

ILLINOIS POLLUTION CONTROL BOARD  
January 19, 2023

IN THE MATTER OF: )  
)  
PETITION OF AMEREN ENERGY ) AS 21-7  
MEDINA VALLEY COGEN, LLC ) (Adjusted Standard – Land)  
(HUTSONVILLE D) FOR ADJUSTED )  
STANDARD FROM )  
35 ILL. ADM. CODE PART 845 )

ORDER OF THE BOARD (by J. Van Wie):

On May 11, 2021, Ameren Energy Medina Valley Cogen, LLC (Ameren) filed a petition (Pet.) pursuant to Section 28.1 of the Environmental Protection Act (Act) and Part 104 of the Board’s procedural rules. *See* 415 ILCS 5/28.1 (2020); 35 Ill. Adm. Code 104.Subpart D. The petition seeks an adjusted standard from the Permitting and Post-Closure Care requirements in 35 Ill. Adm. Code 845 for Hutsonville D, one of two coal combustion residuals surface impoundments (CCRSI) at Ameren’s inactive Hutsonville Power Station in Crawford County (Hutsonville). On May 26, 2021, Ameren filed proof that notice of the adjusted standard was published in the *Robinson Daily News* on May 22, 2021. On December 16, 2022, Ameren filed an amended petition (Am. Pet.).

Ameren seeks relief from all the provisions at 35 Ill. Adm. Code Part 845, except for the following: Subpart H: Recordkeeping, Section 810, Publicly Accessible Internet Site Requirements; and Subpart I: Financial Assurance. *See*, Am. Pet. at 7. Ameren seeks this adjustment in order to allow Ameren to “continue to follow the regulatory path set out for it by the Board in Part 840 – but to allow for any ‘new’ requirements in Part 845 that the Board did not have the authority to adopt under Part 840.” *Id.*

Section 28.1 of the Act and Section 104.408 of the Board’s procedural rules require publication of notice of an adjusted standard proceeding in a newspaper of general circulation in the area affected by the petitioner’s activity. 415 ICLS 5/28.1(d)(1) (2020); 35 Ill. Adm. Code 104.408(a). Notice must be published within 14 days of filing a petition for an adjusted standard with the Board. 35 Ill. Adm. Code 104.408(a). Section 104.418 of the Board’s procedural rules provides that a petitioner may amend its petition at any time. 35 Ill. Adm. Code 104.418(a). If the petitioner amends the petition so that the amendment is a substantive change to the requested relief in that it requests additional or alternative relief, petitioner must re-notice the amended petition under Section 104.408. *Id.*

The Board carefully reviewed the amended petition and finds that it does not request additional or alternative relief that would require re-noticing. Ameren made no substantive changes to the relief requested in the initial petition. Both petitions state, “Ameren requests adjustments to all sections of 35 Ill. Admin. Code Part 845, except for the provisions of Part 845, Subpart H: Recordkeeping, Section 810, Publicly Accessible Internet Site Requirements, and Subpart I: Financial Assurance, effective April 21, 2021.” Pet. at 10; Am. Pet. at 7. Ameren

states it filed its amended petition “for purposes of clarity and further information, [. . .] based upon discussions between counsel for [the Illinois Environmental Protection Agency] and Ameren, wherein Ameren agreed to include further provisions of Part 845, such as financial assurance, as part of its obligations pursuant to the proposed Adjusted Standard.” Am. Pet. at 1, fn. 1.

The Board finds that the amended petition meets the requirements of Section 28.1 of the Act and Sections 104.408 and 104.418 of the Board’s procedural rules and accepts the amended petition for adjusted standard for hearing. *See* 415 ILCS 5/28.1 (2020); 35 Ill. Adm. Code 104.408, 104.418. Unless otherwise ordered, the Illinois Environmental Protection Agency (IEPA) must file a response including its recommendation concerning the Board’s proposed action on this amended petition within 45 days after the amended petition was filed. *See* 35 Ill. Adm. Code 104.416(a). On May 21, 2021, the IEPA moved for a 90-day extension of this time to and including September 23, 2021. Ameren did not object. In a June 3, 2021 Order, the Board granted IEPA’s motion. By hearing officer order of September 20, 2021, Ameren stated its intent to file an amended petition, and the parties agreed to extend IEPA’s deadline to respond to November 19, 2021. By hearing officer order dated October 19, 2021, the parties agreed to extend IEPA’s deadline to respond to 45 days after Ameren filed its amended petition. Ameren filed its amended petition on December 15, 2022. In its amended petition, Ameren waived its right to a hearing. Am. Pet. at 27.

The Board notes that Ameren’s amended petition includes six exhibits designated 1 through 6. This order makes no determination on the informational sufficiency or the merits of Ameren’s petition. The Board, through its own order or through the orders of its hearing officer, may direct Ameren to provide additional information concerning its request.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 19, 2023, by a vote of 4-0.



Don A. Brown, Clerk  
Illinois Pollution Control Board