

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	AS 2021-001
Petition of Midwest Generation)	
for an Adjusted Standard from 845.740(a))	
and Finding of Inapplicability of Part 845)	(Adjusted Standard)
(Joliet 29 Station))	

To: See attached service list.

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Illinois Environmental Protection Agency’s Motion to Supplement the Recommendation, a copy of which is herewith served upon you.

Respectfully submitted,

Dated: February 15, 2022

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Christine Zeivel, #6298033
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
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Christine.Zeivel@Illinois.Gov

Respondent,

BY: /s/Christine Zeivel
Christine Zeivel

THIS FILING IS SUBMITTED ELECTRONICALLY

SERVICE LIST

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ILLINOIS POLLUTION CONTROL BOARD

Bradley Halloran, Hearing Officer

Don Brown, Clerk

James R. Thompson Center

100 W. Randolph, Suite 11-500

Chicago, IL 60601

Brad.Halloran@illinois.gov

Don.Brown@illinois.gov

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) AS 2021-001
Petition of Midwest Generation)
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(Joliet 29 Station))

MOTION TO SUPPLEMENT THE RECOMMENDATION AS TO POND 2

The Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by and through its attorney, hereby submits its Motion to Supplement the Recommendation as to Pond 2, and requests to supplement its Recommendation with the executed affidavit of Thomas Hubbard, pursuant to 35 Ill. Adm. Code § 101.500, stating as follows:

1. On May 11, 2021, Midwest Generation, LLC (“Petitioner”) filed its Petition for an Adjusted Standard from Section 845.740(a) and Finding of Inapplicability of Part 845.
2. The Petition contains requests specific to three coal combustion residuals (“CCR”) surface impoundments located at the Joliet 29 Station: Pond 1, Pond 2, and Pond 3. For Pond 2, Petitioner requests that the Board grant it an adjusted standard to the liner requirements specific to closure by removal contained in 35 Ill. Adm. Code 845.740(a). For Pond 1 and Pond 3, Petitioner requests that the Board find Part 845 inapplicable because Pond 1 and Pond 3 do not meet the definition of CCR surface impoundments.
3. On September 22, 2021, Illinois EPA filed its Recommendation to the Board regarding Petitioner’s request to find Part 845 inapplicable to Pond 1 and Pond 3 at the Joliet 29 Station.
4. On February 4, 2022, Illinois EPA filed its Recommendation to the Board regarding Petitioner’s request for an adjusted standard from Section 845.740(a) for Pond 2 at the Joliet 29 Station (“Pond 2 Recommendation”).

5. The Pond 2 Recommendation included an affidavit of Thomas Hubbard, attached as Exhibit H. Mr. Hubbard drafted and reviewed his affidavit prior to the filing of the Pond 2 Recommendation; however, due to medical circumstances, Mr. Hubbard was unable to execute the affidavit at the time the Agency filed the Pond 2 Recommendation.

WHEREFORE, Illinois EPA requests the Board grant its Motion to Supplement its Recommendation as to Pond 2 with the attached executed affidavit of Mr. Hubbard, which is to be included as Exhibit H to the Recommendation.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent,

/s/ Christine Zeivel
Christine Zeivel, #6298033
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544
Christine.Zeivel@Illinois.Gov

THIS FILING IS SUBMITTED ELECTRONICALLY

CERTIFICATE OF SERVICE

I, the undersigned, on affirmation certify the following:

That I have served the attached **MOTION FOR EXTENSION OF TIME** by e-mail upon the following:

Susan M. Franzetti	sf@nijmanfranzetti.com
Kristen Laughridge Gale	kg@nijmanfranzetti.com
Molly H. Snittner	ms@nijmanfranzetti.com
Bradley Halloran	Brad.Halloran@illinois.gov
Don Brown	Don.Brown@illinois.gov

That I have served the attached **MOTION FOR EXTENSION OF TIME** upon any other persons, if any, listed on the Service List, by placing a true copy in an envelope duly address bearing proper first-class postage in the United States mail at Springfield, Illinois on February 15, 2022.

That my e-mail address is Christine.Zeivel@Illinois.gov.

That the number of pages in the e-mail transmission is seven (7).

That the e-mail transmission took place before 4:30 p.m. on the date of February 15, 2022.

/s/Christine Zeivel
February 15, 2022

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(Joliet 29 Station))	

AFFIDAVIT OF THOMAS HUBBARD

I, Thomas Hubbard, certify under penalty of perjury pursuant to Section 1-109 of the Illinois Code of Civil Procedure, 735 ILCS 5/1-109, that the statements set forth in this affidavit are true and correct, and further state that if called upon to testify in this matter, I would competently testify as follows:

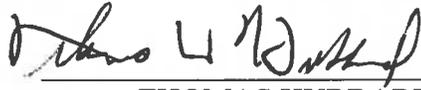
1. I am employed by the Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”) as the Manager of the Disposal Alternative Unit within the Permit Section of Bureau of Land’s Division of Land Pollution Control, and I am located in Springfield, Illinois. I have been employed by the Illinois EPA since December 1, 1999.

2. As the Manager of the Disposal Alternative Unit, my duties include assigning permit applications for waste treatment and beneficial use determinations for reusing wastes then reviewing my employees recommendations for approval or denial of said applications. In addition to other responsibilities, the Disposal Alternative Unit is charged with receiving notifications made to Illinois EPA, pursuant to Section 3.135 of the Illinois Environmental Protection Act, regarding beneficial reuse of coal combustion waste. 415 ILCS 5/3.135.

3. I have personal knowledge of the facts set forth in Illinois EPA’s Recommendation to the Board as to the Petition of Midwest Generation, LLC (“MWG”) for an Adjusted Standard from Section 845.740(a) and Finding of Inapplicability of Part 845 for the Joliet 29 Station, as stated below.

4. I have reviewed the records of the Permit Section within the Bureau of Land, Division of Land Pollution Control. I have not been able to locate any records that indicate MWG provided the Agency notification of the beneficial use or reuse of CCR material at the Joliet 29 Station.

FURTHER AFFIANT SAYETH NOT



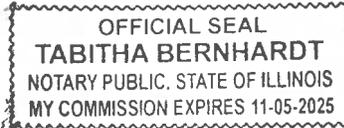
THOMAS HUBBARD

15 Feb 2022

DATE

State of Illinois
County of Sangamon

Subscribed and Sworn to before
me this 15th day of February, 2022.





Notary Public