

ILLINOIS POLLUTION CONTROL BOARD
July 20, 2021

MIDWEST GENERATION, LLC,)	
)	
Petitioner,)	
)	
v.)	PCB 21-109
)	(Variance)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

HEARING OFFICER ORDER

The parties are advised that the Board may ask the following questions at hearing.

Petition Requirements (35 Ill. Adm. Code 204.104)

1. Section 104.204(b)(1) requires the petitioner to provide the location of the facility and area affected. Midwest Generation (MWG) has provided the general location, but not an address for the Powerton Station. Please provide the address of the Powerton Station. Also, please describe the area impacted by the facility, including locations of any potable wells, surface waters and groundwater.
2. Section 104.204(b)(2) requires the location of the nearest air monitoring station. The Agency notes that this requirement is not applicable in this matter. Please comment on whether location of air monitoring station has any bearing on measuring the impact of fugitive dust emissions from the facility.
3. Section 104.204(b)(6) requires the petitioner to provide information concerning the materials processed in facility for which the variance is sought. MWG states that the metals cleaning basin (MCB) serves as a temporary laydown area for dry ash cleaned out during maintenance activities and is also occasionally used to hold process water when the boilers are washed. Pet. at 8. Please provide the annual amounts of dry ash and process water stored annually in the MCB.
4. Section 104.204(b)(8) requires the nature and amount of emissions, discharges, or releases of the constituent in question currently generated by the petitioner's activity. Please indicate the annual quantity of process water discharged from the MCB, as well as the amount of dry ash dredged annually from the MCB.

IEPA Recommendation/MWG Response

5. On page 6, IEPA states, “it would not be uncommon for gas side boiler wash waters received by the Metal Cleaning Basin to contain fly ash.” Please comment on whether MWG has detected fly ash in the process waters managed in the MCB.
6. In response to IEPA’s recommendation that the Board deny the requested extension of the deadline to file the construction permit, MWG states, “[n]o harm will be caused by granting MWG the same time other Category 5 CCR surface impoundments are granted to prepare a complete and accurate construction permit application.” MWG Resp. at 2.
 - a. Please clarify whether causation of “harm” in the above statement refers to any adverse environmental impact due to extension of the deadline to submit construction permit application by four months.
 - b. IEPA’s recommendation indicates exceedances of Class I groundwater quality standards for sulfate and TDS in certain monitoring wells at the facility. Rec. at 14. Please comment on any implications of extending the deadline for submitting construction permit application on mitigating potential groundwater impacts.
7. IEPA states that MWG “could make informed conclusions to conservatively categorize the Metal Cleaning Basin as Category 5 based on existing data.” IEPA Rec. at 8. In response, MWG states that the existing data supports either a Category 5 or Category 7 designation. MWG Rep. at 4.
 - a. If the MCB is initially designated as Category 5 as recommended by IEPA, please comment on whether the CCR rules under Part 845 would allow MWG to redesignate the MCB as Category 7 if new data supports such redesignation at later date.
 - b. If so, comment on any adverse implications of such redesignation would have on the closure of the MCB as well as on MWG.
8. On page 11, IEPA states that it “considers Petitioner’s requested time extension to submit the initial operating permit application to be unnecessary based on its interpretation of 35 Ill. Adm. Code §845.230(d)(1) and §845.230(d)(2).” In response, MWG disagrees noting “Section 845.230(d)(2)(I)(iii) requires a groundwater sampling and analysis program that includes selection of the statistical procedures for evaluating the groundwater monitoring data under Section 845.640.” MWG Resp. at 3.
 - a. Please clarify whether statistical procedures for evaluating groundwater data is selected only after data collection is completed.

- b. Please comment on whether the statistical procedures could be chosen on the basis of existing groundwater monitoring data.
- c. Please provide citation to IEPA's CCR rulemaking testimony stating that the groundwater monitoring data and statistical procedures must be submitted with the operating permit.

IT IS SO ORDERED.



Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/524-8509
Carol.Webb@illinois.gov

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on July 20, 2021, to each of the person on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on July 20 2021:

Don Brown
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601



Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/524-8509
Carol.Webb@illinois.gov

@ Consents to Electronic Service

PCB 2021-109@
Susan M. Franzetti
Nijman Franzetti LLP
10 S. LaSalle Street
Suite 3600
Chicago, IL 60603

PCB 2021-109@
Kristen Laughridge Gale
Nijman Franzetti LLP
10 S. LaSalle Street
Suite 3600
Chicago, IL 60603

PCB 2021-109@
Molly H. Snittner
Nijman Franzetti LLP
10 S. LaSalle Street
Suite 3600
Chicago, IL 60603

PCB 2021-109@
Stefanie N. Diers
IEPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794

PCB 2021-109@
Christine Zeivel
IEPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794

PCB 2021-109@
Clayton Ankney
IEPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794