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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD OCT 28 2003

IN THE MATTER OF: )  
)  
PROPOSED SITE SPECIFIC REGULATION )  
APPLICABLE TO AMEREN ENERGY )  
GENERATING COMPANY, ELGIN, ILLINOIS )  
AMENDING 35 Ill. Adm. Code 901 )

R04- //

STATE OF ILLINOIS  
Pollution Control Board

### MOTION FOR EXPEDITED CONSIDERATION

Ameren Energy Generating Company("Ameren"), by and through its attorneys, Schiff Hardin & Waite respectfully requests that the Illinois Pollution Control Board consider this rulemaking for site specific noise emission limitations for its Elgin, Illinois power generation plant on an expedited basis. In support of this motion, Ameren provides:

1. Ameren owns a power generation facility at 1559 Gifford Road, Elgin, Illinois. This Facility is the subject of the site specific rulemaking petition filed by Ameren in this matter ("Petition").

2. The Facility is currently in compliance with the applicable noise regulations found at 35 Ill. Adm. Code Part 901.

3. Directly west from the Facility is vacant land that until recently was formerly owned by the Solid Waste Agency for Northern Cook County ("SWANCC"), and located in unincorporated Cook County and zoned industrial.

4. Realen Homes recently acquired from SWANCC a large portion of that vacant property, the portion immediately west and across Gifford Road from the Facility ("Property").

5. On June 3, 2003, the Village of Bartlett annexed this Property and rezoned it from industrial use to residential use upon Realen Homes' petition.

6. Realen Homes intends to construct and sell single family homes and town homes on this Property.

7. Due to the proposed change in this Property's land use from industrial to residential, the property will become a Class A receiving land under the noise limitations set forth at 35 Ill. Adm. Code 901.102, at which time Ameren believes that it may not be able to consistently comply with the Board's residential noise limits at the Property under certain operating conditions.

8. Ameren seeks to have the proposed site specific noise limitations adopted as soon as possible to insure compliance with state law, in the event the Property is, as Realen Homes intends, converted to residential use and thereby becomes subject to 35 Ill. Adm. Code 901.102.

9. Ameren requests that the Board proceed to First Notice under the Illinois Administrative Procedure Act by adopting the language proposed in Ameren's Petition only for purposes of First Notice. An electronic version of the Ameren Petition, including the language proposed by Ameren for the site specific noise limitations, has been filed with the original Petition to facilitate the Board moving expeditiously to First Notice in this rulemaking.

10. Ameren also requests that the requisite public hearing be scheduled as soon as possible in accordance with Section 28(a) of the Environmental Protection Act 415 ILCS 5/28(a), and that such a hearing serve also as the hearing that may be required during First Notice under Section 5-40(b) of the Illinois Administrative Act, 5 ILCS 100/5-40(b).

11. Ameren believes that the information necessary for the Board to proceed to First Notice in this rulemaking and schedule a public hearing is contained in Ameren's Petition. If more information is needed, Ameren will fully cooperate to expeditiously provide the same to the Board and its hearing officer.

12. Ameren makes this motion for expedited consideration fully recognizing that the Board proceeding to First Notice under the Illinois Administrative Procedure Act at this time is unusual. However, time is of the essence because Realen Homes intends to construct and sell these home sites. In fairness to Ameren, its customers and potential home purchasers, Ameren's desire is to proceed with this site specific rulemaking and obtain the necessary rule change before the property is converted to residential use.

WHEREFORE, Ameren respectfully requests that the Board grant this motion and expedite consideration of this site specific rulemaking by setting this matter for hearing and adopting the proposed site specific rule for First Notice as soon as possible.

Dated: October 28, 2003

Respectfully submitted,



Marili McFawn

Attorney for Ameren Energy  
Generating Company