

ILLINOIS POLLUTION CONTROL BOARD
June 17, 2021

MIDWEST GENERATION, LLC,)	
)	
Petitioner,)	
)	
v.)	PCB 21-108
)	(Variance - Land)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.M. Santos):

On May 11, 2021, Midwest Generation, LLC (MG) filed a petition for a variance (Pet.) for its Will County Generating Station and a motion for expedited review (Mot). In an order on May 20, 2021, the Board granted the motion for expedited review to the extent consistent with its procedural requirements and deadlines. The Board added that it would determine whether to accept the petition for hearing after it received the required certification of publication.

MG must provide prompt public notice of filing its petition, including publishing notice within 14 days after filing the petition in a newspaper of general circulation in the county where its facility is located. 415 ILCS 5/37(a) (2018); 35 Ill. Adm. Code 104.214(a). Within 21 days after publishing notice, MG must file with the Board a certification of publication including the date on which it published notice and a copy of the published notice. 35 Ill. Adm. Code 104.214(e).

On June 1, 2021, MG filed a certificate of publication of notice in the *Joliet Herald-News* on May 17, 2021. The Board finds that MG has provided timely publication of notice that meets the content requirements of 35 Ill. Adm. Code 104.214(d). The Board accepts MG's petition for hearing but at this stage of the proceeding makes no determination on the informational sufficiency or the merits of the petition. Through an order of its own or its assigned hearing officer, the Board may direct MG to provide additional information concerning its petition.

MG requested a hearing on its petition. Pet. at 24; *see* 415 ILCS 5/37(a) (2018); 35 Ill. Adm. Code 104.204(n), 104.234. In an order on June 15, 2021, the hearing officer provided notice of a hearing scheduled on July 27, 2021, in Joliet, Will County.

IEPA is required to file its recommendation on the requested variance with the Board within 45 days after the filing of the petition, or at least 30 days prior to a scheduled hearing, whichever is earlier. 35 Ill. Adm. Code 104.216. IEPA's 45-day deadline is now Friday, June 25, 2021. Within 14 days after service of IEPA's recommendation, MG may file a response to IEPA's recommendation or an amended petition. 35 Ill. Adm. Code 104.220.

Finally, the Board notes that, on May 21, 2021, MG waived its statutory decision deadline for two days to September 10, 2021. *See* 35 Ill. Adm. Code 101.308(c)(2), 104.232(a)(1). The Board meeting immediately before the extended decision deadline is scheduled for September 9, 2021.

Having accepted MG's petition for hearing, the Board directs its assigned hearing officer to proceed to hearing.

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 17, 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