Electronic Filing - Received, Clerk's Office: 07/20/2016

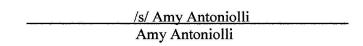
### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:	)	
	)	
SITE-SPECIFIC RULE FOR THE	)	R13-19
CLOSURE OF AMEREN ENERGY	)	(Rulemaking – Land)
RESOURCES ASH PONDS:	)	
PROPOSED NEW 35 ILL. ADM.	)	
CODE 840, SUBPART B	)	

## **NOTICE OF FILING**

To: ALL PARTIES ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the attached STATUS UPDATE AND REQUEST FOR CONTINUED STAY, copies of which are herewith served upon you.



Dated: July 20, 2016

Renee Cipriano Amy Antoniolli SCHIFF HARDIN LLP 233 South Wacker Drive Suite 6600 Chicago, Illinois 60606 312-258-5500 Electronic Filing - Received, Clerk's Office: 07/20/2016

#### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:	)	
	)	
SITE-SPECIFIC RULE FOR THE	)	R13-19
CLOSURE OF AMEREN COMPANY	)	(Rulemaking – Land)
ASH PONDS: PROPOSED NEW 35	)	
ILL. ADM. CODE 840, SUBPART B	)	

### STATUS UPDATE AND REQUEST FOR CONTINUED STAY

NOW COME, AmerenEnergy Medina Valley Cogen, LLC ("Medina Valley"), and Illinois Power Resources, LLC ("IPR"), together by and through their attorneys, Schiff Hardin LLP, and pursuant to 35 Ill. Adm. Code 102.400 and 101.Subpart C. On July 25, 2013, the Illinois Pollution Control Board ("Board") granted a request for a stay of this site-specific rulemaking during the development and pendency of a separate rulemaking proposal to be filed by the Illinois Environmental Protection Agency ("IEPA"). On October 28, 2013, IEPA filed a proposal for a generally-applicable rule regarding groundwater monitoring, corrective action, and the closure of coal combustion waste surface impoundments at power generating facilities. *In the Matter of Coal Combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841*, R14-10. On August 7, 2014, the Board granted a request by Medina Valley and IPR to extend the stay for an additional year.

On August 5, 2015, IEPA requested an indefinite stay in R14-10 awaiting the outcome of pending Congressional legislation and recently-filed appeals of the federal coal combustion residuals rule. These actions may have a significant effect on the scope and contents of the proposed state rules under consideration in this docket. Though the Board declined to grant IEPA's request for an indefinite stay, on November 5, 2015, the Board stayed consideration of R14-10, for 120 days to March 4, 2016. On March 4, 2016, IEPA again asked the Board to stay

Electronic Filina - Received, Clerk's Office: 07/20/2016

the proceeding and the IPCB granted a stay extension through June 15, 2016, which was again

extended to July 15, 2016. On July 15, 2016, IEPA moved to amend the rulemaking proposal

and filed a revised proposal, stating that it substantially reduces the requirements found in the

July 2014 draft proposal. On the same day, environmental groups filed a status report stating

they still support a comprehensive set of rules governing coal ash in Illinois. Based on the

differences between the requests of IEPA and the environmental groups, IPR and Medina Valley

ask the Board to extend the stay in this docket until there is better clarity regarding the direction

of docket R14-10.

WHEREFORE, IPR and Medina Valley respectfully request that the Board continue to

maintain the stay of this docket until such time as more certainty develops with respect to the

rulemaking proposal coal ash surface impoundments in R14-10.

Respectfully submitted,

Illinois Power Resources, LLC and AmerenEnergy

Medina Valley Cogen, LLC,

by:

/s/ Amy Antoniolli

Amy Antoniolli

Dated: July 20, 2016

Renee Cipriano Amy Antoniolli SCHIFF HARDIN LLP 233 South Wacker Drive, Suite 6600

Chicago, Illinois 60606

Tel: 312-258-5500

Fax: 312-258-5600

2

Electronic Filing - Received, Clerk's Office: 07/20/2016

## **CERTIFICATE OF SERVICE**

I, the undersigned, certify that on this 20<sup>th</sup> day of July, 2016, I have electronically served the attached STATUS UPDATE AND REQUEST FOR CONTINUED STAY, on behalf of AmerenEnergy Medina Valley Cogen, L.L.C. and Illinois Power Resources, L.L.C., upon Mr. Tim Fox, Hearing Officer of the Illinois Pollution Control Board at the email address of tim.fox@illinois.gov:

My e-mail address is aantoniolli@schiffhardin.com; The number of pages in the e-mail transmission is 6. The e-mail transmission took place before 5:00 p.m.

I further certify that on this 20<sup>th</sup> day of July, 2016, I have served the attached **STATUS UPDATE AND REQUEST FOR CONTINUED STAY**, on behalf of AmerenEnergy Medina Valley Cogen, L.L.C. and Illinois Power Resources, L.L.C., by first class mail upon the persons on the attached service list.

/s/ Amy Antoniolli			

Amy Antoniolli

Renee Cipriano Amy Antoniolli SCHIFF HARDIN LLP 233 South Wacker Drive, Suite 6600 Chicago, Illinois 60606 312-258-5500

# Electronic Filing - Received, Clerk's Office : 07/20/2016

SERVICE LIST		
Tim Fox, Hearing Officer Illinois Pollution Control Board James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601 therriaj@ipcb.state.il.us	Joanne Olson Division of Legal Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue, East P.O. Box 19276 Springfield, Illinois 62794-9276	
Office of Legal Services Illinois Department of Natural Resources One Natural Resources Way Springfield IL 62702-1271	Division Chief of Environmental Enforcement Office of the Attorney General 100 West Randolph St., Suite 1200 Chicago IL 60601	
Jennifer L. Cassel Jessica Dexter Environmental Law and Policy Center 35 East Wacker Drive, Suite 1600 Chicago, IL 60601	Mark Bilut McDermott, Will & Emery Grand Tower Energy Center, LLC 227 West Monroe Street Chicago, IL 60606	
Faith Bugel Interested Party 1004 Mohawk Wilmette, IL 60091		