

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PETITION OF AMEREN ENERGY MEDINA) AS 2021-007
VALLEY COGEN, LLC (HUTSONVILLE D))
FOR ADJUSTED STANDARDS FROM) (Adjusted Standard)
35 ILL. ADMIN. CODE PART 845)

RESPONSE TO THE IEPA’S RECOMMENDATION

NOW COMES Petitioner, Ameren Energy Medina Valley Cogen, LLC (“Ameren”), by its attorneys, Brown, Hay + Stephens, LLP, and for its Response to the Illinois Environmental Protection Agency’s (“IEPA”) Recommendation with regards to Ameren’s Petition for Adjusted Standards for Hutsonville D, states as follows:

1. On May 11, 2021, Ameren filed a Petition for an Adjusted Standard, requesting that the closed inactive ash pond known as Hutsonville Pond D be exempt from certain standards set forth in 35 Ill. Admin. Code Part 845 related to Coal Combustion Residuals Surface Impoundments (“CCRSIs”). Ameren filed its Amended Petition for an Adjusted Standard on December 16, 2022.

2. The Adjusted Standard was necessitated in order to reconcile regulatory requirements which were adopted by the Illinois Pollution Control Board (the “Board”) in Part 840 pursuant to Board Case R09-21, and applicable to Hutsonville D, with the new regulatory requirements adopted by the Board in Part 845.

3. On April 28, 2023, IEPA filed its Recommendation that the Board adopt the proposed Adjusted Standard, albeit with language that differed slightly from that proposed by Ameren. Ameren has discussed this differing language with the IEPA, and will accept it as appropriate language for Board adoption in this proposed Adjusted Standard.

WHEREFORE, Ameren respectfully requests that the Board adopt the Adjusted Standard as proposed by Ameren, with the specific language contained in the Recommendation filed by the IEPA on April 28, 2023.

Dated: May 12, 2023

Respectfully submitted,

**AMEREN ENERGY MEDINA VALLEY
COGEN, LLC, Petitioner**

By: /s/Claire A. Manning
Its Attorney

BROWN, HAY & STEPHENS, LLP

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 12th day of May, 2023, I have electronically served a true and correct copy of the attached RESPONSE TO THE IEPA'S RECOMMENDATION by electronically filing with the Clerk of the Illinois Pollution Control Board and by e-mail upon the following persons:

Don Brown, Clerk
Illinois Pollution Control Board
100 West Randolph St.
Suite 11-500
Chicago, Illinois 60601
Don.Brown@illinois.gov

Stefanie N. Diers
Sara Terranova
Illinois Environmental Protection Agency
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I further certify that my e-mail address is cmanning@bhslaw.com, the number of pages in the e-mail transmission is 3, and that the e-mail transmission took place before 7:00 p.m.

Dated: May 12, 2023

Respectfully submitted,

**Ameren Energy Medina Valley Cogen, LLC,
Petitioner**

By: /s/ Claire A. Manning
One of Its Attorneys

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