

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:

**SITE-SPECIFIC RULE FOR THE
CLOSURE OF AMEREN COMPANY
ASH PONDS: PROPOSED NEW 35
ILL. ADM. CODE 840, SUBPART B**

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**R13-19
(Rulemaking – Land)**

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 MOTION TO WITHDRAW PROPOSAL**, copies of which are herewith served upon you.

/s/ Amy Antonioli
Amy Antonioli

Dated: August 1, 2017

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)
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SITE-SPECIFIC RULE FOR THE) **R13-19**
CLOSURE OF AMEREN COMPANY) **(Rulemaking – Land)**
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STATUS UPDATE AND MOTION TO WITHDRAW PROPOSAL

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. Medina Valley and IPR withdraw this site-specific rulemaking proposal and respectfully move the Board to close this docket.

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 of this rulemaking for an additional year.

On August 5, 2015, IEPA requested an indefinite stay in docket R14-10, awaiting the outcome of then-pending federal legislation addressing coal combustion residuals (“CCR”) and appeals of the recently promulgated federal CCR rule (40 CFR 257 *et al.*). Though the Board

declined to grant IEPA's request for an indefinite stay, the Board granted a limited stay, requiring periodic status updates. The proposal in R14-10 has not yet proceeded to first notice.

Because of the circumstances in R14-10 and to conserve resources, the Board extended the stay of this site-specific rulemaking through August 2, 2017 and directed the proponents to file a status update at the conclusion of the extended stay describing the progress of this docket and any need for an extension of the stay.

On December 16, 2016, the Water Infrastructure Improvements for the Nation (WIIN) Act providing for USEPA approval of state programs for the control of CCRs was signed into law. Taking into consideration the federal CCR rule and the WIIN Act's authorization for a state CCR program that would operate in lieu of the federal CCR rule, Medina Valley and IPR withdraw this site-specific rulemaking proposal and move the Board to close this docket.

WHEREFORE, IPR and Medina Valley withdraw this site-specific rulemaking proposal and respectfully move the Board to close the docket in R13-19.

Respectfully submitted,

Illinois Power Resources, LLC and AmerenEnergy
Medina Valley Cogen, LLC,

by: /s/ Amy Antonioli

Amy Antonioli

Dated: August 1, 2017

Renee Cipriano
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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 1ST day of August, 2017, I have electronically served the attached **STATUS UPDATE AND MOTION TO WITHDRAW PROPOSAL**, 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 5.
The e-mail transmission took place before 5:00 p.m.

I further certify that on this 1ST day of August, 2017, I have served the attached **STATUS UPDATE AND MOTION TO WITHDRAW PROPOSAL**, 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 Antonioli

Amy Antonioli

Renee Cipriano
Amy Antonioli
SCHIFF HARDIN LLP
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