

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
COAL COMBUSTION WASTE (CCW))	R14-10
ASH PONDS AND SURFACE)	(Rulemaking – Water)
IMPOUNDMENTS AT POWER)	
GENERATING FACILITIES: PROPOSED)	
NEW 35 ILL. ADM. CODE 841)	

NOTICE OF FILING

To: ALL PARTIES ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the attached **PROPOSED AMENDMENTS OF AMEREN MISSOURI AND AMERENENERGY MEDINA VALLEY COGEN, LLC**, copies of which are herewith served upon you.



Amy Antonioli

Dated: July 21, 2014

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

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**PROPOSED AMENDMENTS OF AMEREN MISSOURI AND AMERENENERGY
MEDINA VALLEY COGEN, LLC**

Participants Ameren Missouri and AmerenEnergy Medina Valley Cogen, LLC (“Ameren”), by their attorneys, Schiff Hardin, LLP, propose to the Illinois Pollution Control Board (“Board”) amendments to 35 Ill. Adm. Code 841.105 and 841.110. Ameren respectfully requests that the Board adopt the proposed language attached hereto as Attachment A in its first notice opinion and order.

The proposed language limits the applicability of Part 841 to the surface impoundments at Ameren’s Venice and Hutsonville Power Stations which are subject to closure plans approved by the Illinois Environmental Protection Agency (“Agency” or “IEPA”) prior to the effective date of Part 841. Rather than potentially having to resubmit closure plans for these facilities, the proposed language deems and closure plans approved by the Agency, and any post-closure care plans included in those closure plans, to satisfy the requirements of Part 841. Ameren has voluntarily closed, under IEPA oversight, surface impoundments at the Venice Power Station and is currently working with IEPA towards the closure of the balance of surface impoundments (other than Pond D) at the Hutsonville Power Station (Ameren reported on the status of closure of Pond D in testimony filed with the Board on April 9, 2014). Ameren has voluntarily invested an enormous amount of time, investigation, and money in responsibly closing the Venice ponds and seeks assurance in this rulemaking that those efforts are recognized.

The Agency approved a closure plan for Ponds 2 and 3 at Venice Power Station on May 6, 2011. Cap construction initiated in August 2011 and completed on October 31, 2012. The closure plan established a groundwater management zone, included a groundwater monitoring plan, and approved closure in place, incorporating a geosynthetic membrane cap. A post-closure care plan for the long-term maintenance of the closed impoundments is approved as part of the closure plan. The proposed language clarifies that the surface impoundments are subject to Part 841, but that neither the closure plan, nor the post-closure care plan that it includes, need to be resubmitted or reapproved. In accordance with the proposed amendments, Ameren will comply with post-closure care maintenance and annual reporting requirements at Venice under Part 841, provided that groundwater monitoring and site inspections are conducted as set forth in the approved closure plan.

Ameren is also proceeding towards voluntarily closing the remaining ash ponds at Hutsonville Power Station. Ameren filed a site-specific rulemaking in May 2013 for the precise purpose of closing a number of surface impoundments at Ameren facilities in Illinois, including Hutsonville Ponds A, B, and C (R13-19). The site-specific rulemaking is stayed pending the outcome of this docket. However, this docket is proceeding slower than anticipated. As a result, Ameren is pursuing the voluntary closure of the surface impoundments at Hutsonville in consultation with IEPA. Ameren anticipates adhering to the requirements in the Agency's proposed Part 841, but seeks assurance that it can rely on the requirements approved in its closure plan, should that approval occur prior to the effective date of the proposed rules, in the event that the proposed rule language is further amended at some point in the future. This allows Ameren regulatory certainty without penalizing the company for proceeding in a timely manner to close the surface impoundments.

WHEREFORE, Ameren respectfully requests that the Board adopt Ameren's proposed amendments to 35 Ill. Adm. Code 841.105 and 841.110, attached hereto as Attachment A, in its first notice opinion and order.

Respectfully submitted,

A handwritten signature in blue ink that reads "Amy Antonioli". The signature is written in a cursive style and is placed on a light yellow rectangular background.

Ameren Missouri and AmerenEnergy Medina Valley Cogen, LLC

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Attachment A

Section 841.105 Applicability

- a) Except as specified in subsection (b) of this Section, this Part applies to all surface impoundments at power generating facilities containing coal combustion waste or leachate from coal combustion waste that are:
 - 1) operated on or after the effective date of these rules, or
 - 2) not operated after the effective date of these rules, but whose coal combustion waste or leachate from coal combustion waste causes or contributes to an exceedence of the groundwater quality standards on or after the effective date of these rules.
- b) This Part does not apply to any surface impoundment unit:
 - 1) operated under a solid waste landfill permit issued by the Agency;
 - 2) operated pursuant to procedural requirements for a landfill exempt from permits under 35 Ill. Adm. Code 815;
 - 3) subject to 35 Ill. Adm. Code 840;
 - 4) used to store coal combustion waste or leachate from coal combustion waste when all of the following conditions are met:
 - A) at least two feet of material with a permeability equal or superior to 1 X 10(-7) centimeters per second, or an equivalent synthetic liner lines the bottom of the unit;
 - B) the coal combustion waste or leachate from coal combustion waste remains in the unit for no longer than one year; and
 - C) the unit's maximum volume is no more than 25 cubic yards; or
 - 5) that does not contain more than one cubic yard of CCW and is³ used to only collect stormwater runoff, which does not contain leachate.

BOARD NOTE: A unit not subject to this Part should maintain records demonstrating how the exemption in subsection (b) applies or how the unit is outside the scope of application set forth in subsection (a).⁴

- c) For a surface impoundment unit at the Hutsonville Power Station (other than Pond D subject to 35 Ill. Adm. Code 840) or the Venice Power Station where a closure plan has been approved by the Agency prior to the effective date of this Part, the provisions of this Part shall only apply with respect to the requirements for post-closure care, including maintenance, reporting, certification, review and approval. Closure plans approved by the Agency as of the effective date of this Part shall be deemed to meet the requirements of Section 841.410. A plan for post-closure care, approved as part of the closure plan, is not required to be re-submitted for approval. Groundwater monitoring and site inspections shall be conducted as approved in the closure plan for the duration of the post-closure care period set forth in that plan.

Attachment A

Section 841.110 Definitions

"Hutsonville Power Station" means the electric generating station located at 15142 East 1900 Avenue, Hutsonville, Crawford County, Illinois.

"Venice Power Station" means the electric generating station located at 701 Main Street, Venice, St. Clair County, Illinois.

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 21st day of July, 2014, I have served the attached **PROPOSED AMENDMENTS OF AMEREN MISSOURI AND AMERENENERGY MEDINA VALLEY COGEN, LLC**, by first class mail, postage affixed, upon the persons on the attached service list.



Amy Antonioli

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<u>SERVICE LIST</u>	
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