

ILLINOIS POLLUTION CONTROL BOARD
November 17, 2003

IN THE MATTER OF:)
)
PROPOSED SITE SPECIFIC REGULATION) R04-11
APPLICABLE TO AMEREN ENERGY) (Site-Specific Rulemaking – Noise)
GENERATING COMPANY, ELGIN,)
AMENDING 35 ILL. ADM. CODE PART 901)

NOTICE OF HEARING

DATE, TIME, AND PLACE:

DECEMBER 17, 2003
10:00 a.m.
JAMES R. THOMPSON CENTER
100 WEST RANDOLPH STREET
SUITE 11-512
CHICAGO, ILLINOIS 60601

PURPOSE OF HEARING: Merit and Economic
ATTENDING BOARD MEMBERS: Thomas E. Johnson
HEARING OFFICER: John Knittle

HEARING OFFICER ORDER

Background

On October 28, 2003, Ameren Energy Generating Company (Ameren) filed a rulemaking proposal under Section 28 of the Environmental Protection Act (Act) (415 ILCS 5/28 (2002)), to change regulations governing noise emission limitations found in the Board's rules at 35 Ill. Adm. Code 901. In the petition, Ameren seeks site-specific noise emission limitations with respect to the operation of Ameren's electric generating facility in Elgin, Cook County.

Ameren owns a power generating facility in Elgin (facility) consisting of four simple cycle combustion turbines capable of generating up to 540 MW of electricity. Pet. at 1. The facility is located at 1559 Gifford Road, Elgin, Cook County. *Id.* The facility is described as a

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact Dorothy Gunn, Clerk of the Board, at 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601, at telephone number 312/814-6931, fax number 312/814-3669, or TDD number 312/814-6032, five days prior to the hearing.

peaking facility due to its intended design to start up rapidly to generate power when critically needed. The facility became fully operational in November 2002. *Id.*

On June 3, 2003, the Village of Bartlett annexed and rezoned the land immediately to the west of the facility for residential use at the request of Realen Homes, a residential development corporation. Pet. at 2. Ameren has concluded that the facility will not be able to meet the Class A noise limitation at 35 Ill. Adm. Code 901.102, that heretofore were not applicable. *Id.* Accordingly, Ameren is seeking a site-specific rule that establishes noise emission limitations for the facility that are applicable to Class A and B receiving lands. *Id.*

On November 6, 2003, the Board opened a new regulatory docket for this matter, adopted the proposed amendments for first notice under the Illinois Administrative Procedure Act without commenting on the merits, and directed that a hearing be scheduled on the proposal.

Hearing

Persons wishing to testify at the hearing shall prefile the testimony with the Board and serve the testimony on the hearing officer and all persons on the service list no later than November 26, 2003. Persons may receive a copy of the service list by contacting the hearing officer or Nancy Miller at (217) 278-3109.

The parties are directed to participate in a final pre-hearing telephone status conference on Friday, December 12, 2003, at 10:00 a.m. The petitioner shall initiate the call. At that time, the parties must be prepared to disclose witnesses for the hearing, and address any final pre-hearing issues.

This hearing will also be held to fulfill the requirements of Section 27(b) of the Environmental Protection Act (Act). 415 ILCS 5/27(b) (2000). Section 27(b) of the Act requires the Board to request the Department of Commerce and Economic Opportunity (DCEO) (formerly Department of Commerce and Community Affairs) to conduct an economic impact study (EcIS) on certain proposed rules prior to adoption of those rules. If DCEO chooses to conduct the EcIS, they have 30 to 45 days after such request to produce a study of the economic impact of the proposed rules. The Board must then make the EcIS, or DCEO's explanation for not conducting the study, available to the public at least 20 days before a public hearing on the economic impact of the proposed rules.

On November 17, 2003, the Board requested that DCEO conduct an economic impact study for the above-referenced rulemakings. In a letter dated April 17, 2003, DCEO stated that it does not have the financial resources to perform such analyses or contract a private vendor for their completion. DCEO offered the April 17, 2003 letter as its formal response to all current and future proposed Board rulemakings and DCEO's statutory obligation to perform an ECIS. Both letters are available for review at the Board's Chicago Office, James R. Thompson Center, 100 West Randolph, Suite 11-500, Chicago, Illinois.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "John Knittle", is written over a horizontal line. The signature is stylized with several loops and a long horizontal stroke at the end.

John Knittle
Hearing Officer
Illinois Pollution Control Board
2125 South First Street
Champaign, Illinois 61820
(217) 278-3111