

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

AMEREN ENERGY GENERATING COMPANY,

Respondent.

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**PCB 13-41
(Enforcement - Land)**

NOTICE OF FILING

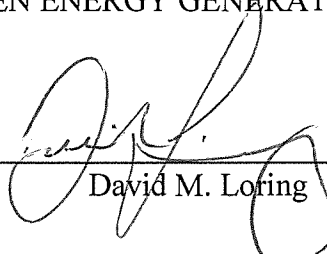
TO: Attached Service List

PLEASE TAKE NOTICE that on February 8, 2013, I filed with the Pollution Control Board of the State of Illinois, an ENTRY OF APPEARANCE and AMEREN ENERGY GENERATING COMPANY'S MOTION TO DISMISS FOR FAILURE TO IDENTIFY PROPER LEGAL PARTY, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

AMEREN ENERGY GENERATING COMPANY

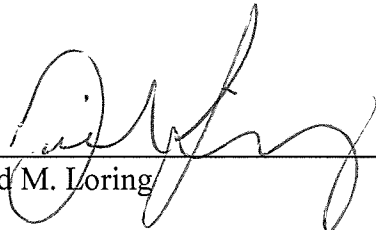
By: _____


David M. Loring

Renee Cipriano
David M. Loring
SCHIFF HARDIN LLP
233 S. Wacker Drive, Suite 6600
Chicago, Illinois 60606
Phone: (312) 258-5500
Facsimile: (312) 258-5600

CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2013, I caused to be served a true and correct copy of the following instruments entitled NOTICE OF FILING, ENTRY OF APPEARANCE, and AMEREN ENERGY GENERATING COMPANY'S MOTION TO DISMISS FOR FAILURE TO IDENTIFY PROPER LEGAL PARTY, upon the persons on the service list below.



David M. Loring

SERVICE LIST

ELECTRONICALLY

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

**ELECTRONICALLY AND
VIA CERTIFIED MAIL**

Raymond J. Callery
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

**ELECTRONICALLY AND
VIA CERTIFIED MAIL**

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, Illinois 62794

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

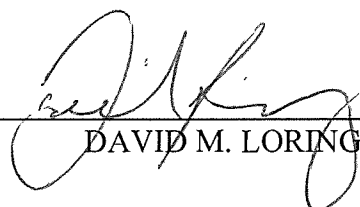
PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 13-41
)	(Enforcement - Land)
AMEREN ENERGY GENERATING COMPANY,)	
)	
Respondent.)	

ENTRY OF APPEARANCE

On behalf of the Respondent, AMEREN ENERGY GENERATING COMPANY,
David M. Loring hereby enters his appearance as attorney of record.

Respectfully submitted,

AMEREN ENERGY GENERATING COMPANY

By: _____
DAVID M. LORING

Dated: February 8, 2013

Renee Cipriano
David M. Loring
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
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**AMEREN ENERGY GENERATING COMPANY'S
MOTION TO DISMISS FOR FAILURE TO IDENTIFY PROPER LEGAL PARTY**

Respondent Ameren Energy Generating Company ("AEG"), by its attorneys, respectfully moves this Board to dismiss the Complaint in the above-captioned matter, pursuant to Illinois Pollution Control Board Procedural Rule 101.506, 35 Ill. Adm. Code 101.506. In support of its Motion to Dismiss, AEG states as follows:

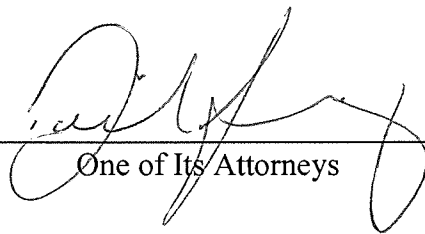
1. The Complaint alleges that "Ameren Energy Generating Company, Inc." is the "owner of the Duck Creek Power Generating Station located at 17751 North Cilco Road, Canton, Fulton County, Illinois" (the "Site"). (Compl. ¶¶ 4, 5).
2. As the alleged owner of the Site, Count I of the Complaint alleges that AEG violated Section 21(a) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/21(a), because it "caused or allowed the open dumping of Coal Combustion Waste" at the Site. (Compl. Count I, ¶ 24).
3. As the alleged owner of the Site, Count II of the Complaint alleges that AEG "conducted a waste-storage and waste-disposal operation at the Site" in violation of Section 21(e) of the Act, 415 ILCS 5/21(e). (Compl. Count II, ¶ 26).

4. As the alleged operator of the Site, Count III of the Complaint alleges that AEG “operated a CCW disposal site without a permit” in violation of Section 21(r) of the Act, 415 ILCS 5/21(r). (Compl. Count III, ¶ 24).
5. AEG is not, nor has AEG ever been, the owner or operator of the Site. The Duck Creek Energy Center is owned by an affiliate of AEG but that company is a separate and distinct legal entity from AEG (a review of public databases such as the Illinois Environmental Protection Agency website identifies the facilities for which AEG is the owner and permit holder). Therefore, AEG could not have caused the violations alleged in Counts I, II or III of the Complaint.

WHEREFORE, Respondent respectfully requests that this Board grant its Motion to Dismiss and enter an order dismissing this action as to Ameren Energy Generating Company with prejudice as AEG is not a proper party to this matter.

Respectfully submitted,

AMEREN ENERGY GENERATING COMPANY

By: _____
One of Its Attorneys

Dated: February 8, 2013

Renee Cipriano
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