

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
 ) AS 2021-003  
PETITION OF MIDWEST )  
GENERATION, LLC FOR AN )  
ADJUSTED STANDARD FROM ) (Adjusted Standard)  
845.740(a) AND FINDING OF )  
INAPPLICABILITY OF PART 845 )

**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 a Certificate of Publication in the Daily Herald and a Certificate of Publication in the Daily Herald Reflejos, copies of which are herewith served upon you.

Dated: August 9, 2023

MIDWEST GENERATION, LLC

By:     /s/Kristen L. Gale    

Kristen L. Gale  
Susan M. Franzetti  
Genevieve J. Essig  
NIJMAN FRANZETTI LLP  
10 South LaSalle Street Suite 3600  
Chicago, IL 60603  
(312) 251-5590  
[kg@nijmanfranzetti.com](mailto:kg@nijmanfranzetti.com)  
[sf@nijmanfranzetti.com](mailto:sf@nijmanfranzetti.com)  
[ge@nijmanfranzetti.com](mailto:ge@nijmanfranzetti.com)

**SERVICE LIST**

Don Brown, Clerk of the Board  
Illinois Pollution Control Board  
60 E. Van Buren Street, Suite 630  
Chicago, IL 60605  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

Christine Zeivel  
Stefanie Diers  
Sara Terranova  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
[Christine.Zeivel@illinois.gov](mailto:Christine.Zeivel@illinois.gov)  
[Stefanie.Diers@illinois.gov](mailto:Stefanie.Diers@illinois.gov)  
[Sara.terranova@illinois.gov](mailto:Sara.terranova@illinois.gov)

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing, and a Certificate of Publication in the Daily Herald and a Certificate of Publication in the Daily Herald Reflejos were electronically filed on August 9, 2023 with the following:

Don Brown, Clerk of the Board  
Illinois Pollution Control Board  
60 E. Van Buren Street, Suite 630  
Chicago, IL 60605  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

and that copies were sent via e-mail on August 9, 2023 to the parties on the service list.

Dated: August 9, 2023

/s/Kristen L. Gale

Kristen L Gale  
Susan M. Franzetti  
Genevieve J. Essig  
Nijman Franzetti LLP  
10 S. LaSalle Street, Suite 3600  
Chicago, IL 60603  
(312) 251-5590  
[kg@nijmanfranzetti.com](mailto:kg@nijmanfranzetti.com)  
[sf@nijmanfranzetti.com](mailto:sf@nijmanfranzetti.com)  
[ge@nijmanfranzetti.com](mailto:ge@nijmanfranzetti.com)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
 ) AS 2021-003  
PETITION OF MIDWEST )  
GENERATION, LLC FOR AN )  
ADJUSTED STANDARD FROM ) (Adjusted Standard)  
845.740(a) AND FINDING OF )  
INAPPLICABILITY OF PART 845 )

**CERTIFICATION OF PUBLICATION**

MIDWEST GENERATION, LLC., by its attorneys, certifies that Notice of the Petition by Midwest Generation, LLC for an Adjusted Standard Before the Illinois Pollution Control Board was published in English and Spanish in both the Daily Herald and the Daily Herald Reflejos on August 4, 2023. Copies of these published notices are attached.

Dated: August 9, 2023

MIDWEST GENERATION, LLC

By: /s/Kristen L. Gale \_\_\_\_\_

Kristen L. Gale  
Susan M. Franzetti  
Genevieve J. Essig  
NIJMAN FRANZETTI LLP  
10 South LaSalle Street Suite 3600  
Chicago, IL 60603  
(312) 251-5590  
[kg@nijmanfranzetti.com](mailto:kg@nijmanfranzetti.com)  
[sf@nijmanfranzetti.com](mailto:sf@nijmanfranzetti.com)  
[ge@nijmanfranzetti.com](mailto:ge@nijmanfranzetti.com)

NOTICE OF PETITION BY MIDWEST GENERATION, LLC FOR AN ADJUSTED STANDARD BEFORE THE ILLINOIS POLLUTION CONTROL BOARD. Midwest Generation, LLC ("MWG") filed a Second Amended Petition for an Adjusted Standard and Finding of Inapplicability of the Illinois Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments at 35 Ill. Adm. Code 845 (PCB AS 2021-003) with the Illinois Pollution Control Board on July 28, 2023 pursuant to 35 Ill. Adm. Code 101.400 and 104.418 for its Waukegan Station located at 401 East Greenwood Ave, Waukegan, Lake County, Illinois. Waukegan Station is a power-generating station. By the second amendment to the Petition, MWG withdraws its request for an adjusted standard for West Pond to allow the decontamination and retention of the existing liner in the basin rather than the liners' removal as provided in 35 Ill. Adm. Code 845.740(a). Pursuant to 35 Ill. Adm. Code 104.418(d), MWG did not repeat the unchanged portions of the original filing, and incorporates by reference those portions, including its request that the Illinois Pollution Control Board find 35 Ill. Adm. Code Part 845 inapplicable to the Grassy Field. The Second Amended Petition for an Adjusted Standard requests that the Board find 35 Ill. Adm. Code Part 845 is inapplicable to the Grassy Field because it does not accumulate CCR and liquid. MWG is also adding to the Second Amended Petition that the U.S. EPA issued a proposed rule entitled "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Legacy CCR Surface Impoundments," 88 Fed. Reg. 31982, in which EPA stated that historic areas of unconsolidated CCR fill such as and including the Grassy Field are not regulated under the CCRSI framework but would be under EPA's new proposed CCR management unit ("CCRMU") framework. The proposed rule is set to be finalized by early 2024. MWG proposes the following adjusted standard language: "Part 845 of the Illinois Pollution Control Board Regulations does not apply to the 10-acre area west of the West Pond known as the Grassy Field located at the MWG Waukegan Generating Station, 401 East Greenwood Ave, Waukegan, IL 60087 because it is an unconsolidated fill area. MWG will continue to conduct quarterly groundwater monitoring of each monitoring well at the Waukegan Station for the constituents listed in 35 Ill. Adm. Code 620.410(c), with the exception of perchlorate, in the addition of field pH and static water elevation. MWG will report the analytical results and field measurements to the Agency quarterly. Two copies of the quarterly reports shall be submitted to: Groundwater Section Illinois Environmental Protection Agency Division of Public Water Supplies MC #13 1021 North Grand Avenue East Springfield, IL 62794-9276." Any person may cause a public hearing to be held in the above-described adjusted standard proceeding by filing a hearing request with the Illinois Pollution Control Board within 21 days after the date of the publication of this notice. The hearing request should indicate the docket number for the adjusted standard proceeding, as found in this notice. The hearing request must be mailed to the Clerk, Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, or filed electronically through COOL, located on the Board's website (www.ipcb.state.il.us).

AVISO DE PETICIÓN DE MIDWEST GENERATION, LLC PARA UN ESTÁNDAR AJUSTADO ANTE LA JUNTA DE CONTROL DE CONTAMINACIÓN DE ILLINOIS. Midwest Generation, LLC ("MWG") presentó una Segunda Petición Enmendada para un Estándar Ajustado y Hallazgo de Inaplicabilidad de los Estándares de Illinois para la Eliminación de Residuos de Combustión de Carbón en Embalses de Superficie en 35 Ill. Adm. Código 845 (PCB AS 2021-003) ante la Junta de Control de Contaminación de Illinois el 28 de julio de 2023 de conformidad con 35 Ill. Adm. Código 101.400 y 104.418 para su estación Waukegan ubicada en 401 East Greenwood Ave, Waukegan, condado de Lake, Illinois. Waukegan Station es una estación generadora de energía. Mediante la segunda enmienda a la Petición, MWG retira su solicitud de un estándar ajustado para West Pond para permitir la descontaminación y retención del revestimiento existente en la cuenca en lugar de la remoción de los revestimientos según lo dispuesto en 35 Ill. Adm. Code 845.740(a). De conformidad con 35 Ill. Adm. Code 104.418 (d), MWG no repitió las partes sin cambios de la presentación original, e incorpora por referencia esas partes, incluida su solicitud de que la Junta de Control de la Contaminación de Illinois encuentre 35 Ill. Adm. Code Part 845 inaplicable al Grassy Field. La Segunda Petición Enmendada para una Norma Ajustada solicita que la Junta determine que 35 Ill. Adm. Code Part 845 es inaplicable al Grassy Field porque no acumula CCR y líquido. MWG también está agregando a la Segunda Petición Enmendada que la EPA de los Estados Unidos emitió una regla propuesta titulada "Sistema de Gestión de Residuos Peligrosos y Sólidos: Eliminación de Residuos de Combustión de Carbón de Empresas Eléctricas; Legacy CCR Surface Impoundments", 88 Fed. Reg. 31982, en el que la EPA declaró que las áreas históricas de llenado de CCR no consolidado, como e incluyendo el Grassy Field, no están reguladas bajo el marco CCRSI, pero estarían bajo el nuevo marco propuesto por la unidad de gestión de CCR ("CCRMU") de la EPA. La regla propuesta se finalizará a principios de 2024. MWG propone el siguiente lenguaje estándar ajustado: "La Parte 845 de los Reglamentos de la Junta de Control de la Contaminación de Illinois no se aplica al área de 10 acres al oeste del West Pond conocida como Grassy Field ubicada en la Estación Generadora MWG Waukegan, 401 East Greenwood Ave, Waukegan, IL 60087 porque es un área de relleno no consolidada. MWG continuará realizando un monitoreo trimestral del agua subterránea de cada pozo de monitoreo en la Estación Waukegan para los constituyentes enumerados en 35 Ill. Adm. Code 620.410 (a), con la excepción del perclorato, en la adición del pH del campo y la elevación estática del agua. MWG informará trimestralmente los resultados analíticos y las mediciones de campo a la Agencia. Se enviarán dos copias de los informes trimestrales a: Sección de Aguas Subterráneas de la Agencia de Protección Ambiental de Illinois División de Suministros Públicos de Agua MC # 13 1021 North Grand Avenue East Springfield, IL 62794-9276 ". Cualquier persona puede hacer que se celebre una audiencia pública en el procedimiento estándar ajustado descrito anteriormente presentando una solicitud de audiencia ante la Junta de Control de Contaminación de Illinois dentro de los 21 días posteriores a la fecha de publicación de este aviso. La solicitud de audiencia debe indicar el número de expediente para el procedimiento estándar ajustado, como se encuentra en este aviso. La solicitud de audiencia debe enviarse por correo al Secretario, Junta de Control de la Contaminación de Illinois, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, o archivarla electrónicamente a través de COOL, ubicado en el sitio web de la Junta (www.ipcb.state.il.us). Published in Daily Herald August 4, 2023 (4603542)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Lake County Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the Lake County DAILY HERALD. That said Lake County DAILY HERALD is a secular newspaper, published in Libertyville, Lake County, State of Illinois, and has been in general circulation daily throughout Lake County, continuously for more than 50 weeks prior to the first Publication of the attached notice, and a newspaper as defined by 715 ILCS 5/5.

I further certify that the Lake County DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 08/04/2023 in said Lake County DAILY HERALD. This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

BY Doula Baltz Designee of the Publisher of the Daily Herald

Control # 4603542



NOTICE OF PETITION BY MIDWEST GENERATION, LLC FOR AN ADJUSTED STANDARD BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Midwest Generation, LLC ("MWG") filed a Second Amended Petition for an Adjusted Standard and Finding of Inapplicability of the Illinois Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments at 35 Ill. Adm. Code 845 (PCB AS 2021-003) with the Illinois Pollution Control Board on July 28, 2023 pursuant to 35 Ill. Adm. Code 101.400 and 104.418 for its Waukegan Station located at 401 East Greenwood Ave, Waukegan, Lake County, Illinois. Waukegan Station is a power-generating station. By the second amendment to the Petition, MWG withdraws its request for an adjusted standard for West Pond to allow the decontamination and retention of the existing liner in the basin rather than the liners' removal as provided in 35 Ill. Adm. Code 845.740(a). Pursuant to 35 Ill. Adm. Code 104.418(d), MWG did not repeat the unchanged portions of the original filing, and incorporates by reference those portions, including its request that the Illinois Pollution Control Board find 35 Ill. Adm. Code Part 845 inapplicable to the Grassy Field. The Second Amended Petition for an Adjusted Standard requests that the Board find 35 Ill. Adm. Code Part 845 is inapplicable to the Grassy Field because it does not accumulate CCR and liquid. MWG is also adding to the Second Amended Petition that the U.S. EPA issued a proposed rule entitled "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Legacy CCR Surface Impoundments," 88 Fed. Reg. 31982, in which EPA stated that historic areas of unconsolidated CCR fill such as and including the Grassy Field are not regulated under the CCR framework but would be under EPA's new proposed CCR management unit ("CCRMU") framework. The proposed rule is set to be finalized by early 2024. MWG proposes the following adjusted standard language: "Part 845 of the Illinois Pollution Control Board Regulations does not apply to the 10-acre area west of the West Pond known as the Grassy Field located at the MWG Waukegan Generating Station, 401 East Greenwood Ave, Waukegan, IL 60087 because it is an unconsolidated fill area. MWG will continue to conduct quarterly groundwater monitoring of each monitoring well at the Waukegan Station for the constituents listed in 35 Ill. Adm. Code 620.410(a), with the exception of perchlorate, in the addition of field pH and static water elevation. MWG will report the analytical results and field measurements to the Agency quarterly. Two copies of the quarterly reports shall be submitted to: Groundwater Section Illinois Environmental Protection Agency Division of Public Water Supplies MC #13 1021 North Grand Avenue East Springfield, IL 62794-9276." Any person may cause a public hearing to be held in the above-described adjusted standard proceeding by filing a hearing request with the Illinois Pollution Control Board within 21 days after the date of the publication of this notice. The hearing request should indicate the docket number for the adjusted standard proceeding, as found in this notice. The hearing request must be mailed to the Clerk, Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, or filed electronically through COOL, located on the Board's website ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)).

AVISO DE PETICIÓN DE MIDWEST GENERATION, LLC PARA UN ESTÁNDAR AJUSTADO ANTE LA JUNTA DE CONTROL DE CONTAMINACIÓN DE ILLINOIS

Midwest Generation, LLC ("MWG") presentó una Segunda Petición Enmendada para un Estándar Ajustado y Hallazgo de Inaplicabilidad de los Estándares de Illinois para la Eliminación de Residuos de Combustión de Carbon en Embalses de Superficie en 35 Ill. Adm. Código 845 (PCB AS 2021-003) ante la Junta de Control de Contaminación de Illinois el 28 de julio de 2023 de conformidad con 35 Ill. Adm. Código 101.400 y 104.418 para su estación Waukegan ubicada en 401 East Greenwood Ave, Waukegan, condado de Lake, Illinois. Waukegan Station es una estación generadora de energía. Mediante la segunda enmienda a la Petición, MWG retira su solicitud de un estándar ajustado para West Pond para permitir la descontaminación y retención del revestimiento existente en la cuenca en lugar de la remoción de los revestimientos según lo dispuesto en 35 Ill. Adm. Code 845.740(a). De conformidad con 35 Ill. Adm. Code 104.418 (d), MWG no repitió las partes sin cambios de la presentación original, e incorpora por referencia esas partes, incluida su solicitud de que la Junta de Control de la Contaminación de Illinois encuentre 35 Ill. Adm. Code Part 845 inaplicable al Grassy Field. La Segunda Petición Enmendada para una Norma Ajustada solicita que la Junta determine que 35 Ill. Adm. Code Part 845 es inaplicable al Grassy Field porque no acumula CCR y líquido. MWG también está agregando a la Segunda Petición Enmendada que la EPA de los Estados Unidos emitió una regla propuesta titulada "Sistema de Gestión de Residuos Peligrosos y Sólidos: Eliminación de Residuos de Combustión de Carbon de Empresas Eléctricas; Legacy CCR Surface Impoundments", 88 Fed. Reg. 31982, en el que la EPA declaró que las áreas históricas de llenado de CCR no consolidado, como e incluyendo el Grassy Field, no están regulados bajo el marco CCRSI, pero estarían bajo el nuevo marco propuesto por la unidad de gestión de CCR ("CCRMU") de la EPA. La regla propuesta se finalizará a principios de 2024. MWG propone el siguiente lenguaje estándar ajustado: "La Parte 845 de las Regulaciones de la Junta de Control de la Contaminación de Illinois no se aplica al área de 10 acres al oeste del West Pond conocida como Grassy Field ubicada en la Estación Generadora MWG Waukegan, 401 East Greenwood Ave, Waukegan, IL 60087 porque es un área de relleno no consolidada. MWG continuará realizando un monitoreo trimestral del agua subterránea de cada pozo de monitoreo en la Estación Waukegan para los constituyentes enumerados en 35 Ill. Adm. Code 620.410 (a), con la excepción del perchlorato, en la adición del pH del campo y la elevación estática del agua. MWG informará trimestralmente los resultados analíticos y las mediciones de campo a la Agencia. Se enviarán dos copias de los informes trimestrales a: Sección de Aguas Subterráneas de la Agencia de Protección Ambiental de Illinois División de Suministros Públicos de Agua MC #13 1021 North Grand Avenue East Springfield, IL 62794-9276". Cualquier persona puede hacer que se celebre una audiencia pública en el procedimiento estándar ajustado descrito anteriormente presentando una solicitud de audiencia ante la Junta de Control de Contaminación de Illinois dentro de los 21 días posteriores a la fecha de publicación de este aviso. La solicitud de audiencia debe indicar el número de expediente para el procedimiento estándar ajustado, como se encuentra en este aviso. La solicitud de audiencia debe enviarse por correo al Secretario, Junta de Control de la Contaminación de Illinois, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, o archivarse electrónicamente a través de COOL, ubicado en el sitio web de la Junta ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)).

Published in Daily Herald Reflejos August 4, 2023 4603543

PADDOCK PUBLICATIONS  
P. O. Box 280, Arlington Heights, IL 60006  
publisher of

# DAILY HERALD REFLEJOS

## CERTIFICATE OF PUBLICATION

This is to certify that a public notice for the Lake County Community Development Division appeared in the Friday, August 4, 2023 issue of REFLEJOS.

REFLEJOS is a weekly publication serving Latinos in Cook, DuPage, Kane, Kendall, DeKalb, Lake, McHenry, and Will Counties.

Dated: August 4, 2023

Paula Raetzman  
Legal Coordinator