

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	AS 2021-008
PETITION OF AMEREN ENERGY MEDINA)	
VALLEY COGEN, LLC (OLD MEREDOSIA))	
FOR ADJUSTED STANDARDS)	(Adjusted Standard-Land)
FROM 35 ILL ADM. CODE Part 845)	

NOTICE OF ELECTRONIC FILING

To: See attached service list.

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the attached RESPONSE of the Illinois Environmental Protection Agency and a CERTIFICATE OF SERVICE, copies of which are herewith served upon you.

Dated: April 17, 2024

Respectfully submitted,
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544
Sara.Terranova@Illinois.gov

Respondent,

BY: /s/Sara Terranova
Sara Terranova

THIS FILING IS SUBMITTED ELECTRONICALLY

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ILLINOIS EPA’S RESPONSE TO PETITIONER’S MOTION REQUESTING PUBLIC HEARING

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”) by one of its attorneys, and pursuant to 35 Ill. Adm. Code §101.500(d), hereby submits the Agency’s Response to Petitioner’s Motion Requesting Public Hearing. For the reasons stated below, Illinois EPA OBJECTS to Ameren Energy Medina Valley Cogen, LLC’s (“Petitioner”) new request for public hearing. In support Illinois EPA states as follows:

1. On May 1, 2023, Petitioner filed an *Amended Petition for an Adjusted Standard or in the Alternative, a finding that Part 845 is Not Applicable* (“Amd. Pet.” or “Amd. Petition”).
2. Pursuant to 35 Ill. Adm. Code 104.406 (j), Petitioner must include a statement within the petition, requesting or waiving a hearing. 35 Ill. Adm. Code 104.406 (j). Addressing this requirement, Petitioner waived its right to a hearing. Specifically, Petitioner stated:

Ameren believes that this petition is straightforward, and as such, waives its right to a hearing. Ameren would be happy to answer any questions that the Board has in writing and will respond to whatever comments or questions the IEPA may have to facilitate its statutorily required recommendation to the Board as to this Petition. emphasis added. See Amd. Pet. at 33-34.

3. On August 3, 2023, the Agency filed a *Recommendation* (“Agency Rec.”) in response to Petitioner’s Amd. Petition. Pursuant to 35 Ill. Adm. Code 104.416, the Agency addressed and responded to the Amd. Petition with respect to 1) the request for finding of inapplicability (of 35

Ill. Adm. Code 845) and 2) each issue raised by the requirements of Section 104.406 (a) through (j). *See* Agency Rec., Parts I and II, respectively. In conclusion, the Agency recommended that the Board DENY Petitioner's requested relief. *See* Agency Rec. at 3 and 17.

4. On February 5, 2024, Petitioner submitted *Ameren's Response to the IEPA's Recommendation* ("Resp."). Within the Resp., Petitioner stated its dissatisfaction with the nature of the Agency's required recommendation (*see* Resp. at 3.), and provided a well buried footnote attempting to withdraw its previous waiver of its right to a hearing (*see* Resp. at 24, footnote 8). In support, Petitioner provided: "Given the Illinois EPA's Recommendation in this matter, Ameren hereby withdraws any previous waiver of its right to hearing." *See* Id.

5. Petitioner now requests a hearing on this matter because it does not like the Agency's Recommendation. The Agency objects to this request.

6. Petitioner's own underlying reasons behind waving the need for hearing have not changed. As the Petitioner stated in its Amd. Petition, "the [Amended] petition is straightforward." *See* Amd. Pet. at 33-34. Nothing has changed from when Petitioner granted the waiver till now.

7. The only factor Petitioner can point to in their new request for a hearing, is their dissatisfaction with the nature of the Agency's recommendation. *See* Resp. at 24, footnote 8. Going through the time and expense of holding a hearing, when Petitioner previously agreed that all information is readily before the Board, would serve no purpose. *See* Amd. Pet. at 33-34. Petitioner has had more than sufficient opportunity to present any counter arguments or positions without the need of having to go through a hearing. In addition, Petitioner has already stated a willingness to answer any questions that the Board or Illinois EPA may have. *See* Amd. Pet. at 34.

WHEREFORE, for the above and foregoing reasons, Illinois EPA respectfully requests that the Board accept Illinois EPA's Response Objecting to Petitioner's request for hearing in this matter.

Dated: April 16, 2024

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ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent,

BY: /s/Sara Terranova
Sara Terranova

CERTIFICATE OF SERVICE

I, the undersigned, on affirmation certify the following:

That I have electronically served the attached **ELECTRONIC NOTICE OF FILING and RESPONSE OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** upon those listed on the Service List before 4:30 p.m. on April 16, 2023.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Sara Terranova
Sara Terranova
Assistant Counsel
Division of Legal Counsel

DATED: April 16, 2024

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