#### **BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

AMERENENERGY RESOURCES	)
GENERATING COMPANY	)
	)
Petitioner,	)
	)
ν.	) PCB 14-41
	) (Permit Appeal – Land)
	)
ILLINOIS ENVIRONMENTAL	)
PROTECTION AGENCY,	)
	)
Respondent.	)

#### **NOTICE OF FILING**

TO: Attached Service List

PLEASE TAKE NOTICE that on February 4<sup>th</sup>, 2016, I filed with the Pollution Control Board of the State of Illinois, a **LIMITED WAIVER OF DECISION DEADLINE TO JULY 21, 2016**, on behalf of AmerenEnergy Resources Generating Company, Inc., copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

AMERENENERGY RESOURCES GENERATING COMPANY, INC.

By:

Amy Antoniolli

Amy Antoniolli Deborah Bone SCHIFF HARDIN LLP 233 S. Wacker Drive, Suite 6600 Chicago, Illinois 60606 Phone: (312) 258-5500 Facsimile: (312) 258-5600

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PROTECTION AGENCY,	)
	)
Respondent.	)

PCB 14-41 (Permit Appeal – Land)

#### Respondent.

#### LIMITED WAIVER OF DECISION DEADLINE TO JULY 21, 2016

AmerenEnergy Resources Generating Company ("Petitioner" or "AERG"), by and through its attorneys, SCHIFF HARDIN LLP, pursuant to 35 Ill. Adm. Code 101.308(c)(2), hereby agrees to a limited waiver of the decision deadline for final action by the Illinois Pollution Control Board ("Board") in this proceeding through July 21, 2016. In support of this waiver, Petitioner states as follows:

On November 27, 2013, Petitioner filed a petition for review of the default 1. disapproval, by failure to take action, of AERG's request for beneficial use determination ("BUD"), pursuant to Section 3.135(b) of the Illinois Environmental Protection Act (the "Act") and 40 of the Act (415 ILCS 5/3.135(b) and 5/40) ("Petition for Review").

2. AERG requested the BUD to apply to its use of coal combustion by-product ("CCB") as fill material for the construction of a railroad embankment and a haul road at the Duck Creek Power Generating Station.

The current deadline for this matter is May 19, 2016. 3.

4. Petitioner hereby voluntarily agrees to a limited waiver of the decision deadline through July 21, 2016.

WHEREFORE, Petitioner AERG requests that the Illinois Pollution Control Board accept this limited waiver of the decision deadline for final action on the Petitioner's Petition for Review.

Respectfully submitted,

AMERENENERGY RESOURCES GENERATING COMPANY

by:

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Amy Antoniolli

Dated: February 4, 2016

SCHIFF HARDIN, LLP Amy Antoniolli Deborah Bone 233 South Wacker Drive Suite 6600 Chicago, Illinois 60606 312-258-5500 Fax: 312-258-2600

#### **CERTIFICATE OF SERVICE**

I, the undersigned, certify that on this 4<sup>th</sup> day of February, 2016, I have electronically served a true and correct copy of the attached **LIMITED WAIVER OF DECISION DEADLINE TO JULY 21, 2016**, on behalf of AmerenEnergy Resources Generating Company, Inc., upon the following persons:

John Therriault, Clerk Illinois Pollution Control Board James R. Thompson Center Suite 11-500 100 West Randolph Chicago, Illinois 60601 John.therriault@illinois.gov Carol Webb Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue East Springfield, Illinois 62794 Carol.webb@illinois.gov

My e-mail address is <u>aantoniolli@schiffhardin.com</u>. The number of pages in the e-mail transmission is 5. The email transmission took place before 5:00pm.

I further certify that I served a true and correct copy of the attached **LIMITED WAIVER OF DECISION DEADLINE TO JULY 21, 2016**, on behalf of AmerenEnergy Resources Generating Company, by first class mail, postage affixed, upon:

Raymond J. Callery Assistant Attorney General Environmental Bureau 500 South Second Street Springfield, Illinois 62706

Illinois Environmental Protection Agency Division of Legal Counsel 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794

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Amy Antoniolli

#### SERVICE LIST

John T. Therriault Clerk of the Board Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Street, Suite 11-500 Chicago, Illinois 60601

Carol Webb Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue East Springfield, Illinois 62794

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Raymond J. Callery Assistant Attorney General Environmental Bureau 500 South Second Street Springfield, Illinois 62706

Illinois Environmental Protection Agency Division of Legal Counsel 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794