

ILLINOIS POLLUTION CONTROL BOARD

October 1, 2009

IN THE MATTER OF:)
)
AMEREN ASH POND CLOSURE RULES) R09-21
(HUTSONVILLE POWER STATION):) (Rulemaking - Land)
PROPOSED 35 ILL. ADM. CODE PART)
840.101 THROUGH 840.144)

ORDER OF THE BOARD (by A.S. Moore):

On May 19, 2009, Ameren Energy Generating Company (Ameren) filed a proposal for site-specific rulemaking. Ameren proposes a new subchapter in the Board's waste disposal regulations to address the closure of surface impoundments. Specifically, Ameren seeks adoption of regulations through which it can close Ash Pond D at its Hutsonville Power Station near Hutsonville, Crawford County.

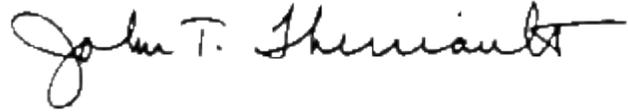
Pursuant to a notice of hearing and hearing officer order issued on June 30, 2009, the Illinois Environmental Protection Agency (Agency) on August 18, 2009, proposed amendments to the regulations offered by Ameren. One of those proposed amendments added a new section entitled "Incorporations by Reference," which listed eight separate sets of materials for incorporation. A motion to waive filing requirements (Mot.) accompanied the Agency's proposal.

The Agency requested a waiver from "the filing requirement for the incorporations by reference" listed in the Agency's proposed amendments. Mot. at 1. The Agency states that "the titles for which this motion seeks relief from the filing requirements are already in the Board's possession." *Id.* The Agency further states that the Board's technical staff has confirmed that the Board possesses the documents. *Id.* The Agency argues that "preparing and submitting additional copies of these documents would serve no purpose and would be unnecessarily costly and burdensome." *Id.*

Section 101.500(d) of the Board's procedural rules provides, in pertinent part, that, "[w]ithin 14 days after service of a motion, a party may file a response to the motion. If no response is filed, the party will be deemed to have waived objection to the granting of the motion, but the waiver of objection does not bind the Board or the hearing officer in its disposition of the motion." 35 Ill. Adm. Code 101.500(d). Having reviewed its substance, and in the absence of any timely objection to it, the Board grants the Agency's motion for waiver of filing requirements.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 1, 2009, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board