

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
COAL COMBUSTION WASTE (CCW))	R14-10
ASH PONDS AND SURFACE)	(Rulemaking – Water)
IMPOUNDMENTS AT POWER)	
GENERATING FACILITIES: PROPOSED)	
NEW 35 ILL. ADM. CODE 841)	

NOTICE OF FILING

To: ALL PARTIES ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the attached **RESPONSE OF AMEREN MISSOURI AND AMERENENERGY MEDINA VALLEY COGEN, LLC TO THE ENVIRONMENTAL GROUPS' MOTION TO REOPEN**, copies of which are herewith served upon you.

/s/ Amy Antonioli

Amy Antonioli

Dated: October 1, 2015

Amy Antonioli
SCHIFF HARDIN LLP
233 South Wacker Drive
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RESPONSE OF AMEREN MISSOURI AND AMERENENERGY MEDINA VALLEY COGEN, LLC TO THE ENVIRONMENTAL GROUPS' MOTION TO REOPEN

Participants Ameren Missouri and AmerenEnergy Medina Valley Cogen, LLC (“Ameren”), by their attorneys, Schiff Hardin, LLP, oppose the Environmental Groups’ Amended Proposal and Motion to Reopen Proceeding (“Motion”). On September 15, 2015, Sierra Club, Prairie Rivers Network, and ELPC moved Illinois Pollution Control Board (“Board”) to lift the pending stay, reopen the docket, and adopt additional proposed changes to the rule language in an effort to “harmonize the two rule systems.” Ameren respectfully requests that the Board deny the Environmental Groups’ Motion and grant IEPA’s pending motion to indefinitely extend the current stay of this proceeding.

The U.S. Environmental Protection Agency (“EPA”) published its final Coal Combustion Residuals rule (“CCR Rule”) on April 17, 2015 (to become effective on October 19, 2015). The federal CCR Rule regulates design and operating criteria, location restrictions, groundwater monitoring, corrective action, record-keeping, notification, inspection, closure, and post-closure care for CCR landfills and surface impoundments – covering many of the same aspects included in IEPA’s proposal to regulate CCR surface impoundments in this docket. Various parties have appealed EPA’s CCR Rule. *Utilities Solid Waste Activities Group v. EPA*, D.C. Cir. No. 15-219; *Beneficial Reuse Mgmt. v. EPA*, D.C. Cir. No. 15-1221; *Lafarge North American Inc. v. EPA*, D.C. Cir. No. 15-1222; *Associated Electric Coop. Inc. v. EPA*, D.C. Cir. No. 15-1223; *City of*

Springfield, MO v. EPA, D.C. Cir. No. 15-1227; *Clean Water Action, et al. v. EPA*, et al., D.C. Cir. No. 15-1229; *AES Puerto Rico, LP v. EPA*, D.C. Cir. No. 15-1229. The outcome of the litigation is yet unknown. In addition, legislation has been introduced that would change EPA's approach to managing and disposing of CCR.

Until the pending litigation is fully resolved and until there is certainty regarding Congressional action relating to the management and disposal of CCR, Ameren believes reopening the docket is imprudent and an inefficient use of administrative resources. Initiating comment and discussion on issues of CCR management and disposal that may further evolve based on the results of such pending legislation and litigation is not an effective or efficient use of resources.

Accompanying the Motion, the Environmental Groups attached an amended proposal with numerous changes, both technical and substantive. The Environmental Groups claim the proposed revisions will "harmonize the two systems" and that no further hearings are necessary. However, the Environmental Groups failed to support the proposed revisions with any statement explaining the reasons for the amendments or their effect on the proposed program as required by the Board's procedural rules. Should the Board choose to proceed with the rulemaking, Ameren requests that the Board direct the Environmental Groups to comply with the Board's procedural rules applicable to rulemaking proposals, 35 Ill. Adm. Code Part 102, prior to accepting comment on the amendments.

Ameren has discussed the Environmental Groups' Motion with the Illinois Environmental Agency ("IEPA" or "Agency") and Ameren fully supports IEPA's Response to Environmental Groups' Motion to Reopen Proceedings.

WHEREFORE, Ameren respectfully requests that the Board deny the Environmental Groups' Motion and grant IEPA's pending motion to extend the current stay indefinitely.

Respectfully submitted,

/s/ Amy Antonioli
Ameren Missouri and AmerenEnergy Medina Valley Cogen, LLC

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 1st day of October, 2015, I have served the attached **RESPONSE OF AMEREN MISSOURI AND AMERENENERGY MEDINA VALLEY COGEN, LLC TO THE ENVIRONMENTAL GROUPS' MOTION TO REOPEN**, by first class mail, postage affixed, upon the persons on the attached service list.

I further certify that I have electronically served a true and correct copy of the attached **RESPONSE OF AMEREN MISSOURI AND AMERENENERGY MEDINA VALLEY COGEN, LLC TO THE ENVIRONMENTAL GROUPS' MOTION TO REOPEN**, upon the following Mr. John Therriault, Clerk of the Illinois Pollution Control Board at the email address of John.therriault@illinois.gov;

My e-mail address is aantoniolli@schiffhardin.com;

The number of pages in the e-mail transmission is 7.

The e-mail transmission took place before 5:00 p.m.

/s/ Amy Antonioli

Amy Antonioli

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SERVICE LIST

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