

ILLINOIS POLLUTION CONTROL BOARD
May 16, 2024

IN THE MATTER OF:)
)
PETITION OF AMEREN ENERGY MEDINA) AS 21-8
VALLEY COGEN, LLC (OLD MEREDOSIA)) (Adjusted Standard - Land)
FOR ADJUSTED STANDARDS FROM 35)
ILL. ADM. CODE PART 845)

ORDER OF THE BOARD (by M. Gibson):

On May 11, 2021, Ameren Energy Medina Valley Cogen, LLC (Ameren) filed a petition (Pet.) under Section 28.1 of the Environmental Protection Act (Act). *See* 415 ILCS 5/28.1 (2022); 35 Ill. Adm. Code 104.Subpart D. Ameren requests that the Board adopt adjusted standards from the Board’s rules for coal combustion residuals (CCR) surface impoundments at 35 Ill. Adm. Code 845. *See* Pet. at 4-5, 12. Ameren seeks this relief for its Old Ash Pond at the Meredosia Power Station in Morgan County (Old Meredosia).

In its petition, Ameren stated that it “recognizes the public interest relevant in this proceeding and does not intend to waive its right to hearing but will further and fully develop the facts contained in this Petition at hearing, through the testimony of expert witnesses, who will be timely named, and testimony presented, as the Board or its hearing officer prescribes.” Pet. at 18.

On August 3, 2023, Illinois Environmental Protection Agency (IEPA) filed a recommendation that the Board deny Ameren’s requested relief. On February 5, 2024, Ameren filed its response to IEPA’s recommendation (Ameren Resp.) and stated that it “hereby withdraws any previous waiver of its right to hearing.” Ameren Resp. at 24 n.8.

On April 3, 2024, Ameren filed a motion requesting a public hearing (Mot). Ameren argues that Old Meredosia is not a threat to the environment because the site has been inactive for fifty years, is home to a wildlife community including bald eagles and a forest, the groundwater table is consistently below the bottom of the site, and rainfall does not reach the groundwater. Mot. at 3. Ameren contends that IEPA will not suffer any prejudice if a public hearing is held since it will be involved in the scheduling of the hearing. *Id.*

On April 16, 2024, IEPA filed its response to Ameren’s motion (IEPA Resp.). IEPA objects to the request for a hearing and argues that Ameren is requesting this hearing because it does not agree with IEPA’s recommendation. IEPA Resp. at 2. IEPA contends that holding a hearing would serve no purpose because first, all the relevant information is readily before the Board, second, Ameren has already had sufficient opportunity to present its arguments, and third, Ameren stated that it was willing to answer any Board or IEPA questions. *Id.*

A public hearing will be held in an adjusted standard proceeding when the Board *in its discretion determines that a hearing would be advisable* (emphasis in original). 35 Ill. Adm.

Code 104.22(c), *citing* 415 ILCS 5/28.1. Additionally, where “all parties and participants who have requested a hearing under this Subpart have withdrawn their requests for a hearing, the hearing will not be held unless the Board in its discretion deems it advisable.” 35 Ill. Adm. Code 104.420(b). The Board, in its discretion, concludes that a hearing would be advisable, grants Ameren’s motion, and directs that this matter proceed to hearing as expeditiously as practicable.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 16, 2024, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board