

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**NOTICE OF ELECTRONIC FILING**

To: Attached Service List

PLEASE TAKE NOTICE that on August 25, 2023, I electronically filed with the Clerk of the Illinois Pollution Control Board (“Board”) the **ENVIRONMENTAL GROUPS’ SECOND RENEWED REQUEST AND CITY OF WAUKEGAN’S REQUEST FOR PUBLIC HEARING**, copies of which are served on you along with this notice.

Dated: August 25, 2023

Respectfully Submitted,

/s/ Lauren Piette  
IL Bar No. 6330290  
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**ENVIRONMENTAL GROUPS' SECOND RENEWED REQUEST AND CITY OF WAUKEGAN'S REQUEST FOR PUBLIC HEARING**

Pursuant to 35 Ill. Adm. Code 104.420(a), Clean Power Lake County, Earthjustice, Prairie Rivers Network, and Sierra Club (collectively, "Environmental Groups"), together with the City of Waukegan, request a public hearing in the above-referenced matter on Midwest Generation, LLC's Second Amended Petition for an Adjusted Standard and Finding of Inapplicability for Waukegan Station, filed on July 28, 2023. Midwest Generation published notice of its Second Amended Petition on August 4, 2023,<sup>1</sup> making this request timely under 35 Ill. Adm. Code 104.420(a).

In support of our request, we incorporate as if fully set out herein, Environmental Groups' original Request for Public Hearing in this matter, filed on June 7, 2021, which describes the reasons a public hearing is crucial in this matter.<sup>2</sup> We also renew Environmental Groups' request, as set forth in their Renewed Request for Public Hearing filed on October 18, 2021, that the hearing be held in a hybrid manner similar to the public hearings held in R2020-19 because the need to travel to either Chicago or Springfield could, for some staff or members of our organizations, limit the ability to participate in the hearing. If a full hybrid hearing is not possible, we renew our request that the portion of the hearing dedicated to oral public comment be conducted in a hybrid manner.

Finally, we underscore the importance of resolving this matter expeditiously, as reflected in the multiple comments that Environmental Groups and the City of Waukegan have filed in this docket describing the urgent need to address coal ash pollution in Waukegan, an area of environmental justice concern that must be prioritized under the Coal Ash Pollution Prevention Act.<sup>3</sup>

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<sup>1</sup> Midwest Generation, LLC, Certification of Publication (Aug. 9, 2023).

<sup>2</sup> In its June 17, 2021 Order in this proceeding, the Board acknowledged Environmental Groups' June 7 request, "set[] the matter for hearing," and "direct[ed] the Hearing Officer in this matter to include the attorneys for the Environmental Organizations in discussions regarding setting the hearing date."

<sup>3</sup> See Env't Orgs., Req. for Public Hr'g (June 7, 2021); Comments of Clean Power Lake Cty., (Aug. 27, 2021); Env't Orgs., Renewed Req. for Public Hr'g (Oct. 18, 2021); Comments of Clean Power Lake Cty., (May 23, 2022); Comments submitted on behalf of the City of Waukegan by Mayor Taylor (May 25, 2022); Env't Orgs., Comments on Midwest Generation's Motion for Extension of Time (Nov. 14, 2022); Comments submitted on behalf of the City of Waukegan by Mayor Taylor (Nov. 15, 2022).

Thank you for your consideration of this request.

Respectfully Submitted,

/s/ Lauren Piette  
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**CERTIFICATE OF SERVICE**

The undersigned, Lauren Piette, an attorney, certifies that I have served by email the Clerk and by email the individuals with email addresses named on the Service List provided on the Board's website, *available at* <https://pcb.illinois.gov/Cases/GetCaseDetailsById?caseId=17032>, a true and correct copy of the **ENVIRONMENTAL GROUPS' SECOND RENEWED REQUEST AND CITY OF WAUKEGAN'S REQUEST FOR PUBLIC HEARING**, before 5 p.m. Central Time on August 25, 2023. The number of pages in the email transmission is 6 pages.

Dated: August 25, 2023

Respectfully Submitted,

/s/ Lauren Piette  
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