

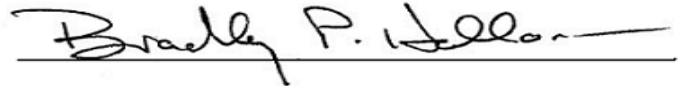
ILLINOIS POLLUTION CONTROL BOARD
April 5, 2019

MIDWEST GENERATION LLC,)	
)	
Petitioner,)	
)	
v.)	
)	PCB 18-58
ILLINOIS ENVIRONMENTAL)	(Thermal Demonstration)
PROTECTON AGENCY,)	
)	
Respondent.)	

HEARING OFFICER ORDER

To further assist the Board's understanding of the above-captioned matter, petitioner Midwest Generating LLC is directed to address the attached questions in a filed written response on or before April 19, 2019.

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

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on April 5, 2019, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on April 5, 2019:

Don Brown
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601



Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312.814.8917

@ Consents to electronic service

PCB 2018-058@
Virginia Yang
Illinois Department of Natural Resources
2050 W. Stearns Road 235
Bartlett, IL 60103

PCB 2018-05 @
Stefanie N. Diers
IEPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

PCB 2018-058@
Stacy Meyers, Senior Counsel
Openlands
25 E. Washington St., Suite 1650
Chicago, IL 60602

PCB 2018-058@
Vincent R. Angermeier
Nijman Franzetti LLP
10 S. LaSalle Street, Suite 3600
Chicago, IL 60603

PCB 2018-058@
Susan M. Franzetti
Nijman Franzetti LLP
10 S. LaSalle Street
Suite 3600
Chicago, IL 60603

PCB 2018-058@
Renee Snow, General Counsel
Illinois Department of Natural
Resources
One Natural Resources Way
Springfield, IL 62702-1271

PCB 18-58
Midwest Generation LLC
Will County Generating Station Alternative Thermal Effluent Limitation Demonstration

Questions for Petitioner

The Board issued questions (BQ) directed at Midwest Generation LLC (MWGen) on November 21, 2018. MWGen was asked to comment on proposed alternative thermal effluent limitation language for the Board's order. BQ #3.

35 Ill. Adm. Code 302.408(f) provides:

Water temperature at representative locations in the main river shall not exceed the maximum limits in the applicable table in subsections (g), (h) and (i), during more than one percent of the hours in the 12-month period ending with any month. Moreover, at no time shall the water temperature exceed the maximum limits in the applicable table that follows by more than 1.7° C (3.0° F)

Consistent with Section 302.408(f), the proposed language should have used "and" instead of "or" as the conjunction between (1)(b)(i) and (1)(b)(ii). The change is shown in the language below.

Does changing "or" to "and" change MWGen's responses to the questions issued on November 21, 2018?

Under 35 Ill. Adm. Code 106.SubpartK and 35 Ill. Adm. Code 304.141(c), the Board determines that the following alternative thermal effluent limitations apply to Midwest Generation, LLC's Will County Generating Station.

1. Temperature

- a. In lieu of the Chicago Area Waterway System Aquatic Life Use B (ALU B) thermal water quality standards in 35 Ill. Adm. Code 302.408(h), the following daily maximum temperature limits apply:

Months	Daily Maximum (°F)
January	70
February	70
March	75
April	80
May	85
June	93
July	93
August	93
September	93

October	90
November	85
December	75

- b. In lieu of the water temperature requirements of 35 Ill. Adm. Code 302.408(c), (d), (e), and (f), water temperature must not exceed the daily maximum temperature limits in paragraph (1)(a):
 - i. By more than 5% of the hours (438 hours) in the 12-month period ending with any month; ~~or~~and
 - ii. By more than 1.7°C (3°F) at any time.
 - c. The alternative thermal effluent limitations in paragraphs (1)(a) and (1)(b) apply at the edge of the 26-acre mixing zone allowed in Will County Generating Station's NPDES permit.
2. Zone of Passage. In lieu of 35 Ill. Adm. Code 302.102(b)(8), the mixing zone identified in paragraph (1)(c) must allow for a zone of passage that includes at least 50% of the cross-sectional area and volume of flow of the Chicago Sanitary and Ship Canal.
 3. Compliance. Midwest Generation, LLC must demonstrate compliance with paragraph (1) and (2) by modeling that is:
 - a. Designed consistent with this opinion and order; and
 - b. Approved by the Illinois Environmental Protection Agency as a condition of Will County Generating Station's NPDES permit.
 4. The Agency must expeditiously modify Midwest Generation's NPDES permit consistent with this opinion and order.