, and will collect and manage any leachate that is generated on the site;

(5) the operation of the facility will include appropriate dust and odor control measures, limitations on operating hours, appropriate noise control measures for shredding, chipping and similar equipment, management procedures for composting, containment and disposal of non-compostable wastes, procedures to be used for terminating operations at the site, and recordkeeping sufficient to document the amount of materials received, composted and otherwise disposed of; and

(6) the operation will be conducted in accordance with any applicable rules adopted by the Board.

The Agency shall issue renewable permits of not longer than 10 years in duration for the composting of landscape wastes, as defined in Section 3.155 of this Act, based on the above requirements.

The operator of any facility permitted under this subsection (m) must submit a written annual statement to the Agency on or before April 1 of each year that includes an

estimate of the amount of material, in tons, received for composting.

(n) The Agency shall issue permits jointly with the Department of Transportation for the dredging or deposit of material in Lake Michigan in accordance with Section 18 of the Rivers, Lakes, and Streams Act.

(o) (Blank.)

(p) (1) Any person submitting an application for a permit for a new MSWLF unit or for a lateral expansion under subsection (t) of Section 21 of this Act for an existing MSWLF unit that has not received and is not subject to local siting approval under Section 39.2 of this Act shall publish notice of the application in a newspaper of general circulation in the county in which the MSWLF unit is or is proposed to be located. The notice must be published at least 15 days before submission of the permit application to the Agency. The notice shall state the name and address of the applicant, the location of the MSWLF unit or proposed MSWLF unit, the nature and size of the MSWLF unit or proposed MSWLF unit, the nature of the activity proposed, the probable life of the proposed activity, the date the permit application will be submitted, and a statement that persons may file written comments with the Agency concerning the permit application within 30 days after the filing of the permit application unless the time period to submit comments is extended by the Agency.

When a permit applicant submits information to the Agency

to supplement a permit application being reviewed by the Agency, the applicant shall not be required to reissue the notice under this subsection.

(2) The Agency shall accept written comments concerning the permit application that are postmarked no later than 30 days after the filing of the permit application, unless the time period to accept comments is extended by the Agency.

(3) Each applicant for a permit described in part (1) of this subsection shall file a copy of the permit application with the county board or governing body of the municipality in which the MSWLF unit is or is proposed to be located at the same time the application is submitted to the Agency. The permit application filed with the county board or governing body of the municipality shall include all documents submitted to or to be submitted to the Agency, except trade secrets as determined under Section 7.1 of this Act. The permit application and other documents on file with the county board or governing body of the municipality shall be made available for public inspection during regular business hours at the office of the county board or the governing body of the municipality and may be copied upon payment of the actual cost of reproduction.

(q) Within 6 months after July 12, 2011 (the effective date of Public Act 97-95), the Agency, in consultation with the regulated community, shall develop a web portal to be posted on its website for the purpose of enhancing review and promoting

timely issuance of permits required by this Act. At a minimum, the Agency shall make the following information available on the web portal:

(1) Checklists and guidance relating to the completion of permit applications, developed pursuant to subsection (s) of this Section, which may include, but are not limited to, existing instructions for completing the applications and examples of complete applications. As the Agency develops new checklists and develops guidance, it shall supplement the web portal with those materials.

(2) Within 2 years after July 12, 2011 (the effective date of Public Act 97-95), permit application forms or portions of permit applications that can be completed and saved electronically, and submitted to the Agency electronically with digital signatures.

(3) Within 2 years after July 12, 2011 (the effective date of Public Act 97-95), an online tracking system where an applicant may review the status of its pending application, including the name and contact information of the permit analyst assigned to the application. Until the online tracking system has been developed, the Agency shall post on its website semi-annual permitting efficiency tracking reports that include statistics on the timeframes for Agency action on the following types of permits received after July 12, 2011 (the effective date of Public Act 97-95): air construction permits, new NPDES permits and

associated water construction permits, and modifications of major NPDES permits and associated water construction permits. The reports must be posted by February 1 and August 1 each year and shall include:

(A) the number of applications received for each type of permit, the number of applications on which the Agency has taken action, and the number of applications still pending; and

(B) for those applications where the Agency has not taken action in accordance with the timeframes set forth in this Act, the date the application was received and the reasons for any delays, which may include, but shall not be limited to, (i) the application being inadequate or incomplete, (ii) scientific or technical disagreements with the applicant, USEPA, or other local, state, or federal agencies involved in the permitting approval process, (iii) public opposition to the permit, or (iv) Agency staffing shortages. To the extent practicable, the tracking report shall provide approximate dates when cause for delay was identified by the Agency, when the Agency informed the applicant of the problem leading to the delay, and when the applicant remedied the reason for the delay.

(r) Upon the request of the applicant, the Agency shall notify the applicant of the permit analyst assigned to the

application upon its receipt.

(s) The Agency is authorized to prepare and distribute guidance documents relating to its administration of this Section and procedural rules implementing this Section. Guidance documents prepared under this subsection shall not be considered rules and shall not be subject to the Illinois Administrative Procedure Act. Such guidance shall not be binding on any party.

(t) Except as otherwise prohibited by federal law or regulation, any person submitting an application for a permit may include with the application suggested permit language for Agency consideration. The Agency is not obligated to use the suggested language or any portion thereof in its permitting decision. If requested by the permit applicant, the Agency shall meet with the applicant to discuss the suggested language.

(u) If requested by the permit applicant, the Agency shall provide the permit applicant with a copy of the draft permit prior to any public review period.

(v) If requested by the permit applicant, the Agency shall provide the permit applicant with a copy of the final permit prior to its issuance.

(w) An air pollution permit shall not be required due to emissions of greenhouse gases, as specified by Section 9.15 of this Act.

(x) If, before the expiration of a State operating permit

that is issued pursuant to subsection (a) of this Section and contains federally enforceable conditions limiting the potential to emit of the source to a level below the major source threshold for that source so as to exclude the source from the Clean Air Act Permit Program, the Agency receives a complete application for the renewal of that permit, then all of the terms and conditions of the permit shall remain in effect until final administrative action has been taken on the application for the renewal of the permit.

(y) The Agency may issue permits exclusively under this subsection to persons owning or operating a CCR surface impoundment subject to Section 22.59.

All CCR surface impoundment permits shall contain those terms and conditions, including, but not limited to, schedules of compliance, which may be required to accomplish the purposes and provisions of this Act, Board regulations, the Illinois Groundwater Protection Act and regulations pursuant thereto, and the Resource Conservation and Recovery Act and regulations pursuant thereto, and may include schedules for achieving compliance therewith as soon as possible.

The Board shall adopt filing requirements and procedures that are necessary and appropriate for the issuance of CCR surface impoundment permits and that are consistent with this Act or regulations adopted by the Board, and with the RCRA, as amended, and regulations pursuant thereto.

The applicant shall make available to the public for

inspection all documents submitted by the applicant to the Agency in furtherance of an application, with the exception of trade secrets, on its public internet website as well as at the office of the county board or governing body of the municipality where CCR from the CCR surface impoundment will be permanently disposed. Such documents may be copied upon payment of the actual cost of reproduction during regular business hours of the local office.

The Agency shall issue a written statement concurrent with its grant or denial of the permit explaining the basis for its decision.

(Source: P.A. 98-284, eff. 8-9-13; 99-396, eff. 8-18-15; 99-463, eff. 1-1-16; 99-642, eff. 7-28-16.)

(415 ILCS 5/40) (from Ch. 111 1/2, par. 1040)

Sec. 40. Appeal of permit denial.

(a)(1) If the Agency refuses to grant or grants with conditions a permit under Section 39 of this Act, the applicant may, within 35 days after the date on which the Agency served its decision on the applicant, petition for a hearing before the Board to contest the decision of the Agency. However, the 35-day period for petitioning for a hearing may be extended for an additional period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Agency within the initial appeal period. The Board shall give 21 days' notice to any person in the county where is located the

facility in issue who has requested notice of enforcement proceedings and to each member of the General Assembly in whose legislative district that installation or property is located; and shall publish that 21-day notice in a newspaper of general circulation in that county. The Agency shall appear as respondent in such hearing. At such hearing the rules prescribed in Section 32 and subsection (a) of Section 33 of this Act shall apply, and the burden of proof shall be on the petitioner. If, however, the Agency issues an NPDES permit that imposes limits which are based upon a criterion or denies a permit based upon application of a criterion, then the Agency shall have the burden of going forward with the basis for the derivation of those limits or criterion which were derived under the Board's rules.

(2) Except as provided in paragraph (a)(3), if there is no final action by the Board within 120 days after the date on which it received the petition, the petitioner may deem the permit issued under this Act, provided, however, that that period of 120 days shall not run for any period of time, not to exceed 30 days, during which the Board is without sufficient membership to constitute the quorum required by subsection (a) of Section 5 of this Act, and provided further that such 120 day period shall not be stayed for lack of quorum beyond 30 days regardless of whether the lack of quorum exists at the beginning of such 120-day period or occurs during the running of such 120-day period.

(3) Paragraph (a)(2) shall not apply to any permit which is subject to subsection (b), (d) or (e) of Section 39. If there is no final action by the Board within 120 days after the date on which it received the petition, the petitioner shall be entitled to an Appellate Court order pursuant to subsection (d) of Section 41 of this Act.

(b) If the Agency grants a RCRA permit for a hazardous waste disposal site, a third party, other than the permit applicant or Agency, may, within 35 days after the date on which the Agency issued its decision, petition the Board for a hearing to contest the issuance of the permit. Unless the Board determines that such petition is duplicative or frivolous, or that the petitioner is so located as to not be affected by the permitted facility, the Board shall hear the petition in accordance with the terms of subsection (a) of this Section and its procedural rules governing denial appeals, such hearing to be based exclusively on the record before the Agency. The burden of proof shall be on the petitioner. The Agency and the permit applicant shall be named co-respondents.

The provisions of this subsection do not apply to the granting of permits issued for the disposal or utilization of sludge from publicly-owned sewage works.

(c) Any party to an Agency proceeding conducted pursuant to Section 39.3 of this Act may petition as of right to the Board for review of the Agency's decision within 35 days from the date of issuance of the Agency's decision, provided that such

appeal is not duplicative or frivolous. However, the 35-day period for petitioning for a hearing may be extended by the applicant for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Agency within the initial appeal period. If another person with standing to appeal wishes to obtain an extension, there must be a written notice provided to the Board by that person, the Agency, and the applicant, within the initial appeal period. The decision of the Board shall be based exclusively on the record compiled in the Agency proceeding. In other respects the Board's review shall be conducted in accordance with subsection (a) of this Section and the Board's procedural rules governing permit denial appeals.

(d) In reviewing the denial or any condition of a NA NSR permit issued by the Agency pursuant to rules and regulations adopted under subsection (c) of Section 9.1 of this Act, the decision of the Board shall be based exclusively on the record before the Agency including the record of the hearing, if any, unless the parties agree to supplement the record. The Board shall, if it finds the Agency is in error, make a final determination as to the substantive limitations of the permit including a final determination of Lowest Achievable Emission Rate.

(e)(1) If the Agency grants or denies a permit under subsection (b) of Section 39 of this Act, a third party, other than the permit applicant or Agency, may petition the Board

within 35 days from the date of issuance of the Agency's decision, for a hearing to contest the decision of the Agency.

(2) A petitioner shall include the following within a petition submitted under subdivision (1) of this subsection:

(A) a demonstration that the petitioner raised the issues contained within the petition during the public notice period or during the public hearing on the NPDES permit application, if a public hearing was held; and

(B) a demonstration that the petitioner is so situated as to be affected by the permitted facility.

(3) If the Board determines that the petition is not duplicative or frivolous and contains a satisfactory demonstration under subdivision (2) of this subsection, the Board shall hear the petition (i) in accordance with the terms of subsection (a) of this Section and its procedural rules governing permit denial appeals and (ii) exclusively on the basis of the record before the Agency. The burden of proof shall be on the petitioner. The Agency and permit applicant shall be named co-respondents.

(f) Any person who files a petition to contest the issuance of a permit by the Agency shall pay a filing fee.

(g) If the Agency grants or denies a permit under subsection (y) of Section 39, a third party, other than the permit applicant or Agency, may appeal the Agency's decision as provided under federal law for CCR surface impoundment permits.

(Source: P.A. 99-463, eff. 1-1-16; 100-201, eff. 8-18-17.)

Section 10. The State Finance Act is amended by adding Section 5.891 as follows:

(30 ILCS 105/5.891 new)

Sec. 5.891. The Coal Combustion Residual Surface Impoundment Financial Assurance Fund.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect upon becoming law.

EFILED
08/10/2020 5:05 PM
Paul Palazzolo
7th Judicial Circuit
Sangamon County, IL
2020MR000615

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Springfield, IL 62794-9276

Ameren Energy Generating Company
Attn: MJ Smallwood
MC602, P.O. Box 66149,
St. Louis, MO 63166-6149

Billing Date	Mon December 16, 2019
Due Date	Tue January 31, 2020
Account Number	W0330100003
Facility Name	Hutsonville

Initial Invoice

Pond ID	Pond Description	Amount
W0330100003-01	Pond A	50,000.00
W0330100003-02	Pond B	75,000.00
W0330100003-03	Pond C	75,000.00
W0330100003-04	Pond D	50,000.00
W0330100003-05	Bottom Ash	75,000.00

Amount Due $325,000.00

Other Information/Messages

Questions. Please direct any technical/permit questions to the Permit Section at (217) 782-0610. Questions about the amount of your fee should be emailed to: EPA.AcctsReceivable@illinois.gov

– See Reverse Side for Additional Important Information –

Payment
Remittance Stub

Return bottom portion with a check made payable to Illinois EPA

Account Information

Acct. Number	W0330100003
Facility Name	Hutsonville
IEPA Program	COALIN
Billing Date	Mon December 16, 2019

Amount Due

Tue January 31, 2020 $325,000.00

Amount Enclosed

Please remit payment to:
Illinois Environmental Protection Agency
Fiscal Services #2
P.O. Box 19276
Springfield, IL 62794-9276

EFILED
8/10/2020 5:05 PM
Paul Palazzolo
7th Judicial Circuit
Sangamon County, IL
2020MR000615

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Springfield, IL 62794-9276

Billing Date	Mon December 16, 2019
Due Date	Tue January 31, 2020
Account Number	W1370300005
Facility Name	Meredosia

Ameren Energy Generating Company
Attn: MJ Smallwood
MC602, P.O. Box 66149,
St. Louis, MO 63166-6149

Initial Invoice

Pond ID	Pond Description	Amount
W1370300005-01	Bottom Ash Pond	50,000.00
W1370300005-02	Fly Ash	50,000.00
W1370300005-03	Old Ash Pond	75,000.00

Amount Due $175,000.00

Other Information/Messages

Questions. Please direct any technical/permit questions to the Permit Section at (217) 782-0610. Questions about the amount of your fee should be emailed to: EPA.AcctsReceivable@illinois.gov

- See Reverse Side for Additional Important Information –

Payment **Remittance Stub**

Return bottom portion with a check made payable to Illinois EPA

Account Information

Acct. Number	W1370300005
Facility Name	Meredosia
IEPA Program	COALIN
Billing Date	Mon December 16, 2019

Amount Due

Tue January 31, 2020 $175,000.00

Amount Enclosed

Please remit payment to:
Illinois Environmental Protection Agency
Fiscal Services #2
P.O. Box 19276
Springfield, IL 62794-9276

Ameren

Ameren Services

January 31, 2020

Director John J. Kim
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

Re: Account # W1370300005 – Meredosia
Account # W1191050002 – Venice
Account # W0330100003 – Hutsonville

Dear Director Kim:

Ameren Missouri and Ameren Medina Valley (collectively "Ameren") are in receipt of a series of invoices issued by the Illinois Environmental Protection Agency ("IEPA") assessing enrollment fees for already-closed ash ponds located at our former coal-fired generation facilities. Closure of such ash ponds occurred under the direction and supervision of IEPA and prior to Illinois' recent legislation regarding the operation and closure of coal combustion residuals ("CCR") units. Ponds were closed at Venice in 2012, Hutsonville in 2013 and 2016, and Meredosia in 2018. All ash ponds at our former facilities are in post-closure care. Accordingly, we were quite surprised, given the closed state of these former impoundments, to receive invoices totaling **$600,000** for initial enrollment fees with additional annual fees assessment commencing in July 2020.

Ameren certainly has no objection to the recovery of fees that correlate to costs incurred in implementing a regulatory program. However, with respect to closed ash ponds, the initial fee assessment bears little resemblance to costs expected to be incurred by the Agency in that ongoing regulatory review is fairly limited in scope. It is our understanding that IEPA may have modeled its fee program on legislation passed in 2018 by the Missouri General Assembly. Ameren Missouri engaged in extensive collaborative discussions with the Missouri Department of Natural Resources ("MDNR") regarding the establishment of a state CCR program including an appropriate funding mechanism. Missouri identified in a regulatory impact report specific future costs including the hiring of additional full time and specialized personnel. With that overall cost estimate in hand, the regulated community then developed an allocation mechanism to meet MDNR's future funding needs. Importantly, the Missouri legislation contained safeguards to ensure that assessed fees would not yield revenues greater than the cost of administering the program. A copy of Missouri Senate Bill 917 is enclosed for your review. (Note: MDNR has yet to finalize its state CCR program and in 2019 notified affected companies that it would not assess fees until such a program is in place.)

Regrettably, Illinois' CCR legislation does not contain those safeguards and consequently, there exists a considerable risk of excessive fee assessments when measured against expected Agency activity. To address that inequity, Ameren respectfully requests IEPA consider waiving the initial fee assessment for those ponds that have already completed an IEPA-supervised closure prior to enactment of the Illinois CCR legislation. Annual fees, however, would continue to be assessed and should provide adequate ongoing funding to address IEPA's oversight requirements. At this stage of the process, we believe such Agency activity to be focused on the review of annual closure reports that summarize monitoring data and trends.

In addition and with respect to Hutsonville and Meredosia, we believe the amounts sought by IEPA to be in error. There are two CCR units (not five) remaining at Hutsonville as three ponds (Pond B, C and Bottom Ash) were clean-closed and consolidated into Pond A. (Pond D closed pursuant to Title 35, Part 840 Subpart A, a site specific rulemaking.) Similarly, there is one pond remaining at Meredosia as the bottom and fly ash ponds were consolidated as part of closure. We ask that IEPA correct its records to reflect the correct number of ash ponds at each facility. Copies of IEPA invoices received by Ameren are enclosed for your convenience.

With respect to the "old ash pond" listed on the Meredosia invoice, I have been advised that such impoundment was capped with sand and soil in the 1970s and is now largely forested with no visible remnants of that impoundment. Any additional closure activities would necessitate the removal of 40 foot tall trees, which frankly seems counterproductive. At any rate, we invite further discussions with IEPA regarding this so-called "legacy" pond, including the assessment of an "enrollment fee", once USEPA completes its upcoming rulemaking.

Lastly, as further clarity is needed regarding appropriate funding for Illinois' CCR program, Ameren would appreciate the opportunity to work with the IEPA and other stakeholders to develop a consensus position and modification to the pending CCR legislation.

If you would like to further discuss this matter, I can be reached at (314) 554-3183 or sknowles@ameren.com.

Sincerely,

Susan B Knowles

Susan B. Knowles
Director and Assistant General Counsel

Cc: IEPA Fiscal Services #2

SECOND REGULAR SESSION

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 917

99TH GENERAL ASSEMBLY

5851H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 260.242, RSMo, and to enact in lieu thereof one new section relating to coal ash.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 260.242, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 260.242, to read as follows:

260.242. **[**~~All fly ash produced by coal combustion generating facilities shall be exempt from all solid waste permitting requirements of this chapter, if such ash is constructively reused or disposed of by a grout technique in any active or inactive noncoal, non-open-pit mining operation located in a city having a population of at least three hundred fifty thousand located in more than one county and is also located in a county of the first class without a charter form of government with a population of greater than one hundred fifty thousand and less than one hundred sixty thousand, provided said ash is not considered hazardous waste under the Missouri hazardous waste law.~~**]** **1. The department shall have the authority to promulgate rules for the management, closure, and post-closure of coal combustion residual (CCR) units in accordance with Sections 1008(a)(3) and 4004(a) of the Resource Conservation and Recovery Act (RCRA) and to approve site-specific groundwater criteria. At the discretion of the department, the Missouri risk-based corrective action (MRBCA) rules, 10 CSR 25-18.010, and accompanying guidance may be used to establish site-specific targets for soil and groundwater impacted by CCR constituents. As used in this section, a "coal combustion residual (CCR) unit" means a surface impoundment, utility waste landfill, or a CCR landfill. To the extent there is a conflict between this section and section 644.026 or 644.143, this section shall prevail.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

2. Prior to federal approval of a state CCR program under 4004(a) of the RCRA, nothing in this section shall prohibit the department from issuing guidance or entering into enforceable agreements with CCR unit owners or operators to establish risk-based target levels, using all or part of the MRBCA rules and guidance, for closure and corrective action at CCR units. Nothing in this section shall prohibit the department, owners, or operators of CCR units not otherwise covered by 40 CFR 257 from utilizing the MRBCA rules and guidance.

3. Effective January 1, 2019, and in order to implement the state CCR program, the department shall have the authority to assess one-time enrollment and annual fees on each owner, operator, or permittee of a CCR unit subject to 40 CFR 257, only as follows:

(1) For units that have not closed, an enrollment fee in the amount of sixty-two thousand dollars per CCR unit, except no fee shall apply to CCR units permitted as a utility waste landfill;

(2) For CCR units that have completed closure in place under 40 CFR 257 prior to December 31, 2018, an enrollment fee of forty-eight thousand dollars per CCR unit;

(3) An annual fee of fifteen thousand dollars per CCR unit. Annual fees shall not be assessed on CCR units that have closed prior to December 31, 2018. The obligation to pay annual fees under this section shall terminate at the end of the CCR unit's post-closure period, so long as the CCR unit is not under a requirement to complete a corrective action, or sooner, if authorized by the department.

4. No later than December 31, 2018, the department shall propose for promulgation a state CCR program, including procedures regarding payment, submission of fees, reimbursement of excess fee collection, inspection, and record keeping.

5. All fees under this section shall be paid by check or money order made payable to the department and, unless otherwise required by this section, shall be due on January first of each calendar year and be accompanied by a form provided by the department.

6. All fees received under this section shall be deposited into the "Coal Combustion Residuals Subaccount" of the solid waste management fund created under section 260.330. Fees collected under this section are dedicated, upon appropriation, to the department for conducting activities required by this section and rules adopted under this section. Fees established by this section shall not yield revenue greater than the cost of administering this section and the rules adopted under this section, but shall be adequate to ensure sustained operation of the state CCR program. The department shall prepare an annual report detailing costs incurred in connection with the management and closure of CCR units.

7. The provisions of section 33.080 to the contrary notwithstanding, moneys and interest earned on moneys in the subaccount shall not revert to the general revenue fund at the end of each biennium.

8. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

9. Interest shall be imposed on the moneys due to the department at the rate of ten percent per annum from the prescribed due date until payment is actually made. These interest amounts shall be deposited to the credit of the applicable subaccount of the solid waste management fund.

10. The department may pursue penalties under section 260.240 for failure to timely submit the fees imposed in this section.

11. The department shall not apply standards to any existing landfill or new landfills constructed contiguous to existing power station facilities located on municipally owned land that was purchased by the municipality prior to December 31, 2018, that are in conflict with 40 CFR 257, unless sound and reasonably proven scientific data confirm an imminent threat to human health and the environment.

✓

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Springfield, IL 62794-9276

Union Electric d/a Ameren Missouri
Attn: Accounts Payable
1901 Chouteau Avenue, MC 602
St. Louis, MO 63166

Billing Date	Mon December 16, 2019
Due Date	Tue January 31, 2020
Account Number	W1191050002
Facility Name	Venice

Initial Invoice

Pond ID	Pond Description	Amount
W1191050002-01	N. Pond	50,000.00
W1191050002-02	S. Pond	50,000.00

Amount Due **$100,000.00**

Other Information/Messages

Questions. Please direct any technical/permit questions to the Permit Section at (217) 782-0610. Questions about the amount of your fee should be emailed to: EPA.AcctsReceivable@illinois.gov

- See Reverse Side for Additional Important Information –

Payment
Remittance Stub

Return bottom portion with a check made payable to Illinois EPA

Account Information

Acct. Number	W1191050002
Facility Name	Venice
IEPA Program	COALIN
Billing Date	Mon December 16, 2019

Amount Due

Tue January 31, 2020 **$100,000.00**

Amount Enclosed

Please remit payment to:
Illinois Environmental Protection Agency
Fiscal Services #2
P.O. Box 19276
Springfield, IL 62794-9276

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Springfield, IL 62794-9276

Billing Date	Mon December 16, 2019
Due Date	Tue January 31, 2020
Account Number	W1370300005
Facility Name	Meredosia

Ameren Energy Generating Company
Attn: MJ Smallwood
MC602, P.O. Box 66149,
St. Louis, MO 63166-6149

Initial Invoice

Pond ID	Pond Description	Amount
W1370300005-01	Bottom Ash Pond	50,000.00
W1370300005-02	Fly Ash	50,000.00
W1370300005-03	Old Ash Pond	75,000.00

Amount Due $175,000.00

Other Information/Messages

Questions. Please direct any technical/permit questions to the Permit Section at (217) 782-0610. Questions about the amount of your fee should be emailed to: EPA.AcctsReceivable@illinois.gov

- See Reverse Side for Additional Important Information –

Payment **Remittance Stub**

Return bottom portion with a check made payable to Illinois EPA

Account Information

Acct. Number	W1370300005
Facility Name	Meredosia
IEPA Program	COALIN
Billing Date	Mon December 16, 2019

Amount Due

Tue January 31, 2020 $175,000.00

Amount Enclosed

Please remit payment to:
Illinois Environmental Protection Agency
Fiscal Services #2
P.O. Box 19276
Springfield, IL 62794-9276

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Springfield, IL 62794-9276

Ameren Energy Generating Company
Attn: MJ Smallwood
MC602, P.O. Box 66149,
St. Louis, MO 63166-6149

Billing Date	Mon December 16, 2019
Due Date	Tue January 31, 2020
Account Number	W0330100003
Facility Name	Hutsonville

Initial Invoice

Pond ID	Pond Description	Amount
W0330100003-01	Pond A	50,000.00
W0330100003-02	Pond B	75,000.00
W0330100003-03	Pond C	75,000.00
W0330100003-04	Pond D	50,000.00
W0330100003-05	Bottom Ash	75,000.00

Amount Due $325,000.00

Other Information/Messages

Questions. Please direct any technical/permit questions to the Permit Section at (217) 782-0610. Questions about the amount of your fee should be emailed to: EPA.AcctsReceivable@illinois.gov

- See Reverse Side for Additional Important Information –

Payment
Remittance Stub

Return bottom portion with a check made payable to Illinois EPA

Account Information

Acct. Number	W0330100003
Facility Name	Hutsonville
IEPA Program	COALIN
Billing Date	Mon December 16, 2019

Amount Due

Tue January 31, 2020 $325,000.00

Amount Enclosed

Please remit payment to:
Illinois Environmental Protection Agency
Fiscal Services #2
P.O. Box 19276
Springfield, IL 62794-9276

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397
JB PRITZKER, GOVERNOR
JOHN J. KIM, DIRECTOR

217-782-1020

March 25, 2020

Ameren Energy Generating Company
Attn: MJ Smallwood
MC602, P.O. Box 66149
St. Louis, Missouri 63166-6149

Re: Invoices for Ameren Energy Generating Company at Hutsonville and Meredosia Stations.

Dear Mr. Smallwood:

Pursuant to Section 22.59(j) of the Illinois Environmental Protection Act ("Act"), the Illinois Environmental Protection Agency ("Illinois EPA") invoiced coal combustion residuals ("CCR") surface impoundments at the Hutsonville and Meredosia electrical generating facilities operated by Ameren Energy Generating Company (Ameren). These invoices provided a billing date of December 16, 2019 and due date of January 31, 2020.

To date, Ameren has failed to timely remit payment to Illinois EPA for invoiced CCR surface impoundments. In a letter dated January 31, 2020, Ameren has disputed whether one or more of the invoiced CCR surface impoundments should be considered a CCR surface impoundment as defined in Section 3.143 of the Act (415 ILCS 5/3.143).

Illinois EPA provides the following preliminary analysis regarding the disputed CCR surface impoundments and maintains that fees are owing to Illinois EPA:

Hutsonville - W0330100003-02 Pond B

- September 15, 2014 Closure Plan: Ash Ponds A, B, C and Bottom Ash Pond, Hutsonville Power Station states that Pond D was closed in January 2013 and that Ameren was presenting the closure plans for the remaining ponds—Ash Pond A, Ash Pond B, Ash Pond C and the Bottom Ash Sluice Pond.

- Ash Pond B is an HDPE lined pond. It was constructed and put into the Fly Ash System in 2000 for the purpose of disposal of sluiced fly ash, bottom ash and associated wastewater. Ash Pond B was estimated to contain 12,400 cubic yards of ash.

- November 27, 2016 Construction Quality Assurance Report provides details of the removal of Ash Pond B.

- January 29, 2018, the 2017 Pond D Closure Annual and 2017 Pond A Closure Annual Reports do not provide any groundwater quality data on Ash Pond B specifically. Therefore, closure is not complete at Ash Pond B.

- January 25, 2019, the 2018 Pond D Closure Annual Report and 2018 Pond A Closure Annual Report do not provide any groundwater quality data on Ash Pond B specifically. Therefore, closure is not complete at Ash Pond B.

Based on the above, the Illinois EPA does not consider Ash Pond B to have completed closure. The appropriate fee for a CCR surface impoundment that has not completed closure is $75,000.00.

Hutsonville - W0330100003-03 Pond C

- September 15, 2014 Closure Plan: Ash Ponds A, B, C and Bottom Ash Pond, Hutsonville Power Station states that Pond D was closed in January 2013 and that Ameren was presenting the closure plans for the remaining ponds—Ash Pond A, Ash Pond B, Ash Pond C and the Bottom Ash Sluice Pond.

- Ash Pond C is an HDPE lined pond. It was constructed and put into the Fly Ash System in 2000 for the purpose of disposal of sluiced bottom ash from the Bottom Ash Sluice Pond and associated wastewater. Ash Pond C was estimated to contain 10,000 cubic yards of ash.

- November 27, 2016 Construction Quality Assurance Report provides details of the removal of Ash Pond C.

- January 29, 2018, the 2017 Pond D Closure Annual and 2017 Pond A Closure Annual Reports do not provide any groundwater quality data on Ash Pond C specifically. Therefore, closure is not complete at Ash Pond C.

- January 25, 2019, the 2018 Pond D Closure Annual Report and 2018 Pond A Closure Annual Report do not provide any groundwater quality data on Ash Pond C specifically. Therefore, closure is not complete at Ash Pond C.

Based on the above, the Illinois EPA does not consider Ash Pond C to have completed closure. The appropriate fee for a CCR surface impoundment that has not completed closure is $75,000.00.

Hutsonville - W0330100003-05 Bottom Ash

- September 15, 2014 Closure Plan: Ash Ponds A, B, C and Bottom Ash Pond, Hutsonville Power Station states that Pond D was closed in January 2013 and that Ameren was presenting closure plans for the remaining ponds—Ash Pond A, Ash Pond B, Ash Pond C and the Bottom Ash Sluice Pond.

- The Bottom Ash Sluice Pond is not a lined pond. It was constructed and put into the Fly Ash System from 1969 to 2011 for disposal and reuse of bottom ash and associated wastewater. Bottom Ash Sluice Pond was estimated to contain 23,142 cubic yards of ash.

- November 27, 2016 Construction Quality Assurance Report provides details of the removal of the Bottom Ash Pond.

- January 29, 2018, the 2017 Pond D Closure Annual and 2017 Pond A Closure Annual Reports do not provide any groundwater quality data on the Bottom Ash Pond specifically. Therefore, closure is not complete at the Bottom Ash Pond.

- January 25, 2019, the 2018 Pond D Closure Annual Report and 2018 Pond A Closure Annual Report do not provide any groundwater quality data on the Bottom Ash Pond specifically. Therefore, closure is not complete at the Bottom Ash Pond.

Based on the above, the Illinois EPA does not consider Bottom Ash Pond to have completed closure. The appropriate fee for a CCR surface impoundment that has not completed closure is $75,000.00.

Meredosia - W1370300005-01 Bottom Ash Pond

- October 17, 2017 Groundwater Management Zone (GMZ) Application states that the Illinois 35 Administrative Code Part 620 Groundwater Quality Standards for Class I Groundwater are exceeded.

- January 31, 2019 Ash Pond Closures notification indicates that a berm constructed of CCR remains and has been closed in place.

- The Closure Plan, which includes a Groundwater Monitoring Plan, which was approved by the Agency March 8, 2017, includes post-closure monitoring for 30 years, which has not been completed.

Based on the above, the Illinois EPA does not consider the Bottom Ash Pond to have completed post-closure care. The appropriate fee for a CCR surface impoundment that has not completed post closure care is $50,000.00.

Meredosia - W1370300005-03 Old Ash Pond

- March 19, 2013 Phase I Hydrogeological Assessment Report states that the Old Ash Pond was capped during the 1970s and has since vegetated.

- The Old Ash Pond was not included in the Closure Plan nor in the GMZ Application. Therefore, Illinois EPA does not consider this CCR surface impoundment to have completed closure.

Based on the above, the Illinois EPA does not consider Old Ash Pond to have completed closure. The appropriate fee for a CCR surface impoundment that has not completed closure is $75,000.00.

Total Fees Due to Illinois EPA

Hutsonville	
W0330100003-02 Pond B	$75,000.00
W0330100003-03 Pond C	$75,000.00
W0330100003-05 Bottom Ash	$75,000.00
Meredosia	
W1370300005-01 Bottom Ash Pond	$50,000.00
W1370300005-03 Old Ash Pond	$75,000.00
Total	**$350,000.00**

Given the above analysis, Illinois EPA requests that within 30 days Ameren either, submit the fees that are due, or arrange a meeting or conference call to discuss any surface impoundments still in dispute. Please note that the Illinois EPA may utilize any available collection procedures to recover unpaid fees.

Please submit all payments responsive to this notification to: Illinois EPA, Fiscal Services #2, P.O. Box 19276, Springfield, Illinois 62794-9276. If you have any questions concerning the information provided above, please call 217-782-1020.

Sincerely,

William E. Buscher

William E. Buscher, P.G.
Manager, Hydrogeology and Compliance Unit
Division of Public Water Supplies
Bureau of Water

cc: Darin LeCrone
Rex Gradeless
Ai Kindlon
Records

BROWN HAY + STEPHENS
ESTABLISHED 1828

205 S. Fifth Street, Suite 1000
P.O. Box 2459
Springfield, IL 62705
P 217.544.8491
F 217.544.9609
www.bhslaw.com

Claire A. Manning, Attorney
cmanning@bhslaw.com
Direct Extension 244
Direct Facsimile 217-241-3111

May 13, 2020

Director John J. Kim
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

RE: Applicability of Section 22.59(j) Fee Assessment to Ameren's Closed Inactive Ponds

Dear Director Kim:

We represent Ameren Missouri and Ameren Medina Valley and related entities ("Ameren") in regard to the Illinois Environmental Protection Agency's ("Agency") implementation of regulations pursuant to Illinois' new Coal Combustion Residue ("CCR") law, found at Section 22.59 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/22.59, effective July 30, 2019. This letter concerns the initial fee assessments made by the Agency pursuant to Section 22.59(j) of the Act and is a follow-up to the letter Ameren sent you on January 31, 2020.

Ameren has a demonstrated history of responsibly operating energy generating facilities in Illinois. While Ameren no longer operates coal-fired power plants in Illinois, it continues to own inactive closed CCR ash ponds in three locations: Meredosia, Hutsonville, and Venice. In implementing the closures of the ash ponds at these locations, Ameren worked closely and extensively with the Agency to ensure the ash pond closures were undertaken in an environmentally responsible manner which complied with all relevant laws and regulations. We believe your staff would agree, as it has already expended great resources and efforts working with Ameren consultants and personnel on closure issues.

In late December 2019, the Agency sent Ameren invoices requesting $600,000 in initial fee assessments, alleged to be required pursuant to Section 22.59(j)(1) of the Act. Designed to compensate the Agency for work required by it under the new regulatory program, Section 22.59 provides that the Agency may assess a fee of $50,000 for "each closed CCR surface impoundment" and a $75,000 fee for "each CCR surface impoundment that have [sic] not completed closure." 415 ILCS 5/22.59(j)(1). Additional fees are required on an ongoing annual basis. *See* 415 ILCS 5/22.59(j)(2).

As reflected in its January letter to you, Ameren was quite surprised at the Agency's assessment of fees in the amount of $600,000, since most of the Agency's work as it relates to the closed Ameren sites was completed prior to the effective date of the new Act. Nonetheless, Ameren remitted a portion of the invoices ($250,000) to the Agency, stating that while Ameren had no objection to fees that "correlate to costs incurred in implementing a regulatory program" Ameren did object to the classification and corresponding fees assessed for some of the closed, inactive sites – many of which were erroneously characterized as not closed and assessed at $75,000.

On March 25, 2020, the Agency responded with a letter explaining how the Agency reached the $600,000 figure. The letter invited Ameren to provide whatever further information it believed appropriate for its consideration. Thereafter, Ameren and the Agency held two phone conferences wherein we discussed the closure documents and explained Ameren's concerns with the Agency's interpretation of the fee provisions as to some of its inactive closed ponds. Ameren appreciates the Agency's willingness to meet to discuss these issues. With the benefit of our productive conversations, Ameren offers the following position related to the Agency's assessment of fees pursuant to Section 22.59(j) of the Act.

I. Inactive former Ameren ash ponds that were approved for closure by removal of CCR are not surface impoundments as defined in the Act and therefore are not subject to Section 22.59.

The Agency's initial fee assessment was based upon a count of former Ameren ash ponds, without consideration of the new statutory definition of surface impoundments. The new Act applies to surface impoundments, not ash ponds. When the Illinois legislature passed the provisions that became Section 22.59, it also included a definition of surface impoundment at Section 3.143 of the Act. *See* P.A. 101-171, *eff.* July 30, 2019. Section 3.143 of the Act defines a surface impoundment as a "natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of CCR and liquids, ***and*** the unit treats, stores, or disposes of CCR." 415 ILCS 5/3.143 (emphasis added). This definition mirrors the federal definition in the federal CCR rules. *See* 40 C.F.R. § 257.53.

As set forth below, four of Ameren's former ash ponds were closed via clean closure (i.e., the CCR was *removed* upon closure) prior to the effective date of the Act, meaning that, as of the effective date of the Act, none of those ponds treat, store, or dispose of CCR. Thus, they are simply not surface impoundments and are not subject to any provisions of Section 22.59, including the fee provisions. The Agency cannot alter the Act's plain meaning. *See Illinois Landowners All., NFP v. Illinois Commerce Comm'n*, 2017 IL 121302, ¶ 46. Thus, the Agency's assessment of fees for Ameren's clean-closed ponds cannot stand. Moreover, it makes little public policy sense to require oversight of areas that no longer contain CCR under the new CCR law. The following four ponds are implicated:

A. Three Former Ponds at Hutsonville (B, C and Bottom Ash Pond) - $225,000

The Agency's initial fee invoices assess $75,000 for Hutsonville's Ponds B, C, and the Bottom Ash Pond, for a total of $225,000. Yet, as documented by Agency records each of those ponds were clean closed prior to the effective date of the Act, with the approval and oversight of the Agency, and accordingly no longer treat, store, or dispose of CCR. The fly ash from these ponds was placed in nearby Pond A, and Ameren was assessed a $50,000 fee for Pond A. Ameren does not object to the fee associated with Pond A.

The Closure Plan for the clean-closed ponds, prepared by Hanson Engineers, was submitted to the Agency on September 15, 2014. On April 8, 2015, the Agency approved the Closure Plan. On November 21, 2016, Ameren submitted a Construction Quality Assurance Report ("CQA") prepared by Geotechnology, Inc., which documented the clean-closure of the three ponds, and attested that removal of all CCR from each of the three ponds concluded on September 24, 2015. On March 30, 2017, the Agency approved the CQA Report.

B. Meredosia – Bottom Ash Pond - $50,000

The Agency's initial fee invoice assesses $50,000 for the Bottom Ash Pond at Meredosia. Like the ponds above, the Agency closure documents demonstrate that the CCR in the pond was removed. Here, the CCR was placed in the nearby Fly Ash Pond (which also was assessed $50,000). While Ameren does not object to the $50,000 assessment for the Fly Ash Pond, it does object to the $50,000 assessment for the Bottom Ash Pond.

The closure documents for Meredosia's Bottom Ash Pond demonstrate that a CQA report was submitted to the Agency on January 18, 2019. The CQA detailed the closure activities at Meredosia. Prepared by Geotechnology, Inc., the CQA explains that CCR was "removed from the Bottom Ash Pond . . . to facilitate clean closure of these areas." Report, p. 2, § 2.1. The clean-closure began on March 12, 2018, and was completed on May 23, 2018. *Id.* While the Report explains that a berm related to the Bottom Ash Pond was "excluded from clean closure," the pond itself (which was the area "designed to hold an accumulation of CCR") was clean closed. *Id.* Therefore, as of the effective date of the Act, the former Bottom Ash Pond was no longer designed to, and did not, treat, store, or dispose of CCR. Thus, the pond is not a surface impoundment as defined by the Act.

II. The Old Ash Pond at Meredosia has been closed since the early 1970s, prior to the 1976 enactment of RCRA and prior to any Agency program providing oversight for closure; the Agency's $75,000 assessment cannot stand.

In addition to the clean-closed inactive ash pond at Meredosia referenced above, Ameren was assessed an additional $125,000 for closed inactive ponds at Meredosia: $50,000 for its Fly Ash Pond (which closed pursuant to Agency procedures and oversight and is now in post-closure care) and $75,000 for an area known as the Old Ash Pond – which closed prior to the

1976 effective date of RCRA and has not received any CCR since the early 1970's. While Ameren accepts the $50,000 fee assessment for the Fly Ash Pond (as a closed pond that is now in post-closure care), it has significant issues with the Agency's assessment of $75,000 for the Old Ash Pond area. (While referred to as a pond, the area is, in effect, a mound of dirt in a densely wooded area, completely covered with mature trees and flora.)

The $75,000 fee that the Agency has assessed as to this old "ash pond" is not legally cognizable for multiple reasons. First, the $75,000 fee only applies to surface impoundments that have "not completed closure." 415 ILCS 5/22.59(j). The Old Ash Pond has completed closure however; it was closed prior to the 1976 enactment of RCRA. The fact that closure of the Old Ash Pond was completed in the 1970's when no Agency program existed to permit a closure or post-closure care plan is of no moment to this analysis. Indeed, with all the activities Ameren undertook with the other ponds at Meredosia, the Agency never requested Ameren perform any action as to the Old Ash Pond area. This is sensible, since the Old Ash Pond area does not pose any environmental threat. It is in fact included in the groundwater management zone (GMZ) which was authorized by the Agency in conjunction with the post-closure obligations for the nearby Fly Ash Pond. In addition, the groundwater monitoring program approved by the Agency in conjunction with the post-closure obligations for the Fly Ash Pond is able to detect any offsite release beyond the GMZ boundaries from the Old Ash Pond area. Yet, the Agency's fee characterization (i.e., not closed) inaccurately, unfairly and unnecessarily subjects this area to a new regulatory regime that might require significantly adverse (and pointless) disturbance to achieve closure pursuant to the new rules.

Second, imposing new regulatory requirements on Ameren for activities which ended prior to any laws whatsoever regulating such activities, in an attempt to govern activities that were not conducted at any point during the Act's effectiveness, creates "an entirely new type of liability" on Ameren and "cannot be applied retroactively." *People ex rel. Madigan v. J.T. Einoder, Inc.*, 2015 IL 117193, ¶ 36 (*citing Caveney v. Bower*, 207 Ill. 2d 82, 95 (2003)).

Finally, assessing a fee of $75,000 for a former ash pond which requires no additional regulatory efforts from the Agency is constitutionally infirm. For fees assessed against real property in the context of a permitting scheme, there must be a legitimate state interest, and the burden cast upon the permittee must be specifically and uniquely attributable to its activity. *See N. Illinois Home Builders Ass'n, Inc. v. Cty. of Du Page*, 165 Ill. 2d 25, 33 (1995) (*citing Pioneer Tr. & Sav. Bank v. Vill. of Mount Prospect*, 22 Ill. 2d 375, 380 (1961)). We agree that environmental protection is a legitimate state interest and a $50,000 fee assessment as to the Fly Ash Pond is supported in law. The notion that any further regulatory activity need take place with regard to the Old Ash Pond is not.

III. Hutsonville Pond D is already regulated pursuant to 35 Ill. Adm. Code 840 and cannot be subject to dual and conflicting regulatory schemes; thus, Section 22.59 cannot apply.

Unlike all other closed CCR surface impoundments in Illinois and elsewhere, Hutsonville Pond D is already subject to strict regulatory post-closure requirements, which have the force and effect of law. Ameren cannot logically or legally be subject to two separate regulatory schemes.

On January 20, 2011, the Board adopted a Final Opinion and Order in *In the Matter of: Ameren Ash Pond Closure Rules (Hutsonville Power Station): Proposed 35 Ill. Adm. Code Part 840.101 through 840.152*, No. R09-21, 2011 WL 283954 (Ill. Pol. Control Bd. Jan. 20, 2011) ("*Hutsonville*"). This site-specific rulemaking "applies exclusively to the closure and post-closure case of Ash Pond D, located at the Hutsonville Power Station." 35 Ill. Adm. Code 840.102. Closure has already been completed pursuant to these regulations, as noted in the Agency's April 18, 2012 letter to Ameren approving the Closure Plan and Post-Closure Care Plan requirements.

Ameren's completion of Pond D's closure pursuant to the rules which the Board promulgated in *Hutsonville* bars the Agency from imposing new substantive regulations on Ameren with respect to its closure of Pond D. *See J.T. Einoder, Inc.*, 2015 IL 117193 at ¶ 36. Moreover, any attempt to enforce the Board's new generalized CCR surface impoundment closure regulations with respect to Pond D would be impermissible as well.

A common rule of statutory construction is that when two conflicting statutes govern the same subject, the more specific statute controls. *People ex rel. Madigan v. Burge*, 2014 IL 115635, ¶ 31. Moreover, this canon of statutory construction also holds that a recently-enacted general statute or regulation will be superseded by an earlier statute or regulation which deals with a specific issue. *Id.* at ¶ 32 (*citing Radzanower v. Touche Ross & Co.*, 426 U.S. 148, 153 (1976)).

Here, the site-specific rulemaking which the Board promulgated in *Hutsonville* would clearly be prioritized over any regulation which the Board may subsequently enact with respect to CCR surface impoundments generally. As a result, we believe there is no part of Section 22.59, or any rule promulgated thereunder, which can be applied with respect to Pond D. This would include any fee assessed pursuant to Section 22.59(j) of the Act.

IV. Conclusion

For the reasons stated above, Ameren objects to the application of Section 22.59(j) fees to: Ponds B, C, and the Bottom Ash Pond at Hutsonville; the Bottom Ash Pond and the Old Ash Pond at Meredosia; and Hutsonville Pond D.

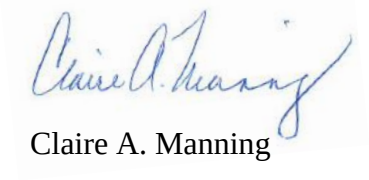
BROWN HAY + STEPHENS
ESTABLISHED 1828

Ameren has paid the Agency $250,000 in fee assessments, as a showing of good faith pending determination on the issues herein raised. Ameren recognizes that the following former ash ponds are appropriately considered surface impoundments within the scope of Section 22.59: Pond A at Hutsonville; Fly Ash Pond at Meredosia; North and South Ponds at Venice. As each is in post-closure care, each is appropriately assessed at $50,000 (for a total of $200,000).

Given the above analysis, Ameren has overpaid the Agency by $50,000. However, as to Hutsonville Pond D, Ameren recognizes the Agency still has work to perform in overseeing post-closure activities pursuant to Part 840 and that work is similar to what it would perform under Section 22.59 and new Part 845. Accordingly, Ameren is amenable to having the Agency retain the $50,000 for this purpose, with the understanding that Ameren is not waiving its arguments related to Section 22.59 applicability concerning Hutsonville Pond D.

Ameren looks forward to hearing from the Agency as to the positions raised in this letter, as its response will inform our next steps.

Sincerely,



Claire A. Manning

CAM/vk
cc: Rex Gradless (via Email)
Stefanie Diers (via Email)

EFILED
8/10/2020 5:05 PM
Paul Palazzolo
7th Judicial Circuit
Sangamon County, IL
2020MR000615

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Springfield, IL 62794-9276

Billing Date	Fri May 15, 2020
Due Date	Wed July 1, 2020
Account Number	W0330100003
Facility Name	Hutsonville

Ameren Energy Generating Company
Attn: MJ Smallwood
MC602, P.O. Box 66149,
St. Louis, MO 63166-6149

Annual Invoice

Pond ID	Pond Description	Amount
W0330100003-01	Pond A	15,000.00
W0330100003-02	Pond B	25,000.00
W0330100003-03	Pond C	25,000.00
W0330100003-04	Pond D	15,000.00
W0330100003-05	Bottom Ash	25,000.00

Amount Due **$105,000.00**

Other Information/Messages

Questions. Please direct any technical/permit questions to the Permit Section at (217) 782-0610. Questions about the amount of your fee should be emailed to: EPA.AcctsReceivable@illinois.gov

- See Reverse Side for Additional Important Information –

Return bottom portion with a check made payable to Illinois EPA

Payment
Remittance Stub

Account Information

Acct. Number	W0330100003
Facility Name	Hutsonville
IEPA Program	COALAN
Billing Date	Fri May 15, 2020

Amount Due

Wed July 1, 2020 **$105,000.00**

Amount Enclosed

Please remit payment to:
Illinois Environmental Protection Agency
Fiscal Services #2
P.O. Box 19276
Springfield, IL 62794-9276

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Springfield, IL 62794-9276

Other Information

State Law Compliance. The owner or operator of a CCR surface impoundment shall pay all fees pursuant to 415 ILCS 5/22.59(j). The owner or operator of a CCR surface impoundment is ultimately responsible and liable for determining an accurate number of CCR impoundments under its control and the fees owed to the Agency under 415 ILCS 5/22.59(j). The amount specified by the Agency within this invoice does not waive or modify the statutory requirement, per 415 ILCS 5/22.59(j) as added by Public Act 101-171, that the owner or operator accurately pay the required initial fee and annual fee for each CCR surface impoundment.

Collection Notice. Failure to submit the amount due by the due date constitutes a violation of Section 22.59 of the Illinois Environmental Protection Act, 415 ILCS 5/22.59(j). The Agency may utilize any available collection procedures to recover unpaid fees and all accumulated interest. These may include, but are not limited to, enforcement actions pursuant to Section 31 of the Illinois Environmental Protection Act, 415 ILCS 5/31, submittal of the unpaid amounts for Comptroller's Offset pursuant to 30 ILCS 210, or submittal of the unpaid fee to the Illinois Department of Revenue's Debt Collection Bureau pursuant to 30 ILCS 210.

EFILED
8/10/2020 5:05 PM
Paul Palazzolo
7th Judicial Circuit
Sangamon County, IL
2020MR000615

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Springfield, IL 62794-9276

Billing Date	Fri May 15, 2020
Due Date	Wed July 1, 2020
Account Number	W1370300005
Facility Name	Meredosia

Ameren Energy Generating Company
Attn: MJ Smallwood
MC602, P.O. Box 66149,
St. Louis, MO 63166-6149

Annual Invoice

Pond ID	Pond Description	Amount
W1370300005-01	Bottom Ash Pond	15,000.00
W1370300005-02	Fly Ash	15,000.00
W1370300005-03	Old Ash Pond	25,000.00

Amount Due **$55,000.00**

Other Information/Messages

Questions. Please direct any technical/permit questions to the Permit Section at (217) 782-0610. Questions about the amount of your fee should be emailed to: EPA.AcctsReceivable@illinois.gov

- See Reverse Side for Additional Important Information –

Return bottom portion with a check made payable to Illinois EPA

Payment
Remittance Stub

Account Information

Acct. Number	W1370300005
Facility Name	Meredosia
IEPA Program	COALAN
Billing Date	Fri May 15, 2020

Amount Due

Wed July 1, 2020 **$55,000.00**

Amount Enclosed

Please remit payment to:
Illinois Environmental Protection Agency
Fiscal Services #2
P.O. Box 19276
Springfield, IL 62794-9276

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Springfield, IL 62794-9276

Other Information

State Law Compliance. The owner or operator of a CCR surface impoundment shall pay all fees pursuant to 415 ILCS 5/22.59(j). The owner or operator of a CCR surface impoundment is ultimately responsible and liable for determining an accurate number of CCR impoundments under its control and the fees owed to the Agency under 415 ILCS 5/22.59(j). The amount specified by the Agency within this invoice does not waive or modify the statutory requirement, per 415 ILCS 5/22.59(j) as added by Public Act 101-171, that the owner or operator accurately pay the required initial fee and annual fee for each CCR surface impoundment.

Collection Notice. Failure to submit the amount due by the due date constitutes a violation of Section 22.59 of the Illinois Environmental Protection Act, 415 ILCS 5/22.59(j). The Agency may utilize any available collection procedures to recover unpaid fees and all accumulated interest. These may include, but are not limited to, enforcement actions pursuant to Section 31 of the Illinois Environmental Protection Act, 415 ILCS 5/31, submittal of the unpaid amounts for Comptroller's Offset pursuant to 30 ILCS 210, or submittal of the unpaid fee to the Illinois Department of Revenue's Debt Collection Bureau pursuant to 30 ILCS 210.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 · (217) 782-3397
JB PRITZKER, GOVERNOR JOHN J. KIM, DIRECTOR

June 12, 2020

2020MR000615

Ameren Energy Generating Company
Attn: MJ Smallwood
MC602, P.O. Box 66149
St. Louis, Missouri 63166-6149

Re: Final Determination - Ameren Energy Generating Company Hutsonville Station and Meredosia Station.

Dear Mr. Smallwood:

The Illinois Environmental Protection Agency ("Illinois EPA") has made a final determination for each of the coal combustion residuals ("CCR") surface impoundments at an electrical generating facility operated by Ameren Energy Generating Company ("Ameren"). The Illinois EPA has determined that the impoundments listed below are CCR surface impoundments as defined in the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/3.143, and are, therefore, subject to fees pursuant to Section 22.59(j) of the Act 415 ILCS 5/22.59(j).

The Illinois EPA invoiced these impoundments for initial fees pursuant to Section 22.59(j)(1), with a billing date of December 16, 2019, and a due date of January 31, 2020. To date, Ameren has failed to remit full payment to the Illinois EPA. The past due initial fees for the invoiced CCR surface impoundments are listed with the impoundment name and number. The past due initial fees must be paid by June 30, 2020. Failure to pay the initial fees may result in issuance of a Violation Notice pursuant to Section 31(a) of the Illinois Environmental Protection Act, 415 ILCS 5/31(a).

Hutsonville Station CCR Surface Impoundments		
W0330100003-02 Pond B	Past Due	$75,000.00
W0330100003-03 Pond C	Past Due	$75,000.00
W0330100003-05 Bottom Ash	Past Due	$75,000.00
Meredosia Station CCR Surface Impoundments		
W1370300005-01 Bottom Ash Pond	Past Due	$50,000.00
W1370300005-03 Old Ash Pond	Past Due	$75,000.00
	Total Past Due	$350,000.00

Please submit all payments to: Illinois EPA, Fiscal Services #2, P.O. Box 19276, Springfield, Illinois 62794-9276.

If you have any questions concerning the information provided above, please call 217-782-1020 or e-mail lynn.dunaway@illinois.gov.

Sincerely,

William E. Buscher

William E. Buscher, P.G. by led
Manager, Hydrogeology and Compliance Unit
Division of Public Water Supplies
Bureau of Water

cc: Darin LeCrone
Michael Roubitchek
Stephanie Diers
Ai Kindlon
Records