



September 24, 2021

Mr. Lynn Dunaway
Environmental Protection Specialist IV
Illinois Department of Environmental Protection
via email: Lynn.Dunaway@illinois.gov

Re: Closure Schedule Classification of CCR Pond at Former Havana Station

Dear Mr. Lynn Dunaway:

ATON, LLC (ATON) is submitting this notice on behalf of Finch Development, LLC (Finch) regarding the classification of the ash impoundment unit that is located at the former Havana Station, in Havana, Mason County, Illinois. This classification is being made in response to the requirements in Illinois Administrative Code 845.700(g)¹. Based upon the evidence for the CCR unit that is registered to this site, ATON has determined the following classification to be appropriate for this unit: **CATEGORY 2**.

Discussions supporting this hazard classification are presented in the following sections.

Category 1 Discussion

Section 845.700(g)(1)(A) : Category 1 includes CCR surface impoundments that have impacted an existing potable water supply well or that have impacted groundwater quality within the setback of an existing potable water supply well.

Finch is unaware of any past or current impacts to an existing potable supply well or within the setback of such a well. Nor has Finch received any notices or letters concerning such a condition from the Illinois Environmental Protection Agency (IEPA), the Illinois State Geological Survey, or the Illinois Department of Public Health.

Groundwater monitoring has occurred at the facility since 2017. Groundwater Monitoring Reports have

¹ State of Illinois, *Title 35: Environmental Protection, Subtitle G: Waste Disposal, Chapter I: Pollution Control Board, Subchapter j: Coal Combustible Waste Surface Impoundments, Part 845 Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments*, April 15, 2021

been submitted under the current USEPA CCR regulations for the years 2017², 2018³, 2019⁴, and 2020⁵. To date, no statistically significant levels (SSLs) have been identified per 40 CFR Part 257.

Therefore, the Havana East Ash Pond does not meet the conditions of a Category 1 closure.

Category 2 Discussion

Section 845.700(g)(1)(B) : Category 2 includes CCR surface impoundments that are an imminent threat to human health or the environment or have been designated by the Agency under subsection (g)(5).

Based upon the Haley & Aldrich CCR Rule Location Restrictions Evaluation Memorandum⁶, the East Ash Pond, in its most restrictive location, has the base of the CCR unit to be less than 5 feet (1.52 meters) above the upper limit of the uppermost aquifer. This condition thus fails the separation criteria defined in the CCR Rule (40 CFR Part 257.60(a)) and §845.700(g)(5)(B) which refers to §845.300(a).

Therefore, the Havana East Ash Pond fails this criterion and represents a threat to human health and the environment. Therefore, the Havana East Ash Pond meets the conditions of a Category 2 closure.

Conclusions

The Havana East Ash Pond fails the location restriction criteria and therefore is classified as a Category 2 closure. Section 845.700(h)(1) states that a Category 2 CCR surface impoundment owner (s) must submit either a construction permit application containing a final closure plan or a construction permit application to retrofit the CCR surface impoundment per the regulations by February 1, 2022. Finch is planning on submitting a final closure plan by or before February 1, 2022.

² O'Brien & Gere Engineers, Inc., *Havana East Pond, 2017 Annual Groundwater Monitoring and Corrective Action Report*, Project #67719, January 31, 2018

³ O'Brien & Gere Engineers, Inc., *Havana East Pond, 2018 Annual Groundwater Monitoring and Corrective Action Report*, Project #70098, January 31, 2019

⁴ Ramboll, *Havana East Pond, 2019 Annual Groundwater Monitoring and Corrective Action Report*, Project #72755, January 31, 2020

⁵ ATON, LLC, *Havana East Pond, 2019 Annual Groundwater Monitoring and Corrective Action Report*, Project #2020.90, January 31, 2021

⁶ Haley & Aldrich, *CCR Rule Location Restrictions Evaluation Memorandum*, File #129788, October 12, 2018.

If there are any questions or comments about the classification of this CCR impoundment, please contact me at (314) 349-0202 or at adam@atonenv.com.

Sincerely,

ATON LLC

Adam Peetz, PE
Vice President of Remediation & Site Development