

From: [Toni Oplt](#)
To: [Brown, Don](#)
Subject: [External] My written comment regarding the rulemaking with Senate Bill 9
Date: Monday, August 24, 2020 1:39:48 PM

Dear Mr. Brown, please accept the following statement as my formal written comment regarding the rulemaking of the Coal Ash Pollution Prevention Act, Senate Bill 9.

My name is Toni Oplt; I live in Edwardsville Illinois, and I am a member of both Metro East Green Alliance and the Sierra Club. Here is my written comment for the final round of public input on the Senate Bill 9 rulemaking: **The Coal Ash Pollution Prevention Act**. I thank the Illinois Pollution Control Board for their ongoing diligence to provide for public comment in this important piece of legislation.

I have participated in all the hearings and the stakeholder meeting regarding the Senate Bill 9 rulemaking. Even before the bill was passed, I traveled to Springfield to lobby for it, sending letters, making phone calls and taking part in in-person meetings with my legislators. I have stood in the cold and heat of Illinois weather to rally for the bill's passage and for a strong rule. It feels like a long journey toward a great achievement for our state, our country and our planet.

I have also taken part in several federal-level hearings regarding proposed coal ash regulation rollbacks because I am concerned that the federal rules are being weakened severely by the Trump administration, putting both people and the environment at grave risk. I also took part in the federal hearings, advocating for a halt to any rollbacks, because I am concerned that the Illinois Environmental Protection Agency will likely follow in the footsteps of the federal decisions, and I feel that doing so would harm and weaken everything we've accomplished so far with SB9.

Pollution doesn't understand state boundaries. It will harm us all and our

planet indiscriminately. Coal ash is deadly—we all know this, whether or not we choose to acknowledge this fact. The problem before this entire country that has been run for decades on dirty coal is whether we can be brave enough to make the right choices—perhaps, the hard choices. In Illinois, with SB9, I think we could have a positive start.... but only if our rule is strong, stronger than the Trump EPA's, stronger, unfortunately, than the IEPA has put forward at present.

The Metro East region where I live sits along the Mississippi River and is home to diverse residents—community members of river towns like East Alton and Alton, abundant wildlife including the iconic bald eagle, thousands of species of fish, and—in times without a pandemic—boaters, skiers, and fledgling ecotourism businesses.

This area is also home to the shuttered Wood River Power Station, located just feet from the Mississippi, alongside the Wood River Creek. Abandoned by Dynegy/Vistra in 2016, it is now owned by Commercial Liability Partners, a company that has taken a wrecking ball to the property without any public engagement and nearly zero protective agency oversight. Four deep, unlined ash ponds sit on this property and are designated, per the current closure plan, to be capped in place. With no community conversation with CLP, no understanding of what industry may take over this property or how the monitoring of those ash ponds are to continue into the future, it's hard to deny the level worry about all this in our area.

But none of us deny Climate Change and the frequent flooding across this region. You may recall that every county in Illinois was designated a disaster area for agriculture just last year due to flooding and that river towns like Alton and Grafton literally shut down for months—losing valuable income just ahead of the COVID crisis—because their streets were impassible due to rising water.

The Wood River Power Station is just down river from these towns, and as the river floods—which it is doing with ever-increasing frequency—the water table underneath the unlined coal ash ponds rises up into the ash. So I'm wondering—given that the Wood River Power Station sits on a floodplain in the time of an

escalating Climate Crisis and a pandemic out of control that will affect the lives of Environmental Justice communities such as East Alton hardest—that the IEPA decided not to include floodplains on its list of locations that are deemed restricted from capping in place because such areas are determined to be too risky for ash in ponds to remain without getting wet.

The Location restrictions that the IEPA has put into place are necessary because they will prevent new impoundments from being constructed in unsafe areas, and they force existing impoundments in those areas to begin appropriate closure. The location restrictions included in the draft rule at present are: *“placement above the uppermost aquifer, wetlands, fault areas, seismic impact zones, and unstable areas.”* But nowhere do I see the word “floodplains.” Why not? Isn’t one of the main reasons for these restricted areas to ensure that the toxic ash has no possibility of getting wet? If that is the case, Wood River will never meet that goal if the ponds are capped in place.

As you are, I’m sure, aware, it isn’t only rainwater from above that threatens to unleash the pollution housed at the Wood River Power Station—it's the inevitable rising water table below that will allow ash in the unlined ponds to become saturated. The life-threatening toxins in the ash, already proven to be at unacceptable levels in at least some of the ponds, will flow back out as the water recedes, welcomed into the river and creek, polluting the habitat of fish and birds and wildlife, poisoning the drinking water of already devastated communities and, over time, permanently harming both planet and people—all for corporate savings and gain.

To deny this obvious outcome is negligent and unacceptable. The rules for safe cleanup and storage of coal ash should not only make clear that ash cannot, under any circumstances, get wet but also that protection from CCR contamination is not possible on a floodplain simply by capping ponds in place. The ash must be safely removed, transported and stored permanently in lined landfills, away from communities, farmland and wildlife systems. We know that floods do not need to rise above a berm of an impoundment to saturate the coal ash; a cap does nothing to stop rising groundwater below. Designating floodplains a restricted location is particularly important for

Wood River but also for the many other communities across the state where coal ash impoundments are likewise located immediately adjacent flood-prone rivers and lakes.

I believe everyone working toward the strong rule we all envision within SB9 wants success. To compromise with polluters simple to help them save money, line shareholder pockets or try in vain to save coal, is both unrealistic and highly dangerous. Coal plants will continue to close, communities will continue to need assistance, and coal ash will be forever a threat, unless we act bravely now. Please demand that the word "floodplain" be included in the list of restricted areas within this rule, and, further, please open the door for the IEPA to review and re-evaluate its decision to let Commercial Liability Partners cap the Wood River Power Plant ash ponds in place.

Thank you for your attention and time,

Toni Oplt

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