

ILLINOIS POLLUTION CONTROL BOARD  
June 30, 2009

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JUN 30 2009

IN THE MATTER OF: )  
)  
AMEREN ASH POND CLOSURE RULES ) R09-21  
(HUTSONVILLE POWER STATION): ) (Rulemaking - Land)  
PROPOSED 35 ILL. ADM. CODE 840.101 )  
THROUGH 840.144 )

STATE OF ILLINOIS  
Pollution Control Board

**NOTICE OF HEARING**

DATE, TIME, AND LOCATION:

TUESDAY, SEPTEMBER 29, 2009

8:30 AM  
Crawford County Courthouse Annex  
County Board Room, Second Floor  
100 Douglas St. (directly east of Court House at corner of Douglas and Main Streets)  
Robinson, Illinois

AND, IF BUSINESS REMAINS AT THE END OF THE HEARING ON THAT DAY,  
CONTINUING ON WEDNESDAY, SEPTEMBER 30, 2009, AT 8:30 AM AT THE  
SAME LOCATION.

PURPOSE OF HEARING: Merit and Economic  
ATTENDING BOARD MEMBER: Andrea S. Moore  
HEARING OFFICER: Timothy J. Fox

**HEARING OFFICER ORDER**

On May 19, 2009, Ameren Energy Generating Company (Ameren) filed a proposal (Prop.) for site-specific rulemaking. Ameren proposes a new subchapter in the Board's waste disposal regulations to address the closure of surface impoundments. Specifically, Ameren seeks the adoption of regulations through which it can close Ash Pond D at its Hutsonville Power Station (Station) near Hutsonville, Crawford County. In an order dated June 18, 2009, the Board accepted the proposal for hearing and directed the hearing officer to proceed to hearing.

The Board will conduct one hearing in order to allow the proponent and any other interested participants the opportunity to present testimony on the merits and economic impact of the proposed site-specific rule. At hearing, all persons who testify will be sworn in and subject to questioning. The Board will also receive any testimony on any economic impact study (EcIS)

conducted by the Department of Commerce and Economic Opportunity (DCEO) on the proposed rules or on DCEO's decision not to perform an EcIS.

In setting hearing dates, the Board first considered its general workload and the days of rulemaking hearings it had previously scheduled. Then, in a hearing officer order dated June 19, 2009, the Board proposed four specific hearing dates and directed participants to indicate through electronic mail to the hearing officer by June 29, 2009 any of those four proposed dates on which they would not be available. Based on responses from Ameren and the Illinois Environmental Protection Agency, and as indicated in the notice above, the hearing will begin on Tuesday, September 29, 2009, and, if business remains at the end of hearing on that day, will continue on Wednesday, September 30, 2009.

### **Pre-Filing Deadlines**

Participants who intend to testify at hearing are urged to pre-file their testimony and are directed to serve pre-filed testimony on all persons on the Service List. Before filing pre-filed testimony or any other document with the Clerk, please check with the hearing officer or the Board's Clerk to obtain the most recent version of the Service List.

Participants who wish to testify at the hearing are directed to pre-file all of their testimony and any related exhibits no later than Tuesday, August 18, 2009. In order to expedite the hearing, participants are directed to pre-file questions based on pre-filed testimony no later than Tuesday, September 1, 2009. Participants whose pre-filed testimony elicits pre-filed questions are directed to pre-file written answers to those questions no later than Tuesday, September 15, 2009.

The "mailbox rule" at 35 Ill. Adm. Code 101.300(b)(2) does not apply to the filing of any of this pre-filed testimony or pre-filed questions, and the Board's Clerk must receive these documents before the close of business on the specified dates. However, documents may be filed electronically through the Clerk's Office On-Line (COOL) from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

### **Order of Hearing**

At hearing, all pre-filed testimony will be entered into the record as if read. *See* 35 Ill. Adm. Code 102.424(f). The hearing officer presently intends to begin the hearing by allowing Ameren as the proponent to present the pre-filed testimony of all of its witnesses. A witness may offer a brief summary of pre-filed testimony if he or she wishes to provide one before turning to any follow-up questions based on pre-filed answers. The hearing officer intends to allow any participant to ask follow-up questions and, after addressing pre-filed questions and answers, to allow participants who have not pre-filed questions to ask them.

After Ameren addresses questions from other participants, others who have pre-filed testimony will testify. Participants who do not pre-file testimony will be allowed to testify after the conclusion of pre-filed testimony and questions based upon it.

Any participant who wishes to offer a public comment at the hearing will be allowed to do so at the close of pre-filed testimony and questions based upon it. In addition, the Board's procedural rules include an opportunity to file post-hearing comments. See 35 Ill. Adm. Code 102.108(b). Those rules also provide that, during any first notice period, "[t]he Board will accept written comments from any person concerning the proposed." 35 Ill. Adm. Code 102.604.

### **Service and Notice Lists**

The Service List for this rulemaking is the list of persons who wish to participate actively in this proceeding and to receive not only the Board's opinions and orders but also other filings such as pre-filed testimony and public comments. The Notice List includes participants who wish to receive only the Board's opinions and orders and hearing officer orders.

Note that interested persons may now request electronic notice of filings by providing their e-mail address through COOL under this docket number R09-21. This electronic notice includes notice of the filing of documents that are not typically provided to persons on the Notice List. In addition, COOL provides links to documents filed with the Board, and those documents can be viewed, downloaded, and printed free of charge as soon as they are posted to the Board's Web site. For more information about the option of electronic notice or COOL, please consult either the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us) or John Therriault, the Board's Assistant Clerk, at (312) 814-3629.

IT IS SO ORDERED.



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Timothy J. Fox  
Hearing Officer  
Illinois Pollution Control Board  
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foxt@ipcb.state.il.us