

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MIDWEST GENERATION, LLC)	
)	
Petitioner,)	PCB 2021-109
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY)	
)	
Respondents,)	

NOTICE OF FILING

To: See attached service list.

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 Certificate of Publication, a copy of which is herewith served upon you.

Dated: May 19, 2021

MIDWEST GENERATION, LLC

By: /s/ Kristen L. Gale

Kristen L. Gale
Susan M. Franzetti
Molly Snittjer
NIJMAN FRANZETTI LLP
10 South LaSalle Street Suite 3600
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(312) 251-5255

SERVICE LIST

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing and Petitioner, Midwest Generation, LLC's Certificate of Publication was electronically filed on May 19, 2021 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 e-mailed on May 19, 2021 to the parties listed on the above foregoing Service List.

Dated: May 19, 2021

/s/ Kristen L. Gale

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PROOF OF PETITION NOTICE

Midwest Generation, LLC, through its undersigned attorney, hereby files its proof of petition notice pursuant to 35 Ill. Adm. Code 104.214. Midwest Generation, LLC filed its petition in this matter on May 11, 2021, and caused publication of notice of the filing of that petition in the Pekin Daily Times on May 15, 2021. The Certificate of Publication is attached.

Respectfully submitted,
MIDWEST GENERATION, LLC

By: /s/ Kristen L. Gale
Kristen L. Gale

Date: May 19, 2021

Kristen L. Gale
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Official Certificate of Publication as Required by State Law and IPA By-Laws

Certificate of the Publisher

Gannett certifies that it is the publisher of the Pekin Daily Times. Pekin Daily Times, a secular newspaper, has been continuously published daily for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the City Pekin, County of Tazewell, Township of Pekin, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published 1 time in Pekin Daily Times. The publication of the notice was made in the newspaper, dated and published on May 15th, 2021. The notice was also placed on a statewide public notice website as required by 715 ILCS 5/2.1.

In witness, the Pekin Daily Times has signed this certificate by Gannett, its publisher, at Pekin, Illinois, on May 17th, 2021.

NIJMAN FRANZETTI LLP

Ad # 4723542

By:

Ashley Dillon
Legal Notice Representative
Gannett
Publisher

(Note: Unless otherwise ordered, notarization of this document is **not** required.)

Legal Notice	Legal Notice	Legal Notice
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On May 11, 2021, Midwest Generation, LLC ("Petitioner"), filed with the Illinois Pollution Control Board (the "Board") a petition for a variance under Title IX of the Environmental Protection Act ("Act"). Variances may be granted pursuant to Section 35 of the Act (415 ILCS 5/35) and 35 Ill. Adm. Code § 104. The variance concerns Petitioner's Powerton Generating Station (13082 E Manito Rd, Pekin, Illinois, 61554).

The petition seeks a five-month extension for collection of groundwater sampling data and submission of the operating permit application for one of the basins (Metal Cleaning Basin) at the Powerton Station, which is required under the 35 Illinois Administrative Code Part 845 rules regulating the Disposal of Coal Combustion Residuals in Surface Impoundments that were adopted by the Board on April 15, 2021 and effective on April 21, 2021. See Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845, PCB R20-19 (Apr. 15, 2021). The petition also seeks an extension of the deadline to identify the closure prioritization category and submit the construction permit application required under the 35 Illinois Administrative Code Part 845 rules, which are dependent upon the results of groundwater sampling data. The petition, if granted, would provide Petitioner relief from the short regulatory deadlines for Metal Cleaning Basin, allowing the Petitioner to collect representative groundwater data, submit accurate permit applications, and identify the accurate closure prioritization category.

Any person may cause a public hearing to be held in the above-described variance proceeding by filing a written objection to the petition and hearing request with the Illinois Pollution Control Board within 21 days after the date of the publication of this notice. The hearing request should clearly indicate the docket number for the variance proceeding—PCB 2021-109—as found in this notice. The hearing request must be mailed to the Clerk of the Board, Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, or filed electronically through COOL, which is located on the Board's website (www.pcb.illinois.gov). The Clerk's phone number is 312-814-3461. A copy of the variance petition may be obtained through the Clerk's Office or COOL, which is located on the Board's website.

The Illinois EPA is preparing a recommendation regarding this variance petition and is seeking comments of persons who may be adversely affected by the variance. The Illinois EPA is to file its recommendation within forty-five (45) days after the filing of the petition (June 25, 2021). All comments and inquires must be sent within twenty-one (21) days after the date of the publication of this notice. Address any comments or inquiries to: Division of Legal Counsel, Illinois Environmental Protection Agency, 1021 N. Grand Ave. East, P.O. Box 19276, Springfield, IL 62794-9276; Email: epa.dlc@illinois.gov; Phone: (217)782-5544.

A hearing may be held after the filing of the Illinois EPA recommendation. The record of this proceeding will remain open for written comment for forty-five (45) days after the filing of the Illinois EPA recommendation. Comments must be mailed to the Board at the above address for the Clerk of the Board.

The record in this variance proceeding is available at the Board office for inspection, except those portions that are protected from disclosure under 35 Ill. Adm. Code § 130. Procedures for seeking public disclosure of these documents are available.