

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF:

PETITION OF ILLINOIS POWER
RESOURCES GENERATING, LLC FOR
AN ADJUSTED STANDARD FROM
35 ILL. ADMIN. CODE PART 845 OR, IN
THE ALTERNATIVE, A FINDING OF
INAPPLICABILITY

AS 2021-004

(Adjusted Standard)

NOTICE OF FILING

To: Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, Illinois 60601-3218

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the attached NOTICE OF ELECTRONIC FILING, PROOF OF PETITION NOTICE REQUIREMENTS, and CERTIFICATE OF SERVICE on behalf of Illinois Power Resources Generating, LLC, copies of which are herewith served upon you.

/s/ Robert Middleton
Robert Middleton

Dated: June 2, 2021

SCHIFF HARDIN LLP
*Attorney for Illinois Power
Resources Generating, LLC.*
Joshua R. More
Robert Middleton

Sarah L. Lode
Schiff Hardin LLP
233 South Wacker Drive
Suite 7100
Chicago, Illinois 60606
(312) 258-5500
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rmiddleton@schiffhardin.com
slode@schiffhardin.com

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 2nd day of June, 2021:

I have electronically served a true and correct copy of the attached NOTICE OF ELECTRONIC FILING, PROOF OF PETITION NOTICE REQUIREMENTS, and CERTIFICATE OF SERVICE on behalf of Illinois Power Resources Generating, LLC, by electronically filing with the Clerk of the Illinois Pollution Control Board and by e-mail upon the following persons:

Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, Illinois 60601-3218
Don.brown@illinois.gov

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Epa.dlc@illinois.gov

My e-mail address is rmiddleton@schiffhardin.com;

The number of pages in the e-mail transmission is 7.

The e-mail transmission took place before 5:00 p.m.

Dated: June 2, 2021

/s/ Robert Middleton

Robert Middleton

SCHIFF HARDIN LLP
*Attorney for Illinois Power
Resources Generating, LLC.*
Joshua R. More
Robert Middleton
Sarah L. Lode
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PROOF OF PETITION NOTICE REQUIREMENTS

Pursuant to 415 Ill. Comp. Stat. 5/28.1 and 35 Ill. Admin. Code §§ 104.408 and 104.410, on May 25, 2021, Petitioner Illinois Power Resources Generating, LLC (“IPRG”) published notice of the filing of its Petition for an Adjusted Standard from 35 Ill. Admin. Code Part 845, or in the Alternative, a Finding of Inapplicability (“Petition”) by legal notice in a newspaper of general circulation in the area of IPRG’s facility in Canton, Fulton County, Illinois. In support of this filing, IPRG states the following:

1. IPRG filed the Petition with the Clerk of the Illinois Pollution Control Board on May 11, 2021.
2. Pursuant to the Petition, IPRG seeks an adjusted standard from Part 845, Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments, or in the alternative, a finding of inapplicability for the former Gypsum Management Facility Recycle Pond at Duck Creek Power Plant located at 17933 North Cilco Road, Canton, Illinois 61520.
3. On May 25, 2021, IPRG published notice of the filing of the Petition by legal notice in the Daily Ledger, a newspaper of general circulation in Canton, Fulton County, Illinois.

4. As required by 35 Ill. Admin. Code § 104.408(a), IPRG published notice of the Petition within 14 days after it filed the Petition.

5. The notice includes the specific language required by 35 Ill. Admin. Code § 104.408(b).

6. As required by 35 Ill. Admin. Code § 104.410, a certificate of publication issued by the publisher of the Daily Ledger certifying publication of the notice on May 25, 2021, is attached as **Exhibit 1**. The certificate of publication includes IPRG's notice as it appeared in the Daily Ledger and states the Daily Ledger is a newspaper as defined by the Illinois Notice by Publication Act, 715 Ill. Comp. Stat. 5/5, *et seq.* The notice was also placed on a statewide public notice website as required by 715 Ill. Comp. Stat. 5/2.1.

WHEREFORE, for the reasons stated above, IPRG has satisfied the requirements for providing notice of the filing of its Petition for Adjusted Standard and for filing proof of such notice with the Illinois Pollution Control Board.

Illinois Power Resources Generating, LLC

Dated: June 2, 2021

By: /s/ Robert Middleton
One of its Attorneys

SCHIFF HARDIN LLP
*Attorney for Illinois Power
Resources Generating, LLC.*
Joshua R. More
Robert Middleton
Sarah L. Lode
Schiff Hardin LLP
233 South Wacker Drive, Suite 7100
Chicago, Illinois 60606
(312) 258-5500
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rmiddleton@schiffhardin.com
slode@schiffhardin.com

EXHIBIT 1

AFFP

Notice of Petition by Illinois

Jacquelyn Bush
1500 Eastport Plaza Dr.
Collinsville, IL 62234

Notice of Petition by Illinois Power Resources Generating, LLC for an
Adjusted Standard
Before the Illinois Pollution Control Board

Illinois Power Resources Generating, LLC ("IPRG") filed a petition for
adjusted standard from 35 Ill. Admin. Code Part 845, Standards for the
Disposal of Coal Combustion Residuals in Surface Impoundments ("Part
845"), with the Illinois Pollution Control Board on May 11, 2021 (docket
number AS 2021-004). IPRG operated Duck Creek Power Plant, a former
coal-fired power plant located at 17933 North Cilco Road, Canton, Illinois
61520, which included the former Gypsum Management Facility Recycle
Pond. Duck Creek Power Plant closed in 2019. IPRG has requested a
determination of inapplicability of Part 845 or, in the alternative, the following
adjusted standard from the requirements in Part 845 for the former Gypsum
Management Facility Recycle Pond at Duck Creek Power Plant:

Affidavit of Publication

STATE OF ILLINOIS
COUNTY OF FULTON

I, said Legal Clerk, being duly sworn, says:

That I am the Legal Clerk of the Daily Ledger, a daily
newspaper of general circulation, printed and published in
Canton, Fulton County, Illinois; that the publication, a copy
of which is attached hereto, was published in the said
newspaper on the following dates:

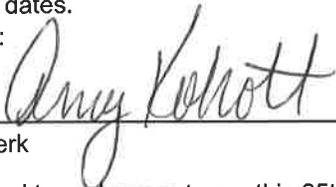
May 25, 2021

1. Pursuant to Section 28.1 of the Environmental Protection Act, the Board grants Illinois Power Resource Generating, LLC ("IPRG") an adjusted standard from 35 Ill. Adm. Code 845.100 for the GMF Recycle Pond at Duck Creek Power Plant. 415 ILCS 5/28.1.
2. The adjusted standard applies to IPRG's Duck Creek Power Plant.
3. The Part 845 regulations do not apply to the GMF Recycle Pond.
4. The adjusted standard is effective as of the date of this order.

Any person may cause a public hearing to be held in the above-described
adjusted standard proceeding by filing a hearing request with the Illinois
Pollution Control Board within 21 days after the date of the publication of this
notice. The hearing request should indicate the docket number for the
adjusted standard proceeding, as found in this notice. The hearing request
must be mailed to the Clerk, Illinois Pollution Control Board, 100 W.
Randolph Street, Suite 11-500, Chicago, Illinois 60601, or filed electronically
through COOL, located on the Board's website (pcb.illinois.gov).

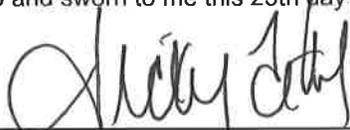
That said newspaper was regularly issued and circulated
on those dates.

SIGNED:



Legal Clerk

Subscribed to and sworn to me this 25th day of May 2021.



Notary Public, State of Wisconsin, County of Brown

My commission expires:

9/29/21

00020964 00066344

VICKY FELTY
Notary Public
State of Wisconsin