

ILLINOIS POLLUTION CONTROL BOARD
June 3, 2021

IN THE MATTER OF:)
)
PETITION OF MIDWEST GENERATION,)
LLC FOR AN ADJUSTED STANDARD)
FROM 35 ILL. ADM. CODE 845.740(a) AND) AS 21-3
FINDING OF INAPPLICABILITY OF 35) (Adjusted Standard - Land)
ILL. ADM. CODE 845)

ORDER OF THE BOARD (by B. F. Currie):

On May 11, 2021, Midwest Generation, LLC (Midwest) filed a petition (Pet.) pursuant to Section 28.1 of the Environmental Protection Act (Act) and Part 104 of the Board's procedural rules. See 415 ILCS 5/28.1 (2018); 35 Ill. Adm. Code 104 Subpart D. Midwest petitions the Board for an adjusted standard from Part 845 Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments. 35 Ill. Adm. Code 845. Specifically, Midwest seeks adjusted standards for two areas, known as the East Pond and the Grassy Field at its Waukegan Station in Waukegan, Lake County. For the East Pond, Midwest petitions for an adjusted standard to retain its existing liner. Pet. at 1. For the Grassy Field, Midwest petitions for an adjusted standard that would find Part 845 inapplicable to that location. *Id.*

Section 28.1 of the Act and Section 104.408 of the Board's procedural rules require publication of notice of an adjusted standard proceeding in a newspaper of general circulation in the area affected by the petitioner's activity. 415 ILCS 5/28.1(d)(1) (2018); 35 Ill. Adm. Code 104.408(a). Notice must be published within 14 days of filing a petition for an adjusted standard with the Board. 35 Ill. Adm. Code 104.408(a). As required by Section 104.410, Midwest timely filed a certificate of publication of notice on May 18, 2021. Notice of filing was published in the *Lake County Daily Herald* and *Reflejos* on May 14, 2021, in English and Spanish.

The Board finds that the notice and petition meet the requirements of Section 28.1 of the Act and Section 104.408 of the Board's procedural rules and accepts the petition for adjusted standard. See 415 ILCS 5/28.1 (2018); 35 Ill. Adm. Code 104.408. Section 104.416(a) of the Board's rules require that IEPA file a response including its recommendation concerning the Board's proposed action on this petition within 45 days after the service of the petition. See 35 Ill. Adm. Code 104.416(a). In this case, IEPA has timely filed an unopposed motion for a 60-day extension of time to file its response. Mot. at 1. The Board grants the motion to extend the deadline for IEPA to file its response to August 24, 2021.

Midwest requests that the Board hold a hearing on its petition. Pet. at 27; see 35 Ill. Adm. Code 104.406(j), 104.422(a)(1). This order makes no determination on the informational sufficiency or the merits of Midwest's petition. The Board through its own orders or its hearing officer's orders may direct Midwest to provide additional information.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 3, 2021, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board