

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 <a href="mailto:don.brown@illinois.gov">don.brown@illinois.gov</a>	Michelle M. Ryan, Assistant Counsel Illinois Environmental Protection Agency 1021 N. Grand Avenue East P.O. Box 19276 Springfield, IL 62794 <a href="mailto:michelle.ryan@illinois.gov">michelle.ryan@illinois.gov</a>
Bradley P. Halloran, Hearing Officer Illinois Pollution Control Board 100 West Randolph Street Suite 11-500 Chicago, IL 60601 <a href="mailto:brad.halloran@illinois.gov">brad.halloran@illinois.gov</a>	Jennifer Cassel Earthjustice 1010 Lake Street, Suite 200 Oak Park, IL 60301 <a href="mailto:jcassel@earthjustice.org">jcassel@earthjustice.org</a>

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board Petitioner, Midwest Generation, LLC's Motion to Stay, a copy of which is herewith served upon you.

Dated: September 27, 2019

MIDWEST GENERATION, LLC



By: \_\_\_\_\_

Kristen L. Gale  
Susan M. Franzetti  
NIJMAN FRANZETTI LLP  
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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing and Midwest Generation, LLC's Motion to Stay was electronically filed on September 27, 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](mailto:don.brown@illinois.gov)

and that a true copy was emailed on September 27, 2019 to the parties listed on the above foregoing Service List.

Dated: September 27, 2019



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(312) 251-5255

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**IN THE MATTER OF:**

**PETITION OF MIDWEST GENERATION  
FOR AN ADJUSTED  
STANDARD FROM 35 ILL. ADM. CODE  
PARTS 811 and 814**

**AS 19-1  
(Adjusted Standard-RCRA)**

**MIDWEST GENERATION, LLC'S MOTION TO STAY**

Petitioner, Midwest Generation, LLC (“Respondent” or “MWGen”), by its undersigned counsel, respectfully requests that the Illinois Pollution Control Board (“Board”) grant a stay in this matter pursuant to 35 Ill. Adm. Code 101.514. In support of its motion, MWGen states as follows:

1. On February 5, 2019, MWGen filed a petition for a revision to its existing adjusted standard. *In the Matter of Petition of Midwest Generation for an Adjusted Standard from 35 Ill. Adm. Code Parts 811 and 814*, PCB AS 19-1, Petition (Feb. 5, 2019). MWGen’s Petition requested that the Board revise a condition of its existing adjusted standard. On March 25, 2019, Illinois EPA filed its recommendation that the Board grant the revision to the adjusted standard.

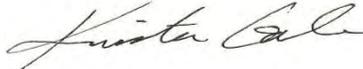
2. On July 30, 2019, Public Act 101-171 was enacted, which amended the Illinois Environmental Protection Act (“Act”) and added new sections regarding the regulation, management, and permitting of coal combustion residual (“CCR”) and CCR surface impoundments. 2019 ILL. ALS 171, 2019 Ill. Laws 171, 2019 ILL. P.A. 171, 2019 Ill. SB 9.

3. MWGen seeks to stay any action by the Board in this matter for 60 days while it evaluates the potential impacts of Public Act 101-171, after which time MWGen will file a status report pursuant to Section 101.514.

4. Illinois EPA does not object to MWGen’s request for a 60-day stay.

WHEREFORE, Petitioner, Midwest Generation, LLC, respectfully request that the Board enter an Order granting a stay for 60 days.

Respectfully submitted,  
Midwest Generation, LLC



By: \_\_\_\_\_  
One of its Attorneys

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