

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

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 REQUEST FOR CONTINUED STAY**, copies of which are herewith served upon you.

/s/ Amy Antonioli
Amy Antonioli

Dated: July 20, 2016

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)	

STATUS UPDATE AND REQUEST FOR CONTINUED STAY

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. 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 for an additional year.

On August 5, 2015, IEPA requested an indefinite stay in R14-10 awaiting the outcome of pending Congressional legislation and recently-filed appeals of the federal coal combustion residuals rule. These actions may have a significant effect on the scope and contents of the proposed state rules under consideration in this docket. Though the Board declined to grant IEPA’s request for an indefinite stay, on November 5, 2015, the Board stayed consideration of R14-10, for 120 days to March 4, 2016. On March 4, 2016, IEPA again asked the Board to stay

<u>SERVICE LIST</u>	
Tim Fox, Hearing Officer Illinois Pollution Control Board James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601 therriaj@ipcb.state.il.us	Joanne Olson Division of Legal Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue, East P.O. Box 19276 Springfield, Illinois 62794-9276
Office of Legal Services Illinois Department of Natural Resources One Natural Resources Way Springfield IL 62702-1271	Division Chief of Environmental Enforcement Office of the Attorney General 100 West Randolph St., Suite 1200 Chicago IL 60601
Jennifer L. Cassel Jessica Dexter Environmental Law and Policy Center 35 East Wacker Drive, Suite 1600 Chicago, IL 60601	Mark Bilut McDermott, Will & Emery Grand Tower Energy Center, LLC 227 West Monroe Street Chicago, IL 60606
Faith Bugel Interested Party 1004 Mohawk Wilmette, IL 60091	