

ILLINOIS POLLUTION CONTROL BOARD

April 18, 2013

IN THE MATTER OF: )  
)  
SITE-SPECIFIC RULE FOR THE CLOSURE ) R13-19  
OF AMEREN ENERGY RESOURCES ASH ) (Rulemaking - Land)  
PONDS: PROPOSED NEW 35 ILL. ADM. )  
CODE 840, SUPBPART B )

ORDER OF THE BOARD (by T.A. Holbrook):

On April 9, 2013, Ameren Energy Resources (AER) filed on behalf of Ameren Energy Resources Generating, AmerenEnergy Generating Company, and Electric Energy, Inc. a proposal to add a Subpart B to Part 840 of the Board’s regulations. Part 840 addresses the closure of coal combustion waste surface impoundments. *See* 35 Ill. Adm. Code 840. Accompanying the proposal were a number of documents including a Statement of Reasons (SR).

Ameren states that it intends its rulemaking proposal to allow it to close surface impoundments for management of coal combustion waste at eight coal-fired powered plants owned by AER: the Coffeen Power Station in Montgomery County; the Duck Creek Power Station in Fulton County; the E.D. Edwards Power Station in Peoria County; the Grand Tower Power Station in Jackson County; the Joppa Power Station in Massac County; the Hutsonville Power Station in Crawford County; the Meredosia Power Station in Morgan County; and the Newton Power Station in Jasper County. SR at 1, 2, 7. These eight facilities include approximately 16 ash ponds “that could ultimately be subject to the proposed regulations.” *Id.* at 2. Ameren states that its proposal sets priorities for closing ash ponds “based on existing or future potable water uses in the area,” allows establishment of a groundwater monitoring zone where necessary (*see* 35 Ill. Adm. Code 620.250), and requires compliance with closure requirements similar to those adopted by the Board in R09-21, Ameren Ashpond Closure Rules (Hutsonville Power Station): Proposed 35 Ill. Adm. Code 840.101 through 840.152. SR at 5.

With its proposal, AER submitted a motion to waive the signature requirement (Mot.). In support of its motion, AER argues that it has proposed a new Subpart B to Part 840 to fill a gap in the Board’s regulations “because none of the current rules appropriately address the closure of surface impoundments or ash ponds at coal fired power plants.” Mot. at 1. AER adds that adoption of the proposed Subpart B will establish a process to close as many as 16 of these impoundments, which will protect groundwater and benefit the people of the State of Illinois. *Id.* at 2. AER argues that “[t]he Board has a long-standing practice of granting signature waiver requests for site-specific rulemakings.” *Id.* (citations omitted). The Board grants AER’s motion and waives the requirement to submit a petition signed by at least 200 persons. *See* Ameren Ashpond Closure Rules (Hutsonville Power Station): Proposed 35 Ill. Adm. Code 840.101 through 840.152, R09-21, slip op. at 1-2 (June 18, 2009).

The Board finds that AER has satisfied the content requirements at Section 102.202 of the procedural rules (35 Ill. Adm. Code 102.202) and accepts AER's proposal for hearing. The Board directs its assigned hearing officer to schedule and proceed to hearing under the rulemaking provisions of the Environmental Protection Act (415 ILCS 5/27, 28 (2010)) and the Board's procedural rules (35 Ill. Adm. Code 102). In addition, the Board grants AER's motion for waiver of the signature requirement.

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 April 18, 2013, 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.

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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board