

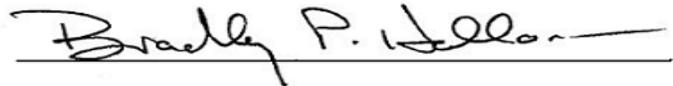
ILLINOIS POLLUTION CONTROL BOARD  
February 7, 2024

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 21-3  
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 answer, either orally or in writing, their respective responses to the attached questions at hearing. If the parties believe that there is insufficient time to answer the questions by the hearing date of February 13, 2024, discussion will be entertained regarding filing written responses after the hearing concludes.

IT IS SO ORDERED.



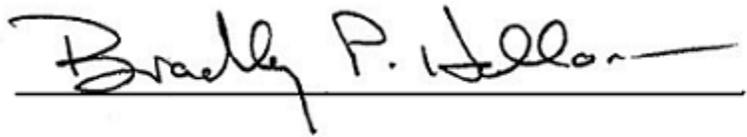
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60 E Van Buren Street  
Suite 630  
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312.814.8917  
[Brad.Halloran@illinois.gov](mailto:Brad.Halloran@illinois.gov)

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on February 7, 2024, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on February 7, 2024:

Don Brown  
Illinois Pollution Control Board  
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Suite 630  
Chicago, Illinois 60605



Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
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@ Consents to electronic service

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- **AS 21-3: Petition of Midwest Generation, LLC for a finding of inapplicability of 35 Ill. Adm. Code 845**

**Questions Directed to Midwest Generation**

**SECTION 28.1.c Factors**

1. Is Midwest Generation aware of any closure activities conducted on the Old Pond?
  - a. If so, can Midwest Generation provide documentation?
  - b. What were the nature of these activities?
  - c. If not, are there plans to close the Old Pond in the future?
2. Was the CCR from the western third of the Old Pond removed before the construction of the Grassy Field?

**35 IAC 104 Subpart D: Adjusted Standards Justification**

3. Are there better-quality versions of the chart/diagrams on pages 9-10 of Exhibit 22? It is difficult to decipher.

**35 IAC 104 Subpart D: Description of the Nature of Petitioner's Activities**

4. If the Grassy Field is/has been used for the storage of "unconsolidated fill" what is the status of these piles?

**35 IAC 104 Subpart D: Environmental Impact**

5. Is there any groundwater data available from monitoring wells upgradient and downgradient of the Grassy Field?
  - a. If it is available, please provide the data from those monitoring wells.
6. Does Midwest Generation have any available data on levels of the constituents listed in 845.600(a)(1) not included in the CCA? Such as:
  - a. Lithium
  - b. Molybdenum.
7. Can Midwest Generation provide any information regarding the characteristics of the CCR that the Old Pond contained?
8. The Alternative Source Demonstration (ASD) included as Exhibit 15 hypothesizes that the source of contamination is upgradient of MW-05. Have there been any further investigations into the source of contamination?
  - a. Has the Grassy Field or the Old Pond been ruled out as possibilities as sources of the contamination?
  - b. If not, would a new ASD be useful in determining whether the Grassy Field or the former Old Pond are the source of contamination?

### **Questions Directed to Illinois Environmental Protection Agency**

1. In Agency Exhibit 34 *Table 2: Groundwater Analytical Results- Midwest Generation LLC, Waukegan Station, IL*, there are sampling events with different detection limits between events and some detection limits are above the standard. Is IEPA aware of the reason for this? Some examples include:
  - a. For MW-05, the boron results from August 17, 2020, through February 9, 2022 have a detection limit of 5.0 mg/L when the boron standard under 845.600(a)(1) is 2.0 mg/L.
  - b. For MW-07, the sulfate results from April 22, 2020, have a detection limit of 500 mg/L when the sulfate standard under 845.600(a)(1) is 400 mg/L.
  - c. Were different methods used to analyze groundwater between sampling events and/or wells?