

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
 PETITION OF MIDWEST) AS 19-1
 GENERATION, LLC FOR AN) (Adjusted Standard – RCRA)
 ADJUSTED STANDARD FROM 35 ILL.)
 ADM. CODE PARTS 811 AND 814)

NOTICE OF FILING

To:

Don Brown, Clerk of the Board Illinois Pollution Control Board James R. Thompson Center, Suite 11-500 100 W. Randolph Street Chicago, IL 60601 don.brown@illinois.gov	Michelle M. Ryan, Assistant Counsel Illinois Environmental Protection Agency 1021 N. Grand Avenue East P.O. Box 19276 Springfield, IL 62794 michelle.ryan@illinois.gov
Bradley P. Halloran, Hearing Officer Illinois Pollution Control Board 100 West Randolph Street Suite 11-500 Chicago, IL 60601 brad.halloran@illinois.gov	Jennifer Cassel Earthjustice 1010 Lake Street, Suite 200 Oak Park, IL 60301 jcassel@earthjustice.org

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board Petitioner, Exhibit 1 to Petitioner, Midwest Generation, LLC's Response to the Supplemental Public Comments by Citizens Against Ruining the Environment et al. on the Petition for Adjusted Standard, a copy of which is herewith served upon you.

Dated: July 2, 2019

MIDWEST GENERATION, LLC



By: _____

Kristen L. Gale
 Susan M. Franzetti
 NIJMAN FRANZETTI LLP
 10 South LaSalle Street Suite 3600
 Chicago, IL 60603
 (312) 251-5255

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing and Exhibit 1 to Petitioner, Midwest Generation, LLC's Response to the Supplemental Public Comments by Citizens Against Ruining the Environment et al. on the Petition for Adjusted Standard was electronically filed on July 2, 2019 with the following:

Don Brown, Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601
don.brown@illinois.gov

and that a true copy was emailed on July 2, 2019 to the parties listed on the above foregoing Service List.

Dated: July 2, 2019



Kristen L. Gale
Susan M. Franzetti
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10 S. LaSalle Street, Suite 3600
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EXHIBIT 1

1 AN ACT concerning coal ash.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 changing Sections 3.140, 21, 39, and 40 and by adding Sections
6 3.142, 3.143, and 22.59 as follows:

7 (415 ILCS 5/3.140) (was 415 ILCS 5/3.76)

8 Sec. 3.140. Coal combustion waste. "Coal combustion waste"
9 means any CCR or any fly ash, bottom ash, slag, or flue gas or
10 fluid bed boiler desulfurization by-products generated as a
11 result of the combustion of:

12 (1) coal, or

13 (2) coal in combination with: (i) fuel grade petroleum
14 coke, (ii) other fossil fuel, or (iii) both fuel grade
15 petroleum coke and other fossil fuel, or

16 (3) coal (with or without: (i) fuel grade petroleum coke,
17 (ii) other fossil fuel, or (iii) both fuel grade petroleum coke
18 and other fossil fuel) in combination with no more than 20% of
19 tire derived fuel or wood or other materials by weight of the
20 materials combusted; provided that the coal is burned with
21 other materials, the Agency has made a written determination
22 that the storage or disposal of the resultant wastes in
23 accordance with the provisions of item (r) of Section 21 would

1 requirements adopted by the Board under this Act. Complete
2 removal of CCR, as specified by the Board's rules, from the CCR
3 surface impoundment must be considered and analyzed. Section
4 3.405 does not apply to the Board's rules specifying complete
5 removal of CCR. The selected closure method must ensure
6 compliance with regulations adopted by the Board pursuant to
7 this Section.

8 (e) Owners or operators of CCR surface impoundments who
9 have submitted a closure plan to the Agency before May 1, 2019,
10 and who have completed closure prior to 24 months after the
11 effective date of this amendatory Act of the 101st General
12 Assembly shall not be required to obtain a construction permit
13 for the surface impoundment closure under this Section.

14 (f) Except for the State, its agencies and institutions, a
15 unit of local government, or not-for-profit electric
16 cooperative as defined in Section 3.4 of the Electric Supplier
17 Act, any person who owns or operates a CCR surface impoundment
18 in this State shall post with the Agency a performance bond or
19 other security for the purpose of: (i) ensuring closure of the
20 CCR surface impoundment and post-closure care in accordance
21 with this Act and its rules; and (ii) insuring remediation of
22 releases from the CCR surface impoundment. The only acceptable
23 forms of financial assurance are: a trust fund, a surety bond
24 guaranteeing payment, a surety bond guaranteeing performance,
25 or an irrevocable letter of credit.

26 (1) The cost estimate for the post-closure care of a