

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) AS 2021-001
PETITION OF MIDWEST)
GENERATION, LLC FOR AN)
ADJUSTED STANDARD FROM) (Adjusted Standard)
845.740(a) AND FINDING OF)
INAPPLICABILITY OF PART 845)
(JOLIET 29 STATION))

NOTICE OF FILING

To: See attached Service List

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board Midwest Generation, LLC's Exhibit List, a copy of which is herewith served upon you.

Dated: July 1, 2022

MIDWEST GENERATION, LLC

By: /s/Kristen L. Gale

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing, and Midwest Generation, LLC's Exhibit List was electronically filed on July 1, 2022 with the following:

Don Brown, Clerk of the Board
Illinois Pollution Control Board
60 E. Van Buren Street, Suite 630
Chicago, IL 60605
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and that copies were sent via e-mail on July 1, 2022 to the parties on the service list.

Dated: July 1, 2022

/s/Kristen L. Gale

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

EXHIBIT LIST

| MIDWEST GENERATION, LLC'S EXHIBITS | |
|---|---|
| Exhibit 1 | Affidavit of William Naglosky |
| Exhibit 2 | Affidavit of David Nielson, P.E. |
| Exhibit 3 | Expert Opinion of David Nielson, P.E. |
| Exhibit 4 | Pre-filed Expert Testimony of David Nielson on behalf of Midwest Generation, LLC, <i>In the Matter of: Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845, PCB 20-19</i> |
| Exhibit 5 | Excerpt of September 30, 2020 Hearing Transcript, <i>In the Matter of: Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845, PCB 20-19</i> |
| Exhibit 6 | Excerpt of Midwest Generation, LLC Pre-Filed Answers, <i>In the Matter of: Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845, PCB 20-19</i> |
| Exhibit 7 | Excerpt of Agency Final Comment, <i>In the Matter of: Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845, PCB 20-19</i> |
| Exhibit 8 | Excerpt of Midwest Generation, LLC's Response Comment, <i>In the Matter of: Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845, PCB 20-19</i> |
| Exhibit 9 | Excerpt of August 25, 2020 Hearing Transcript, <i>In the Matter of: Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845, PCB 20-19</i> |

| MIDWEST GENERATION, LLC'S EXHIBITS | |
|---|---|
| Exhibit 10 | NPDES Permit for the Joliet 29 Station |
| Exhibit 11 | Annual and Quarterly Groundwater Monitoring Report, Joliet 29 Generating Station, Jan. 21, 2021 |
| Exhibit 12 | Joliet 29 Station General Flow Diagram with NPDES Outfalls |
| Exhibit 13 | Illinois EPA Construction Permit for Liner Replacement of Ponds 1 and 2 |
| Exhibit 14 | Illinois EPA Construction Permit for Liner Replacement of Pond 3 |
| Exhibit 15 | Construction Documentation for Liner Replacement of Ponds 1 and 2 |
| Exhibit 16 | Construction Documentation for Liner Replacement of Ponds 3 |
| Exhibit 17 | Compliance Commitment Agreement for Joliet 29 Station |
| Exhibit 18 | Joliet 29 CCR Compliance Annual Groundwater Monitoring and Corrective Action Report – 2020 |
| Exhibit 19 | Evaluation of Sediment Quantities in Joliet Generating Station's Pond 1 and Pond 3 and Powerton Generating Station's Service Water Basin, Nov. 19, 2020 |
| Exhibit 20 | Sampling Location Discussion as part of Evaluation of Sediment Quantities in Joliet Generating Station's Pond 1 and Pond 3 and Powerton Generating Station's Service Water Basin, Feb. 26, 2021 |
| Exhibit 21 | Notice of Intent to Initiate Closure Joliet 29 Station Pond 2 |
| Exhibit 22 | Supplemental Expert Opinion of Michael Maxwell (Weaver Consultants Group North Central, LLC), dated March 21, 2022 |
| Exhibit 23 | Affidavit of Richard Gnat, KPRG, March 18, 2022 |
| Exhibit 24 | Affidavit of Mark Wilson, KPRG, March 15, 2022 |
| Exhibit 25 | Expert Opinion of Mateusz Radlinski Ph.D. (Exponent, Inc.), March 21, 2022 |
| Exhibit 26 | Affidavit of Patrick Allenstein, March 9, 2022 |
| Exhibit 27 | Affidavit of Steven Kroll, Patrick Engineering, March 18, 2022 |

| MIDWEST GENERATION, LLC'S EXHIBITS | |
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| Exhibit 28 | Expert Opinion of Thomas Dehlin (Sargent & Lundy), March 23, 2022 |
| Exhibit 29 | Example of Poz-o-pac |
| Exhibit 30 | “Road salt retention and transport in soils and subsequent releases of toxic trace elements in porewaters”, T. Baraza Piazuelo & E.A. Hasenmueller, St. Louis University, Copy of Poster |
| Exhibit 31 | Large Copy of Exhibit D, Attachment 3, Appendix 2, Sheet 5079 C 5019 Sheet 2 of 3 |
| Exhibit 32 | Joliet 29 CCR Second Quarter 2021 Groundwater Sampling Results |
| Exhibit 33 | Joliet 29 CCA Third Quarter 2021 Groundwater Sampling Results |
| Exhibit 34 | Michael Maxwell CV |
| Exhibit 35 | Thomas Dehlin CV |
| Exhibit 36 | Koerner, R.M. (2005.) Designing with geosynthetics. 5th Ed. pp. 460–464. |
| Exhibit 37 | Sangam, H.P. and Rowe, R.K. (2001.) “Migration of dilute aqueous organic pollutants through HDPE geomembranes.” Geotextiles and Geomembranes. pp. 329 – 357 |
| Exhibit 38 | 415 ILCS 5/3.135 |

| ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S EXHIBITS | |
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| Exhibit A | Affidavit of Lauren Martin |
| Exhibit B | Affidavit of Derek Rompot |
| Exhibit C | Federal Highway Administration, “Coal Fly Ash User Guideline for Stabilized Base,” User Guidelines for Waste and Byproduct Materials in Pavement Construction, Publication No. FHWA-RD-97-148, available at https://www.fhwa.dot.gov/publications/research/infrastructure/pavements/97148/020.cfm (last modified March 8, 2016). |

| ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S EXHIBITS | |
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| Exhibit D | Sargent & Lundy Letter to Illinois EPA re: 2008 Reconstruction of Access Ramp for Pond 2 at Joliet 29 Generating Station, with attachments, dated December 2, 2021. |
| Exhibit E | KPRG & Associates, Inc. Letter Report re: Geotechnical Analysis of Soil Surrounding Basins/Ponds, dated October 13, 2005. |
| Exhibit F | Federal Highway Administration, "Soils and Foundations Reference Manual – Volume 1," Publication No. FHWA-NHI-06-088 (December 2006). |
| Exhibit G | Sargent & Lundy Letter to Illinois EPA re: Construction Chronology of Pond 2 at Joliet 29 Generating Station, with attachments, dated January 18, 2022. |
| Exhibit H | Affidavit of Thomas Hubbard |
| Exhibit I | Patrick J. Fox et al., Technical Paper, Geomembrane Damage Due to Static and Cyclic Shearing Over Compacted Gravelly Sand, 18 Geosynthetics Int'l. 272 (2011). |
| Exhibit J | Ian D. Peggs, How Long Will My Liner Last? What is the Remaining Service Life of my HDPE Geomembrane?, Geosynthetics Mag. (October 1, 2008) available at https://geosyntheticsmagazine.com/2008/10/01/how-long-will-my-liner-last/# . |
| Exhibit K | MWG Weekly Inspection Report for Joliet 29 Station, October 13, 2021 |
| Exhibit L | MWG Annual Inspection Report for Joliet 29 Station, October 13, 2021 |
| Exhibit M | Nijman Franzetti, LLP letter to Illinois EPA, dated August 31, 2012 |
| Exhibit N | USEPA Framework for Metals Risk Assessment, March 2007 |
| Exhibit O | Part 845 MWG Joliet #29 Generating Station Q3 2021 Data Summary Posting |