

**MARION POWER PLANT – EMERY POND
SOUTHERN ILLINOIS POWER COOPERATIVE
NOTICE OF INTENT AND CERTIFICATION TO
COMPLY WITH ALTERNATIVE CLOSURE
REQUIREMENTS**

Southern Illinois Power Cooperative (SIPC) operates the Marion Power Plant (Site) located on the northwestern shore of Lake of Egypt near Marion, Illinois. Emery Pond has been identified as an existing coal combustion residuals (CCR) surface impoundment. The Emery Pond is a less-than-1-acre pond south of the main stack at the site.

This notice addresses the requirements of 40 CFR §257.103(a)(1) and (c)(1) of the US Environmental Protection Agency (EPA)'s rule entitled *Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities*, published in the Federal Register on April 17, 2015 (CCR Rule). The CCR Rule is an extension of the Code of Federal Regulations (CFR) Title 40, Part 257 and was amended on July 2, 2015, by 40 CFR §257 *Technical Amendments to the Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities—Correction of the Effective Date* and again on July 30, 2018, by 40 CFR §257 *Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities; Amendments to the National Minimum Criteria (Phase One, Part One)*.

The purpose of this document is to indicate the intent of SIPC to comply with alternative closure requirements for the existing Emery Pond at the Site. This notification certifies that no alternative disposal capacity for CCR exists on-site or off-site of Marion Station and CCR must continue to be managed in Emery Pond. Emery Pond was placed in its current location due to land restraints and elevation requirements that allow CCR's to be placed with liquids in the impoundment without the need for pumps and other man-made conveyances. Development of an alternative would require an extremely aggressive timeline. The discharges are irregular and difficult to anticipate. There is no alternative capture mechanism for these waste streams and no alternative location that meets these requirements. This surface impoundment is being closed under the requirements of §257.101. SIPC intends to avail itself of the alternative closure requirements in 40 C.F.R. §257.103(a)(1), which allows Emery Pond to continue to receive waste streams until no later than April 2024 depending on satisfaction of the requirements of 40 C.F.R. §257.103(a)(1). The retrofit plan for the CCR impoundment is currently being developed. The retrofit pond will provide additional capacity to receive in compliance with the CCR Rule the discharges now directed to Emery Pond.

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