

ILLINOIS POLLUTION CONTROL BOARD  
August 17, 2017

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

ORDER OF THE BOARD (by G.M. Keenan):

On April 9, 2013, Ameren Energy Resources (Ameren) proposed rules for the closure of coal combustion waste (CCW) surface impoundments at eight coal-fired power plants. On October 28, 2013, the Illinois Environmental Protection Agency (IEPA) proposed generally applicable rules concerning CCW in docket R14-10. Ameren requested a stay of this site-specific rulemaking to evaluate a draft version of what became IEPA's proposal and determine whether it satisfactorily addressed its facilities. The Board granted the stay, which lasted through August 2, 2017. Site-Specific Rule for the Closure of Ameren Energy Resources Ash Ponds: Proposed New 35 Ill. Adm. Code 840, Subpart B, R13-19, slip op. at 2 (July 25, 2013); slip op. at 1 (Feb. 2, 2017).

On August 2, 2017, Illinois Power Resources, LLC (IPR) and AmerenEnergy Medina Valley Cogen, LLC (Medina Valley)<sup>1</sup> filed a motion to withdraw their site-specific proposal. IPR and Medina Valley stated that several developments support withdrawal: an open Board rulemaking concerning CCW (R14-10); federal rules addressing coal combustion residuals (40 C.F.R. 257); and the recent Water Infrastructure Improvements for the Nation (WIIN) Act, which authorizes state programs to operate in place of the federal rules (P.L. No. 114-322; *see* 42 U.S.C. § 6945(d)). The Board has not received any response to the motion. The Board grants the motion to withdraw the rulemaking proposal and closes this docket.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 17, 2017, by a vote of 5-0.



Don A. Brown, Clerk  
Illinois Pollution Control Board

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<sup>1</sup> In December 2013, IPR and Medina Valley “acquired ownership of, or indirect ownership interest in, the facilities that are the subject of this site-specific rulemaking.” Site-Specific Rule for the Closure of Ameren Company Ash Ponds: Proposed New 35 Ill. Adm. Code 840, Subpart B, R13-19 (Feb. 14, 2014) (status report).