

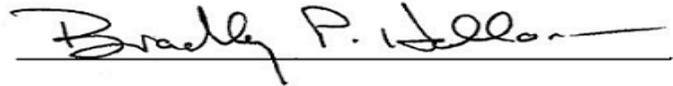
ILLINOIS POLLUTION CONTROL BOARD  
January 18, 2023

IN THE MATTER OF: )  
)  
PETITION OF MIDWEST GENERATION )  
LLC FOR AN ADJUSTED STANDARD )  
FROM 35 ILL. ADM. CODE 845.740(a) AND )  
FINDING OF INAPPLICABILITY OF 35 ) AS 21-1  
ILL. ADM. CODE 845 ) (Adjusted Standard – Land)

**HEARING OFFICER ORDER**

To assist the Board in its consideration of the above-captioned petition, the parties are directed to file their respective responses to the questions found in the attachment to this order by February 2, 2023.

IT IS SO ORDERED.



Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 W. Randolph Street  
Chicago, Illinois 60601  
312.814.8917  
[Brad.Halloran@illinois.gov](mailto:Brad.Halloran@illinois.gov)

ILLINOIS POLLUTION CONTROL BOARD  
January 18, 2023

IN THE MATTER OF: )  
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PETITION OF MIDWEST GENERATION, )  
LLC FOR AN ADJUSTED STANDARD )  
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**ATTACHMENT A**

**AS 21-1**

**Follow-up Questions for both Midwest Generation and IEPA**

**Questions Directed to Midwest Generation**

1. Please submit quarterly groundwater monitoring data for monitoring wells MW-10, MW-3, MW-4, and MW-5 for all monitored constituents, including cobalt, from August 2021 to the present.
2. Regarding MWG's contention that chloride from road salt is causing elevated levels of cobalt in MW-04, please explain why MW-03 and MW-05 are not being similarly affected.
3. Please comment on whether MWG performed any correlation between chloride and cobalt concentrations in all four monitoring wells to determine if chloride levels in groundwater is influencing cobalt concentrations. Submit any additional information that supports MWG's contention that elevated cobalt concentration in the groundwater is due to chloride from road salt applications.
4. Please comment on whether MWG is aware of whether the cobalt spikes are related to any precipitation events.

**Questions Directed to IEPA**

5. If the Board grants the requested relief, IEPA recommends, in part, that MWG must be required to conduct the ASTM D 3987-85 shake tests to evaluate the leaching potential of the CCR (CCW) materials underlying the HDPE liner within Pond 2's containment structure. Does the Agency have any concerns regarding creation of migration pathways for contaminants during the subsurface sampling of CCR material for the required shake tests? If so, are there any alternatives, including testing of similar material from another site or location?

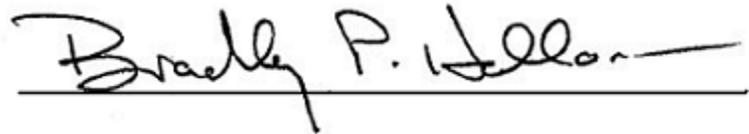
6. In response to IEPA's concern regarding Poz-a-pac material, MWG states that the "Agency's own exhibit, the Federal Highway Administration ("FHWA") User Guidelines, states that over 100 projects in Illinois used Poz-o-pac for state and county roads, and that one-third to one-half of the 30 million tons of the material used in the United States was placed in the metropolitan Chicago area." MWG Resp. Br. at 9 *citing* IEPA Ex. C.
  - a. Please clarify whether Poz-a-pac used in the state and county road projects are subject to the Beneficial Use Determination under Section 3.135 of the Act.
  - b. If not, explain why the Agency is concerned regarding Poz-a-pac material used as liner material in Pond 2 when the same material is allowed to be used in roadway projects without IEPA's review and approval.

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on January 18, 2023, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was delivered to the following on January 18, 2023:

Don Brown  
Illinois Pollution Control Board  
60 E. Van Buren Street  
Suite 630  
Chicago, Illinois 60605



Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
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