

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:

**SITE-SPECIFIC RULE FOR THE
CLOSURE OF AMEREN ENERGY
RESOURCES 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 **MOTION TO STAY PROCEEDINGS**, copies of which are herewith served upon you.



Amy Antonioli

Dated: July 1, 2013

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

MOTION TO STAY PROCEEDINGS

NOW COMES, Ameren Energy Resources, LLC, on behalf of Ameren Energy Resources Generating, AmerenEnergy Generating Company, and Electric Energy, Inc. (“AER” or “the Company”), by and through its attorneys, Schiff Hardin LLP, and pursuant to 35 Ill. Adm. Code 101.514, moves the Illinois Pollution Control Board (“Board”) to grant AER’s Motion to Stay Proceedings (“Motion”) in the above-captioned matter as outlined below. In support of the Motion, AER states as follows:

In the absence of regulations for the closure of ash impoundments at steam electric generating facilities in Illinois, AER voluntarily came forward to the Board with a comprehensive approach to address 16 ash impoundments at 8 electric generating stations owned and operated by AER. The site specific rulemaking filed in this docket was the product of a tremendous amount of work and was developed to provide a clear framework to address ash impoundments owned and operated by AER in a protective and synchronized fashion. Prior to filing the proposal for rulemaking in this docket, AER entered into productive discussions with the Illinois Environmental Protection Agency (“Agency”) regarding the proposed rule language. Discussions continued after AER filed its site-specific rulemaking proposal on April 9, 2013. Recognizing a need for such rules, the Agency conveyed its intent to propose a rule that would apply state-wide to regulate the closure of all qualifying ash surface impoundments in Illinois.

On June 12, 2013, the Agency indeed distributed to stakeholders draft language for a generally-applicable rule regulating groundwater monitoring, corrective action, and the closure of coal combustion waste surface impoundments at power generating facilities. Along with the draft proposal, the Agency circulated a notice of stakeholder meeting to be held on June 27, 2013, at which the Agency would receive comment on the draft rules.

AER commends the Agency's efforts to initiate a state-wide regulatory framework for the operation, maintenance and closure of coal combustion waste surface impoundments. At this time, however, AER cannot predict how the draft rulemaking language may change over time and whether the Agency's ultimate proposal will sufficiently address AER's circumstances and needs. Because there may nevertheless be a need for the site-specific rule in the future, AER moves the Board to stay the proceedings in this docket for an indefinite period of time with periodic status conferences to be held every three months, or as otherwise directed by the hearing officer, to monitor the progress of the general rulemaking and assess AER's continued need for stay. AER will move the Board to lift the stay upon either the final disposition of the general rulemaking proceeding or at such time as AER determines it necessary to proceed with the site-specific rulemaking or dismiss the proposal.

WHEREFORE, AER respectfully requests that the Board grant its Motion to Stay Proceedings in this docket.

Respectfully submitted,

AMEREN ENERGY RESOURCES, LLC

by:


One of its attorneys

Dated: July 1, 2013

Renee Cipriano
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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 1st day of July, 2013, I have electronically served the attached **MOTION TO STAY PROCEEDINGS**, upon the following persons:

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

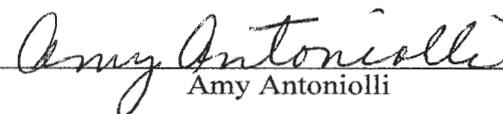
and by first class mail, postage affixed, upon:

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