

ILLINOIS POLLUTION CONTROL BOARD

April 21, 2016

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 J.D. O’Leary):

The Board today directs Illinois Power Resources, LLC (Illinois Power Resources) and Ameren Energy Medina Valley Cogen, LLC (Medina Valley) to file a status report by Wednesday, June 20, 2016.

On April 9, 2013, Ameren Energy Resources filed on behalf of Ameren Energy Resources Generating, AmerenEnergy Generating Company, and Electric Energy, Inc. (collectively Ameren) 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. Ameren stated that the proposal is intended to allow it to close approximately 16 surface impoundments that manage coal combustion waste at eight coal-fired power plants it owns.

On July 1, 2013, Ameren filed a motion to stay proceedings that noted the Illinois Environmental Protection Agency (Agency) intended to propose generally-applicable rules regulating closure of ash surface impoundments. On July 25, 2013, the Board granted the motion to stay for one year and directed Ameren to file quarterly status reports. The Board stated that the fourth status report could request an extension of the stay.

The Board received status reports on October 28, 2013; February 14, 2014; April 24, 2014; and July 23, 2014. The February 14, 2014 report stated that, in December 2013, Illinois Power Resources and Medina Valley “acquired ownership of, or indirect ownership interest in, the facilities that are the subject of this site-specific rulemaking.” Illinois Power Resources and Medina Valley also noted that the Agency had proposed generally-applicable rules. *See Coal Combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities*, R 14-10. In their July 23, 2014 status report, Illinois Power Resources and Medina Valley requested that the Board extend the stay for an additional year.

On August 7, 2014, the Board extended the stay for one year and directed Illinois Power Resources and Medina Valley to file quarterly status reports during the one-year extension. The Board received status reports on November 7, 2014, and February 10, 2015, both of which requested that the Board maintain the stay.

On November 19, 2015, the Board directed Illinois Power Resources and Medina Valley to file a status report by Monday, January 18, 2016. On November 25, 2015, Illinois Power

Resources and Medina Valley filed a status report requesting that the Board maintain the stay. On December 17, 2015, the Board extended the stay for 90 days to March 16, 2016, and directed Illinois Power Resources and Medina Valley “at the conclusion of the extended stay to file a status report briefly describing the progress of this docket and the continued need for a stay.” The Board has not received a status report.

The Board directs Illinois Power Resources and Medina Valley to file a status report describing the progress of this proceeding by Monday, June 20, 2016. The Board notes that in R14-10 it recently extended a stay to June 15, 2016, at which time the Agency is to file a status report. Coal Combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities, R14-10 (Mar. 17, 2016). By setting a 60-day deadline, the Board expects that Illinois Power Resources and Medina Valley can take into account the Agency’s report on that docket.

If Illinois Power Resources and Medina Valley request an extension of the stay, the Board directs them to describe any continued need for a stay. *See* 35 Ill. Adm. Code 101.514(a). If the Board does not receive a status report by Monday, June 20, 2016, it may issue an order dismissing the rulemaking proposal and closing this docket.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 21, 2016, by a vote of 5-0.



John T. Therriault, Clerk
Illinois Pollution Control Board