

COAL ASH HEARING POWERTON

PUBLIC HEARING ON COAL ASH PERMITS

When: 6pm Wednesday, May 8th, 2024

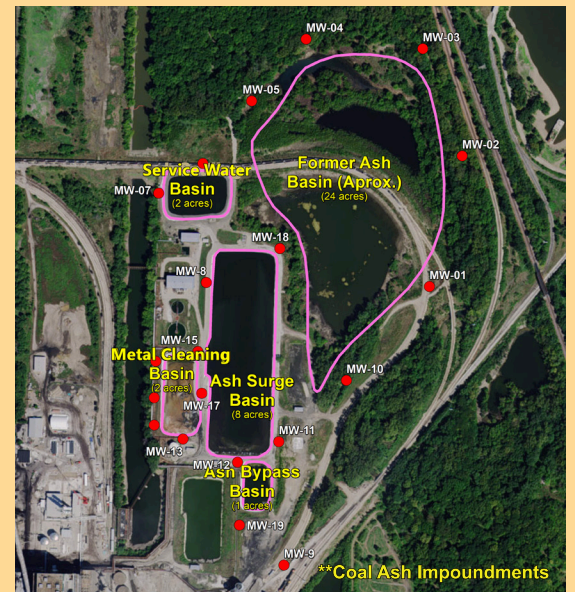
Regarding:

- Operating Permit for Ash Surge Basin, Ash Bypass Basin, Metal Cleaning Basin, and Former Ash Basin
- Construction Permit for retrofit of Ash Bypass Basin

Written Comments Due: May 17th, 2024 (midnight)

OVERVIEW

The May 8th hearing is an opportunity for the public to provide input on an **operating permit** and a **construction permit** regarding the coal ash impoundments at Powerton. This is the first coal ash permit to be issued under Illinois's "Part 845" Coal Ash Rules **ever** (see reverse side for details). This hearing is an opportunity to provide input on plans for the coal ash at Powerton and help shape the new coal ash rules.



SITE DETAILS

Powerton Generating Station
Coal Fired Power Plant (1784MW)
Owner: NRG Energy / Midwest Generation
Pekin, IL (south of Peoria)
Operation: 1972 - 2028 (planned)

The **operating permit** covers four coal ash impoundments at the site: the **Ash Surge Basin**, the **Ash Bypass Basin**, the **Former Ash Basin**, and the **Metal Cleaning Basin**. The **construction permit** for retrofit addresses NRG's proposal to retrofit the **Ash Bypass Basin** with improvements that are required if NRG plans to continue to use the pond. The retrofit plan includes temporarily removing all coal ash, installing a new rule-compliant liner over the old, and adding a leachate collection system.

THE OPERATING PERMIT SHOULD BE **AMENDED** BEFORE APPROVAL

- The permit should state that the Ash Surge Basin and Ash Bypass Basin **fail to meet the "uppermost aquifer" location restriction**. Neither impoundment has the required 5ft of separation between coal ash and the highest measured groundwater level.
- The permit should set a stronger groundwater protection standard for boron (a pollutant from coal ash). To justify a weaker standard, NRG used two wells that are already impacted by onsite coal ash pollution. The use of wells impacted by onsite coal ash is not allowed.

THE CONSTRUCTION PERMIT FOR RETROFIT OF THE BYPASS BASIN SHOULD BE **DENIED**

- The retrofit plan proposes to leave coal ash in the structure of the impoundment, outside of the liner. This coal ash is exposed to groundwater and must be cleaned up. It makes no sense to approve a retrofit when clean up and closure must start.
- The Ash Bypass Basin fails the "uppermost aquifer" location restriction and therefore a construction permit for retrofit cannot be approved.

BOTH PERMITS SHOULD BE **AMENDED** TO USE BINDING LANGUAGE TO ENSURE NRG FOLLOWS THE PERMIT

The permit is like a contract, and needs to use binding language. If approved, NRG should be bound to the plans they have proposed in their permit application, and the permit needs to say that.

**FLIP OVER FOR AN OVERVIEW
OF ILLINOIS COAL ASH RULES**

ILLINOIS COAL ASH RULES OVERVIEW

CONTACT

Andrew Rehn
arehn@prairierivers.org
Director of Climate Policy
Prairie Rivers Network

PUBLIC INPUT ON COAL ASH IMPOUNDMENT PERMITS

Illinois's coal ash rules started in 2021 and are now moving to a phase of public input. Coal ash impoundment owners have submitted permit applications to the Illinois EPA. The Illinois EPA has reviewed the permits, and is now proposing to take action (see the flip side for specific details). As the Illinois EPA finishes their review of a permit application, the law requires them to take public input through written comments and hearings. This document is intended to help you understand the permits and the rules, and to prepare you to participate in the public process.

UNDERSTANDING THE ILLINOIS COAL ASH RULES ("PART 845")

A coal ash impoundment is a big pit full of coal ash. The rules, called Part 845, require that owners and operators of coal ash impoundments acquire **operating permits** for each impoundment and **construction permits** for any major project, including closure.

OPERATING PERMITS

Operating Permits cover the "day-to-day" operation of an impoundment (ie. dust control, emergency action plans, flood control plans, safety inspections, and groundwater monitoring), a demonstration that the impoundment meets location restrictions, and a certificate of financial assurances. The requirement to start monitoring groundwater for pollution is perhaps the most important part of an operating permit, because detecting pollution can trigger cleanup action.

GROUNDWATER MONITORING

Groundwater Monitoring, which is required by the operating permit, is a system of groundwater sampling wells that is designed to detect pollution from coal ash. The rules require frequent monitoring of groundwater levels (so we know where the groundwater is and where it is moving) and testing for pollution. If pollution is detected, it can trigger clean up requirements.

FINANCIAL ASSURANCES

Financial Assurances requires coal ash owners to acquire letters of credit, surety bonds or other select assurances to cover the costs of cleanup and closure.

CONSTRUCTION PERMITS

Construction Permits are required for any major project at an impoundment, including:

- **Closure.** Includes the evidence to support the closure option and requirements for the closure and post-closure process. All impoundments are required to eventually close.
- **Retrofit.** An existing impoundment can be retrofitted, such as the installation of a new liner, if it doesn't meet design requirements.
- **Corrective Action.** If pollution is identified, corrective action may be required (such as injecting underground walls, running pumps, or removing the coal ash).

LOCATION RESTRICTIONS

Location Restrictions are rules about where an impoundment can be located. Coal ash impoundments must close if they do not meet restrictions related to proximity to aquifers, wetlands, floodplains, and areas with seismic stability concerns.

RECORDKEEPING & NOTICE

Recordkeeping and Notice requirements ensure the public has access to information about coal ash near them and is notified when something changes. Illinois EPA has a notification listserv.