

ILLINOIS POLLUTION CONTROL BOARD

June 3, 2021

IN THE MATTER OF:)
)
PETITION OF ILLINOIS POWER)
RESOURCES GENERATION, LLC FOR AN)
ADJUSTED STANDARD FROM 35 ILL.) AS 21-4
ADMIN. CODE PART 845 OR, IN THE) (Adjusted Standard)
ALTERNATIVE, A FINDING OF)
INAPPLICABILITY)

OPINION AND ORDER OF THE BOARD (by A. Palivos):

On May 11, 2021, Illinois Power Resource Generation, LLC (Illinois Power) 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. For its Gypsum Management Facility (GMF) Recycle Pond, Illinois Power requests a finding of inapplicability of 35 Ill. Adm. Code 845. Pet. at 11-19. In the alternative, Illinois Power requests an adjusted standard (AS) exempting the unit from the requirements of 35 Ill. Adm. Code 845. Pet. at 20–29.

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, Illinois Power timely filed a certificate of publication of notice on June 2, 2021. Notice of filing was published in the *Daily Ledger* on May 25, 2021.

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 90-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 September 23, 2021.

Illinois Power requests that the Board hold a hearing on its petition. Pet. at 30; *see* Ill. Adm. Code 104.406(j), 104.422(a)(1). This order makes no determination on the informational sufficiency or the merits of Illinois Power’s petition. The Board through its own orders or its hearing officer’s orders may direct Illinois power 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.

Don A. Brown

Don A. Brown, Clerk
Illinois Pollution Control Board