

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

APR 02 2004

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

STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

TO: See Attached Service List


PLEASE TAKE NOTICE that today I have filed with the Pollution Control Board the following Motion to Deny Petitioner's Motion for Leave to File Response; Motion to Strike Petitioner's Response to Attorney General's Office Public Comment; Motion to Deny Motion to Supplement Record; and Motion to Strike Documents Attached to the Motion to Supplement Record on behalf of the Illinois Attorney General's Office, a copy of which is attached and hereby served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN
Attorney General
State of Illinois

BY:



JOEL J. STERNSTEIN
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601
(312) 814-6986

DATE: April 2, 2004

THIS FILING IS SUBMITTED ON RECYCLED PAPER

SERVICE LIST

Ms. Dorothy Gunn
Clerk of the Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, IL 60601
(312) 814-3620

Mr. John Knittle, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, Illinois 62794
(217) 278-3111

Mr. Scott Phillips, Esq.
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Office of Legal Services
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
(217) 782-6302

Mr. Sheldon Zabel, Esq.
Ms. Marili McFawn, Esq.
Schiff, Hardin & Waite
6600 Sears Tower
Chicago, Illinois 60606
(312) 258-5519

Realen Homes
Attn: Al Erickson
1628 Colonial Parkway
Inverness, Illinois 60047

Village of Bartlett
Attn: Bryan Mraz, Attorney
228 S. Main St.
Bartlett, Illinois 60103

APR 02 2004

IN THE MATTER OF:)
)
PROPOSED SITE SPECIFIC REGULATION)
APPLICABLE TO AMEREN ENERGY)
GENERATING COMPANY, ELGIN,)
AMENDING 35 ILL. ADM. CODE PART 901)

R04-11

STATE OF ILLINOIS
Pollution Control Board

MOTION TO DENY PETITIONER'S MOTION FOR LEAVE TO FILE RESPONSE;
MOTION TO STRIKE PETITIONER'S RESPONSE
TO ATTORNEY GENERAL'S OFFICE PUBLIC COMMENT;
MOTION TO DENY MOTION TO SUPPLEMENT RECORD; AND
MOTION TO STRIKE DOCUMENTS ATTACHED TO
THE MOTION TO SUPPLEMENT RECORD

1. At the hearing in this matter held on January 22, 2004, Board Hearing Officer John Knittle clearly stated that the close of the post-hearing public comment period would be March 5, 2004. Tr. at 279.

2. On or about March 4, 2004, Petitioner Ameren Energy Generating Company's ("Petitioner") attorney contacted the Attorney General's Office ("AGO") and requested that the post-hearing public comment period be extended. The parties contacted Hearing Officer Knittle who allowed the parties a 5-day extension to file their post-hearing public comments. Both Petitioner and the AGO submitted post-hearing public comments on March 10, 2004.

3. Subsequently, on March 19, 2004, Petitioner filed a Motion for Leave to File Response, a Response to Attorney General's Office Public Comment, and a Motion to Supplement Record (collectively "March 19 Pleadings").

4. Petitioner seeks to introduce new evidence into the record that it did not include with its petition, its pre-filed testimony, its hearing testimony, nor its post-hearing public comments.

5. The AGO believed that the parties final post-hearing submissions in this matter were to be turned into the Board on March 10, 2004. The AGO also believed that the record in this matter was complete as of the close of the post-hearing public comment period on March 10, 2004.

6. At no time did the Board or Hearing Officer Knittle give permission for Petitioner to file the March 19 Pleadings.

7. Petitioner's March 19 Pleadings are an attempt to put its case in a more favorable light by misrepresenting the facts and discrediting the public comments submitted by Mr. Howard Chinn of the AGO.

8. By allowing Petitioner's March 19 Pleadings into the record, the Board would prejudice the AGO. The Board would give Petitioner nine more days that the AGO to submit post-hearing public comments and testimony. The Board would also give Petitioner a chance to respond to the AGO's post-hearing public comments without giving the AGO the in-kind opportunity to respond to Petitioner's post-hearing public comments.

9. Therefore, the AGO requests that the Pollution Control Board do the following:

- a. Deny Petitioner's Motion for Leave to File Response;
- b. Strike Petitioner's Response to Attorney General's Office Public Comment from the record;
- c. Deny Petitioner's Motion to Supplement Record; and
- d. Strike the documents attached to the Motion to Supplement from the record.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN
Attorney General
State of Illinois

BY:

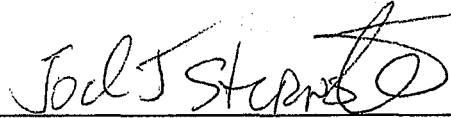


JOEL J. STERNSTEIN
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601
(312) 814-6986

DATE: April 2, 2004

CERTIFICATE OF SERVICE

I, JOEL J. STERNSTEIN, an Assistant Attorney General, certify that on the 2nd day of April 2004, I caused to be served by First Class Mail the foregoing Motion to Deny Petitioner's Motion for Leave to File Response; Motion to Strike Petitioner's Response to Attorney General's Office Public Comment; Motion to Deny Motion to Supplement Record; and Motion to Strike Documents Attached to the Motion to Supplement Record to the parties named on the attached Service list, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.



JOEL J. STERNSTEIN