

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AMEREN ENERGY RESOURCES)
GENERATING COMPANY,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB No. 14-41
(Permit Appeal - Land)

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that on February 14, 2014, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, c/o John T. Therriault, Assistant Clerk, James R. Thompson Center, 100 W. Randolph St., Ste. 11-500, Chicago, IL 60601, OBJECTION TO MOTION TO STRIKE ADMINISTRATIVE RECORD, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 

Raymond J. Callery
Assistant Attorney General
Environmental Bureau

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Springfield, Illinois 62706
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vs.)	PCB No. 14-41
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OBJECTION TO MOTION TO STRIKE ADMINISTRATIVE RECORD

Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by LISA MADIGAN, Attorney General of Illinois, hereby objects to Petitioner, Ameren Energy Resource Generating Company's ("AERG"), Motion to Strike Administrative Record, and states as follows:

1. AERG moves to strike the September 12, 2013 Memorandum ("Memorandum") (Rec. pp. 243-255) allegedly because it is "not properly part of the Administrative Record."
2. In August 2013, AERG requested Illinois EPA approval for the rail spur and haul road it constructed in 2005-2006 with coal combustion waste.
3. As is stated in the Memorandum, it was prepared in response to AERG's August 2013 request seeking approval of the rail spur and haul road.
4. The Memorandum summarizes the Agency position ("it cannot approve the Beneficial Use Determination for the ash fill at the Duck Creek rail spur/haul road . . .", Rec. p. 251).
5. The Memorandum raises no new matters and only responds to the

arguments asserted by AERG in its August 2013 request.

6. Related to this matter is Pollution Control Board Case No. 13-41 in which extensive discovery has been done, including discovery related to AERG's decision to proceed with the construction of the rail spur and haul road without approval.

7. In support of the recommendation to deny the beneficial use request, the Memorandum cites groundwater contact with the ash fill material and exceedances of the Class I, Groundwater Quality Standards (Rec. pp. 249-253).

8. It would be inappropriate for the Illinois EPA to not include the September 12, 2013 Memorandum with the record filed in this case.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

LISA MADIGAN
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
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BY: 

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CERTIFICATE OF SERVICE

I hereby certify that I did on February 14, 2014, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING and OBJECTION TO MOTION TO STRIKE ADMINISTRATIVE RECORD to the following:

Amy Antonioli
Deborah Bone
SCHIFF HARDIN LLP
233 S. Wacker Drive, Suite 6600
Chicago, IL 60606

Carol Webb
Hearing Officer
1021 North Grand Avenue East
Springfield, IL 62794

A handwritten signature in black ink, appearing to read "Raymond J. Callery", written over a horizontal line.

Raymond J. Callery
Assistant Attorney General

This filing is submitted on recycled paper.