

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUN 06 2006  
STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF: )  
)  
PROPOSED NEW 35 ILL. ADM. CODE 225 )  
CONTROL OF EMISSIONS FROM )  
LARGE COMBUSTION SOURCES )  
35 Ill. Adm. Code 225.100, 200 )  
\_\_\_\_\_ )

R06-25  
(Rulemaking – Air)

NOTICE OF FILING

TO: Those Individuals as Listed on attached Certificate of Service

Please take notice that on June 6, 2006, the undersigned caused to be filed with the Clerk of the Illinois Pollution Control Board the attached **Response to IEPA Motion to Amend Proposal**, a copy of which is herewith served upon you.

Dated this 6<sup>th</sup> day of June, 2006.

Respectfully submitted,

AMEREN ENERGY GENERATING COMPANY  
AMERENENERGY RESOURCES GENERATING  
COMPANY  
ELECTRIC ENERGY, INC.

By: David L. Rieser / DRS  
One of its Attorneys

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77 West Wacker, Suite 4100  
Chicago, Illinois 60601  
Telephone: 312/849-8100

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**RESPONSE TO IEPA MOTION TO AMEND PROPOSAL**

AMEREN ENERGY GENERATING COMPANY, AMERENENERGY RESOURCES GENERATING COMPANY, and ELECTRIC ENERGY, INC (“Respondents”) by and through their attorneys, McGuireWoods, LLP, file this response to the IEPA’s motion to amend its proposal and states as follows:

1. The IEPA filed its motion to amend its proposal on May 23, 2006. Respondents’ review of the amended proposal suggests that it might significantly change the IEPA’s position that stringent mercury controls can be achieved at all EGUs cheaply and quickly and may require changes to testimony from all IEPA witnesses as well as the Technical Support Document filed with the original proposal.

2. As of this time, the IEPA has sought to modify only the testimony of Dr. Stoudt as that testimony relates to the technical feasibility of meeting the IEPA’s proposed rule. Yet even these modifications do not directly address the many technical issues raised by the revised proposal, let alone issues relating to how the rule will be implemented.

3. Whether or not the Board allows the proposal to be amended, the amended language raises many issues relating to each aspect of the proposed rule that can only be resolved through cross-examination of the Agency witnesses. Because the IEPA submitted the proposal after the date Respondents’ pre-filed questions were due, Respondents and other participants are likely to depart significantly from their pre-filed questions, adding both to the complexity of the record as well as the inclusion of information and testimony different from that which the IEPA has previously filed.

4. While Respondents do not object to the IEPA’s motion to amend the proposal, Respondents do request that the Board recognize the difficulty and developing effective and useful

testimony in the time currently allotted by the current Hearing Officer's order. This order requires responsive testimony to be submitted by July 17, only two weeks after the anticipated end of the first hearings and an even less time after the transcripts are available. Respondents respectfully submit that this will not give Respondents and their experts sufficient time to digest the IEPA's newly revised case and determine appropriate and useful testimony in response.

5. Responds therefore request that should the Board allow the amended proposal, that the Board also extend the date for submitting pre-filed testimony before the August 12 hearing to no earlier than July 28. Respondents reserve, and ask the Board to recognize, the right to seek additional extensions of relevant dates from the Hearing Officer at the end of or after the June hearings based on the testimony at the June hearings or should the Agency find it necessary to present additional testimony, including answers to questions, during the August 12 hearings.

WHEREFORE, Respondents do not object to the IEPA's motion to amend its proposal, but respectfully request that the Board extend the filing date for additional testimony as proposed herein.

Respectfully submitted,

AMEREN ENERGY GENERATING COMPANY  
AMERENENERGY RESOURCES GENERATING  
COMPANY  
ELECTRIC ENERGY, INC.

By: David L. Rieser / D.L.R.  
One of its Attorneys

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CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Petitioners, hereby certifies that I served a copy of the attached **Response to IEPA Motion to Amend Proposal** upon those listed below on June 6, 2006 via First Class United States Mail, postage prepaid.

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