

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
SIERRA CLUB, ENVIRONMENTAL)	
LAW AND POLICY CENTER,)	
PRAIRIE RIVERS NETWORK, and)	
CITIZENS AGAINST RUINING THE)	
ENVIRONMENT)	
)	PCB 2013-015
Complainants,)	(Enforcement – Water)
)	
v.)	
)	
MIDWEST GENERATION, LLC,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Don Brown, Assistant Clerk	Attached Service List
Illinois Pollution Control Board	
James R. Thompson Center	
100 West Randolph Street, Suite 11-500	
Chicago, IL 60601	

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board Respondent, Midwest Generation, LLC’s Motion to Stay Proceedings and Memorandum in Support of its Motion to Stay Proceedings with Exhibit, a copy of which is hereby served upon you.

MIDWEST GENERATION, LLC

By: /s/ Jennifer T. Nijman

Dated: February 21, 2020

Jennifer T. Nijman
Susan M. Franzetti
Kristen L. Gale
NIJMAN FRANZETTI LLP
10 South LaSalle Street, Suite 3600
Chicago, IL 60603
(312) 251-5255

SERVICE LIST

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Coal Association, and Chemical Industry Council
of Illinois)

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Sorling Northrup
1 North Old State Capitol Plaza, Suite 200
P.O. Box 5131
Springfield, IL 62705
(Illinois Chapter of the National Waste Recycling
Association)

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing, Certificate of Service and Respondent, Midwest Generation, LLC's Motion to Stay Proceedings and Memorandum in Support of its Motion to Stay Proceedings with Exhibit was filed on February 21, 2020 with the following:

Don Brown, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

and that true copies were emailed on February 21, 2020 to the parties listed on the foregoing Service List.

/s/ Jennifer T. Nijman

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MIDWEST GENERATION, LLC’S MOTION TO STAY PROCEEDINGS

Pursuant to 35 Ill. Adm. Code 101.514, Midwest Generation, LLC (“MWG”) respectfully requests that the Board enter an order staying this proceeding for one year due to the pending Coal Combustion Residual (“CCR”) Rulemaking that will be submitted to the Board no later than March 30, 2020 (the “CCR Surface Impoundment Rules”). In support of its Motion, MWG submits its Memorandum in Support of Motion to Stay Proceedings and states as follows:

1. In October 2017 and continuing to January 2018, the Parties participated in a lengthy and extensive hearing regarding Complainants’ allegations that MWG violated the Illinois Environmental Protection Act (“Act”).
2. On June 20, 2019, the Board entered an Interim Order and Opinion, which it reconsidered and revised on February 6, 2020.
3. On July 30, 2019, the Coal Ash Pollution Prevention Act (“CAPPA”) was enacted, which amended the Illinois Environmental Protection Act (“Act”) and added new sections regarding the regulation, management, and permitting of CCR and CCR surface impoundments. 2019 ILL. ALS 171, 2019 Ill. Laws 171, 2019 ILL. P.A. 171, 2019 Ill. SB 9.

4. Pursuant to CAPP, the Illinois EPA must propose to the Board rules to implement Section 22.59 by March 30, 2020. 415 ILCS 5/22.59(g).

5. On September 19, 2019, the Board stated that it has reviewed CAPP and that it “directs the Board to adopt CCW rules addressing specific issues and provides a deadline for it to do so.” *In the Matter of: Coal Combustion Waste (CCW) Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841*, PCB 14-10 (Sept. 19, 2019), at *2.

6. On December 11, 2019, Illinois EPA issued a draft of the proposed Coal Combustion Residuals (“CCR”) Surface Impoundment Rules.¹ The draft rules are “comprehensive rules for the design, construction, operation, groundwater monitoring, corrective action, closure and post-closure care of surface impoundments containing CCR.” *Id.*

7. The Board should stay this proceeding for one year to avoid results that are inconsistent with the CCR rules, to allow for administrative efficiency, and to avoid wasting the resources of the Board and the Parties.

8. It would be prejudicial and unreasonable to require MWG to move forward with defending this case, and potentially implementing remedies at its Stations, when the regulatory landscape regarding CCR surface impoundments is evolving so rapidly. The Illinois EPA has stated that its proposed CCR Surface Impoundment Rules are comprehensive and it is a better use of everyone’s limited time and resources to stay this matter to ensure that any of the corrective actions ordered at MWG’s Stations will comply with the adopted rules.

9. A stay in this proceeding will not cause environmental harm and will not cause prejudice to the Complainants.

¹ <https://www2.illinois.gov/epa/topics/water-quality/watershed-management/ccr-surface-impoundments/Pages/default.aspx> (accessed Feb. 12, 2020)

WHEREFORE, Respondent, Midwest Generation, LLC, respectfully requests that the Board stay these proceedings to allow the CCR Surface Impoundment Rules to be adopted, which is required by statute to occur in one year.

Respectfully submitted,

Midwest Generation, LLC

By: /s/ Jennifer T. Nijman
One of Its Attorneys

Jennifer T. Nijman
Susan M. Franzetti
Kristen L. Gale
NIJMAN FRANZETTI LLP
10 South LaSalle Street, Suite 3600
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Respondent.)	

MIDWEST GENERATION, LLC’S MEMORANDUM IN SUPPORT OF ITS MOTION TO STAY PROCEEDINGS

The Illinois Pollution Control Board (“Board”) should stay this proceeding for one year because of the of the pending Coal Combustion Residual (“CCR”) Rulemaking that will be submitted to the Board no later than March 30, 2020 (the “CCR Surface Impoundment Rules”). On July 30, 2019, the Coal Ash Pollution Prevention Act (“CAPPA”) was enacted. (*See* 2019 ILL. ALS 171, 2019 Ill. Laws 171). CAPPA “directs the Board to adopt CCW rules addressing specific issues and provides a deadline for it to do so.” *In the Matter of: Coal Combustion Waste (CCW) Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841*, PCB 14-10 (Sept. 19, 2019), at *2. Accordingly, by March 30, 2021, the Board will hold hearings and adopt a new comprehensive regulatory scheme regarding a material that has never been separately regulated in Illinois. A stay will avoid inconsistent remedies and avoid a waste of Board and Party resources.

The CCR Surface Impoundment Rules as proposed contain virtually the same corrective actions and remedies demanded by Complainants. Once the rules are adopted, MWG will

conduct the operations of its CCR surface impoundments in full compliance, obviating the substance of Complainants' requested relief. A stay will ensure consistent regulation of all existing CCR surface impoundments, both at MWG Stations and throughout Illinois. There is no reason to move forward to attempt to create a remedy for only MWG surface impoundments before the final rules on remedying all CCR surface impoundments in Illinois are adopted. There is no risk of environmental harm and Complainants will not be prejudiced by a stay for one year.

I. BACKGROUND

On October 3, 2012, Complainants filed a seven-count complaint against MWG, involving four individual MWG Stations in Illinois and many areas and impoundments at each facility. Since 2012, the Parties conducted extensive discovery, exchanged expert reports, and took multiple depositions. The matter was bifurcated by the Board and went to hearing on liability in October 2017. Due to the number of facilities at issue and the multiple issues, the hearing was lengthy and extensive. The first part of the hearing was conducted over five days in October 2017 and extended for an additional five days in January 2018. Seven witnesses and two expert witnesses testified and approximately 250 exhibits were admitted in the record. On June 20, 2019, the Board entered an Interim Order and Opinion, which it reconsidered following MWG's motion. A revised Interim Order was issued on February 6, 2020.

Shortly after issuing its June 2019 Interim Order, the Illinois legislature enacted CAPP, which amended the Illinois Environmental Protection Act ("Act") and added new sections regarding the regulation, management, and permitting of CCR and CCR surface impoundments. 2019 ILL. ALS 171, 2019 Ill. Laws 171, 2019 ILL. P.A. 171, 2019 Ill. SB 9. Specifically, CAPP created a new Section 22.59 in the Act which addresses CCR surface impoundments. 415 ILCS 5/22.59.

Pursuant to CAPP, the Illinois EPA must propose to the Board rules to implement Section 22.59 by March 30, 2020. 415 ILCS 5/22.59(g). CAPP directs the Illinois EPA to prepare, and the Board to adopt, rules with specific requirements including at a minimum to, “be at least as protective and comprehensive as the federal regulations...”, “specify which types of permits include requirements for closure, post-closure, remediation and all other requirements applicable to CCR surface impoundments”, “specify a method to prioritize CCR surface impoundments required to close under RCRA...”, and “define when complete removal of CCR is achieved and specify the standards for responsible removal of CCR from CCR surface impoundments...” *Id.* The Board must adopt the rules implementing CAPP within one year of the date the Illinois EPA proposes them to the Board. *Id.*

To prepare for the March 30, 2020 deadline, on December 11, 2019, Illinois EPA issued a draft of the proposed CCR rules.¹ The draft rules create a new Part 857 in Title 35 of the Administrative Code and Illinois EPA states that they contain “comprehensive rules for the design, construction, operation, groundwater monitoring, corrective action, closure and post-closure care of surface impoundments containing CCR.” *Id.* The proposed draft includes specific requirements for new groundwater protection standards applicable only to CCR surface impoundments; groundwater monitoring systems, sampling and analysis requirements; groundwater monitoring program; assessment of corrective measures; preparation and implementation of a corrective action plan; and closure and retro fit of CCR surface impoundments. Both Complainants and Respondents in this case prepared extensive comments on the proposed draft and timely submitted their comments to the Illinois EPA.

¹ <https://www2.illinois.gov/epa/topics/water-quality/watershed-management/ccr-surface-impoundments/Pages/default.aspx> (accessed Feb. 12, 2020)

Once the Illinois submits the proposed rules to the Board, on or before March 30, 2020, the Board has one year from the date of submittal (on or before March 30, 2021) to adopt the rules. 415 ILCS 5/22.59(g).

II. THE BOARD SHOULD STAY THIS PROCEEDING FOR ONE YEAR

The Board should stay this proceeding to allow the Board to adopt Illinois CCR Surface Impoundment Rules. The Board is required by statute to issue a Final Order and Opinion adopting CCR Surface Impoundment Rules within a year. Based on the proposed rules issued to date, the CCR Surface Impoundments Rules will encompass the issues to be addressed in the second phase of this litigation (i.e., remediation/damages), and there is no basis to move forward on a remedial scheme that could conflict with upcoming rules. The CCR Surface Impoundment Rules likely will obviate most if not all of Complainants' prayers for relief.

A. Applicable Law Supports Granting a Stay

The decision to grant or deny a motion for stay is vested in the sound discretion of the Board. *People v. State Oil Co.*, PCB 97-103 (May 15, 2003), *aff'd sub nom State Oil Co. v. PCB*, 352 Ill. App. 3d 813 (2nd Dist. 2004). In determining whether a stay is justified, the Board considers factors including comity for other proceedings, prevention of multiplicity, harassment, and vexation, the likelihood of obtaining complete relief in the foreign jurisdiction and *res judicata*. *Midwest Generation EME, LLC v. IEPA*, PCB 04-216, slip op at 7 (Apr. 6, 2006) *citing A. E. Staley Mfg. Co. v. Swift & Co.*, 84 Ill. 2d 245, 254, 419 N.E.2d 23, 27-28 (1980). The Board may also consider any prejudice to the non-moving party. *Herrin Security Bank v. Shell Oil Co.*, PCB 94-178, May 18, 1995.

The Board is not required to consider all of these cited factors in granting a stay. *North Shore Sanitary District v. Illinois EPA*, PCB 03-146 (March 20, 2003), *3 (In granting the stay, Board only considered whether the movant would suffer irreparable harm without the stay). For

example, in *U.S. Steel v. Illinois EPA*, PCB 10-23, U.S. Steel requested that the Board stay a permit appeal because of the uncertainty created by a third-party objection to the permit issued to the U.S.EPA. *U.S. Steel v. Illinois EPA*, PCB 10-23 (Feb. 2, 2012) at *3. In granting the stay, the Board only considered the effect of the U.S.EPA proceeding on the appeal, and none of the other factors, finding that the uncertainty over the impact of the U.S.EPA proceeding on the appeal merited a one-year stay. *Id* at 12.

Similarly, the Board recently granted a stay of an enforcement action considering only the impact of a complaint filed in federal court. *Weglarz Hotel III, LLC v. The Belt Railway Company of Chicago*, PCB 19-64 (Jan. 17, 2019). In *Weglarz Hotel*, the respondent requested a stay of an enforcement matter pending resolution of a federal court action it filed in the Northern District of Illinois. *Id.* at 1. In granting the stay, the Board determined that the Board and the federal court could grant inconsistent relief, that “administrative efficiency weighs in favor of granting the stay”, and “it would waste the resources of the Board and the parties to proceed with this enforcement case...” *Id* at 2. *Id.* See also *Midwest Generation EME, LLC v. IEPA*, PCB 04-216 (Apr. 6, 2006), at 7-8 (Board granted stay to diminish the opportunity for potentially conflicting determinations and avoid wasteful multiplicity of litigation, even though there was no finding of likelihood of obtaining complete relief in foreign jurisdiction nor a *res judicata* effect.); *Herrin Security Bank v. Shell Oil Company*, PCB 94-178, May 18, 1995 *1-2 (Board granted stay where relevant regulatory actions could have contributed to the expeditious resolution of the Board proceeding.)

Similar factors are at play here. There is a likelihood of inconsistent relief if the Board orders a remedy for the MWG Stations that is different from the impending CCR Surface

Impoundment Rules, administrative efficiency weighs in favors of a stay, and it would be a waste of resources to proceed when CCR rules will be issued in a year.

B. A Stay Will Prevent Inconsistent Relief and Prevent a Waste of Resources

It would be unreasonable and a waste of resources to require MWG to move forward with defending this case, and potentially implementing a remedy, when the regulatory landscape regarding CCR surface impoundments is evolving so rapidly. The General Assembly stated that the purpose of CAPP is to ensure *consistent* regulation of all existing CCR surface impoundments. 415 ILCS 5/22.59(a)(4) (“environmental laws should be supplemented to ensure consistent, responsible regulation of all existing CCR surface impoundments.” (emphasis added). “Consistent” relief is also a consideration when considering a motion to stay. In *Weglarz Hotel III*, one of the Board’s bases for granting the stay was that it was conceivable that the Board and the federal court could grant inconsistent relief. *Weglarz Hotel III, LLC*, PCB 19-64 (Jan. 17, 2019), *2.

Illinois EPA has specifically stated that CAPP is retroactive pursuant to Sections 22.59(a)(3) and (m) and considers it to apply to all existing CCR surface impoundments, including those at the MWG Stations at issue. 415 ILCS 5/22.59(a)(3), (m). Thus, Illinois EPA deems CAPP and the rules implementing to be backward looking, to address any alleged violations or contamination that has already occurred. The General Assembly ordered that the rules implementing CAPP were to “specify which types of permits include requirements for closure, post-closure, remediation and all other requirements applicable to CCR surface impoundments”, “specify a method to prioritize CCR surface impoundments required to close under RCRA...”, and “define when complete removal of CCR is achieved and specify the standards for responsible removal of CCR from CCR surface impoundments...” 415 ILCS 5/22.59(g). In response to these statutory mandates, Illinois EPA presented “comprehensive

rules for the design, construction, operation, groundwater monitoring, corrective action, closure and post-closure care of surface impoundments containing CCR.”² (emphasis added). Specifically, the proposed CCR rule as drafted by the Illinois EPA requires that the CCR surface impoundments have a two-stage liner, a groundwater monitoring program (proposed 845.650), assessment of corrective measures (proposed 845.660), a corrective action plan and its implementation (proposed 845.670 and 845.680). The corrective action is only complete when compliance with the groundwater compliance standards are achieved (proposed 845.680). Here, Complainants have demanded the same requirements by requesting that MWG modify its CCR storage practices to avoid future groundwater contamination and remediate to meet the applicable Illinois groundwater standards. *See Second Amended Complaint*, p. 19. During the first phase of this case, Complainant’s expert issued a report detailing how he believed MWG should be required to proceed with remediation, including removing all ash from and around surface impoundments.

MWG’s CCR surface impoundments are all captured by CAPP and other areas of MWG’s facilities that are subject of this litigation are likely to similarly fall within the rules. In apparent efforts to begin implementing CAPP, Illinois EPA has already identified virtually all of the areas at the MWG Stations at issue in this case as “CCR Surface Impoundments.” *See Exhibit 1*. As such, those areas could be drawn into the CCR surface impoundment regulatory scheme.

If the Board attempts to fashion a remedy for the MWG facilities before the CCR rules are complete, there is a high probability MWG will be ordered to conduct a corrective action that ultimately is not compliant with the adopted rules or approvable by the Illinois EPA. MWG has

² <https://www2.illinois.gov/epa/topics/water-quality/watershed-management/ccr-surface-impoundments/Pages/default.aspx> (accessed Feb. 12, 2020) (emphasis added).

already suffered such a fate in this matter. In 2012, when MWG received violation notices from the Illinois EPA, the Illinois EPA demanded that MWG conduct corrective action by relining the surface impoundments, even though the Federal CCR rules were pending and expected to be issued at any time. Despite MWG's expressed concern that the proposed remedies demanded by Illinois EPA may not be compliant with Federal CCR rule that was due to be issued, MWG spent millions to reline many of its ash ponds with new HDPE liners, pursuant to Illinois EPA's demand. Two years later, the costly new liners were of little regulatory use to demonstrate compliance because they were not consistent with the Federal CCR rule. It was exactly the type of inconsistent ruling a stay is intended to prevent.

MWG will fully follow the Illinois CCR rules once they are finalized, including conducting any potential investigations or corrective actions that may be required. The regulation of MWG's CCR surface impoundments should be consistent with the Illinois CCR Rulemaking and also consistent with the regulation of CCR generated by other electric generating companies in Illinois. The only way to ensure consistency is to stay this matter so that the Board may adopt comprehensive rules that will apply to all CCR surface impoundments equally.

C. A Stay for One Year will Result in Administrative Efficiency

Administrative efficiency and the definite end of the CCR Surface Impoundment rulemaking weighs in favor of granting a stay in this case. CAPP "directs the Board to adopt CCW rules addressing specific issues and provides a deadline for it to do so." *In the Matter of: Coal Combustion Waste (CCW) Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841*, PCB 14-10 (Sept. 19, 2019), at *2 (emphasis added). Section 22.59(g) requires the Board to adopt rules by March 30, 2021. During that year, the Board will need to focus its attention on considering the proposed rules, conducting hearings, examining comments by interested parties, stakeholders, and the public, and preparing the final

rules and a comprehensive opinion. MWG intends to actively participate in the rulemaking and it expects Complainants will be doing the same. There is a definite deadline by which the rulemaking will be complete and upon completion of the final adopted rules, the Parties, and the Board, will know the corrective measures required for CCR surface impoundments. Out of deference to and in light of its own rulemaking process, the Board should stay this matter for one year.

Without a stay, a hearing for the remedy phase of this case will be detailed and lengthy, with Parties and their experts providing opinions on the scope of work that may, or may not, be necessary at the MWG stations, and speculating over the potential impact of the soon-to-be-issued CCR rules. Because the proposed CCR rules will be comprehensive and include all of the relief requested by the Complainants, there is no reason to move forward with the remedy phase at this time. Once the rules are final, the scope of the hearing will be limited, reducing the length of the hearing, the number of witnesses, and the evidence submitted in support. Administrative efficiency and avoidance of wasting the resources of the Board and the Parties weighs in favor of granting a stay for one year. *Weglarz Hotel III, LLC*, PCB 19-64 (Jan. 17, 2019), *2.

D. Complainants are Not Prejudiced by Granting a Stay

In this case, a stay avoids inconsistent relief, avoids unnecessary litigation expenses, and will contribute to the expeditious resolution of this action. Before any Party expends more funds on the litigation, it would be expedient and cost effective to wait for the final CCR Surface Impoundments Rules to be issued in one year. Both Parties will be actively involved in the rulemaking, and it is a better use of the Board's and the Parties' time to maintain their focus on participating in the rulemaking to ensure that the rules are robust and comprehensive.

While Complainants may argue they are entitled to determine whether penalties should be assessed against MWG for past violations, the primary purpose of civil penalties is to aid in

enforcement of the Act. *People of the State of Illinois v. Community Landfill Co., Inc. v. City of Morris*, PCB 03-191 (June 18, 2009) 2009 Ill. ENV LEXIS 228, *61, citing *People v. Fiorini*, 143 Ill. 2d 318, 349, (1991). Here, there is no need for such aid of enforcement. MWG has conducted numerous corrective actions its stations, including: 1) entry into Compliance Commitment Agreements with the Illinois EPA; 2) the extensive and costly relining its CCR surface impoundments despite the unknown regulatory requirements for liners; 3) MWG's establishment of institutional controls and groundwater managements zones; 4) and continued monitoring of the groundwater. In fact, Complainants agree that MWG has taken corrective actions in an effort to comply with the Act. In a separate matter, Complainants recognized Illinois EPA's and MWG's "efforts to remediate the contamination" by establishing GMZs, entering into CCAs, and taking steps to reduce contamination from the on-site storage of CCR. See Complainant's Opposition to Motion to Bifurcate, *Sierra Club v. Illinois Power Generating, et al* (PCB19-78), April 29, 2019, ¶11. Complainants called those efforts "meaningful" to prevent contamination from continuing. *Id.*, ¶12. Thus, there is no need to aid enforcement of the Act, and while MWG disputes that any penalty is necessary, any assessed penalty can wait one year so that all Parties may understand the ultimate regulatory requirements.

In contrast, the potential prejudice to MWG without a stay is extensive. As discussed above, MWG faces the specter of implementing remedies imposed by the Board that are inconsistent with the CCR rules that get implemented. MWG will suffer unnecessary costs of litigation that will be vastly reduced once the CCR Surface Impoundment Rules specify how surface impoundments are to be addressed.

E. A Stay is Appropriate Because There is No Risk of Environmental Harm

A stay in this manner is further justified because these proceedings do not involve a risk of ongoing environmental harm. See *North Shore Sanitary District v. Illinois EPA*, PCB 03-146,

March 20, 2003, slip op. at 3, (Board granted stay of permit appeal in part because “no environmental harm will come from granting a stay”). It is undisputed that there are no potable wells downgradient of the MWG Stations. Also, it is undisputed that there is no risk to the surface waters near the Stations because the concentrations of the constituents are below the water quality standards and water quality criteria that are considered to be protective of human health and the environment. *See* MWG Ex. 903, App. B (Surface Water Risk Characterization), and Ex. 907 (Updated Surface Water Risk Characterization). As Complainants have agreed, MWG has taken meaningful efforts to prevent contamination from continuing and MWG will continue to maintain and conduct those efforts during the stay.

III. CONCLUSION

A stay of this proceeding is appropriate given the pending CCR Surface Impoundment Rules that will be adopted by the Board in a year, as required by statute. 415 ILCS 5/22.59(g). Based on the above, Respondent, Midwest Generation, LLC respectfully requests that the Board grant Respondent’s Motion to Stay for one year.

Respectfully submitted,

MIDWEST GENERATION, LLC.

By /s/ Jennifer T. Nijman
One of Its Attorneys

Jennifer T. Nijman
Susan M. Franzetti
Kristen L. Gale
NIJMAN FRANZETTI LLP
10 South LaSalle Street, Suite 3600
Chicago, IL 60603
312-251-5255



Illinois Environmental Protection Agency
 Division of Water Pollution Control
 1021 North Grand Avenue East
 Springfield, IL 62794-9276

Powerton Generating Station
 Attn: Accounts Payable
 13082 East Manito Rd,
 Pekin, IL 61554-8587

Billing Date	Mon December 16, 2019
Due Date	Tue January 31, 2020
Account Number	W1798010008
Facility Name	Powerton

Initial Invoice

Pond ID	Pond Description	Amount
W1798010008-01	Ash Basin	75,000.00
W1798010008-02	Sec. Ash Basin	75,000.00
W1798010008-03	Metal Cleaning Basin	75,000.00
W1798010008-04	Bypass Basin	75,000.00
W1798010008-05	Former Ash Basin	75,000.00

Amount Due \$375,000.00

Other Information/Messages

Questions. Please direct any technical/permit questions to the Permit Section at (217) 782-0610.
 Questions about the amount of your fee should be emailed to: EPA.AcctsReceivable@illinois.gov

- See Reverse Side for Additional Important Information -

Return bottom portion with a check made payable to Illinois EPA

Payment Remittance Stub

Account Information

Acct. Number W1798010008
 Facility Name Powerton
 IEPA Program COALIN
 Billing Date Mon December 16, 2019

Amount Due

Tue January 31, 2020 \$375,000.00

Amount Enclosed

Please remit payment to:
Illinois Environmental Protection Agency
 Fiscal Services #2
 P.O. Box 19276
 Springfield, IL 62794-9276



Illinois Environmental Protection Agency
Division of Water Pollution Control
*1021 North Grand Avenue East
Springfield, IL 62794-9276*

Other Information

State Law Compliance. The owner or operator of a CCR surface impoundment shall pay all fees pursuant to 415 ILCS 5/22.59(j). The owner or operator of a CCR surface impoundment is ultimately responsible and liable for determining an accurate number of CCR impoundments under its control and the fees owed to the Agency under 415 ILCS 5/22.59(j). The amount specified by the Agency within this invoice does not waive or modify the statutory requirement, per 415 ILCS 5/22.59(j) as added by Public Act 101-171, that the owner or operator accurately pay the required initial fee and annual fee for each CCR surface impoundment.

Collection Notice. Failure to submit the amount due by the due date constitutes a violation of Section 22.59 of the Illinois Environmental Protection Act, 415 ILCS 5/22.59(j). The Agency may utilize any available collection procedures to recover unpaid fees and all accumulated interest. These may include, but are not limited to, enforcement actions pursuant to Section 31 of the Illinois Environmental Protection Act, 415 ILCS 5/31, submittal of the unpaid amounts for Comptroller's Offset pursuant to 30 ILCS 210, or submittal of the unpaid fee to the Illinois Department of Revenue's Debt Collection Bureau pursuant to 30 ILCS 210.



Illinois Environmental Protection Agency
 Division of Water Pollution Control
 1021 North Grand Avenue East
 Springfield, IL 62794-9276

Will County Generating Station
 Attn: Sharene Shealey
 529 East 135th Street,
 Romeoville, IL 60446

Billing Date	Mon December 16, 2019
Due Date	Tue January 31, 2020
Account Number	W1970450047
Facility Name	Joliet 29

Initial Invoice

Pond ID	Pond Description	Amount
W1970450047-01	Pond 1	75,000.00
W1970450047-02	Pond 2	75,000.00
W1970450047-03	Pond 3	75,000.00

Amount Due \$225,000.00

Other Information/Messages

Questions. Please direct any technical/permit questions to the Permit Section at (217) 782-0610.
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Payment
Remittance Stub

Account Information

Acct. Number W1970450047
 Facility Name Joliet 29
 IEPA Program COALIN
 Billing Date Mon December 16, 2019

Amount Due

Tue January 31, 2020 \$225,000.00

Amount Enclosed

Please remit payment to:
Illinois Environmental Protection Agency
 Fiscal Services #2
 P.O. Box 19276
 Springfield, IL 62794-9276



Illinois Environmental Protection Agency
 Division of Water Pollution Control
 1021 North Grand Avenue East
 Springfield, IL 62794-9276

Will County Generating Station
 Attn: Sharene Shealey
 529 East 135th Street,
 Romeoville, IL 60446

Billing Date	Mon December 16, 2019
Due Date	Tue January 31, 2020
Account Number	W0971900021
Facility Name	Waukegan Station

Initial Invoice

Pond ID	Pond Description	Amount
W0971900021-01	East Pond	75,000.00
W0971900021-02	West Pond	75,000.00
W0971900021-03	Old Pond	75,000.00

Amount Due \$225,000.00

Other Information/Messages

Questions. Please direct any technical/permit questions to the Permit Section at (217) 782-0610. Questions about the amount of your fee should be emailed to: EPA.AcctsReceivable@illinois.gov

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Return bottom portion with a check made payable to Illinois EPA

Payment
 Remittance Stub

Account Information

Acct. Number W0971900021
 Facility Name Waukegan Station
 IEPA Program COALIN
 Billing Date Mon December 16, 2019

Amount Due

Tue January 31, 2020 \$225,000.00

Amount Enclosed

Please remit payment to:
Illinois Environmental Protection Agency
 Fiscal Services #2
 P.O. Box 19276
 Springfield, IL 62794-9276



Illinois Environmental Protection Agency
 Division of Water Pollution Control
 1021 North Grand Avenue East
 Springfield, IL 62794-9276

Will County Generating Station
 Attn: Sharene Shealey
 529 East 135th Street,
 Romeoville, IL 60446

Billing Date	Mon December 16, 2019
Due Date	Tue January 31, 2020
Account Number	W1978100011
Facility Name	Will County Station

Initial Invoice

Pond ID	Pond Description	Amount
W1978100011-01	Pond 1 North	75,000.00
W1978100011-02	Pond 3 South	75,000.00
W1978100011-03	Pond 2 South	75,000.00
W1978100011-04	Pond 1 South	75,000.00

Amount Due \$300,000.00

Other Information/Messages

Questions. Please direct any technical/permit questions to the Permit Section at (217) 782-0610.
 Questions about the amount of your fee should be emailed to: EPA.AcctsReceivable@illinois.gov

- See Reverse Side for Additional Important Information -

Payment **Return bottom portion with a check made payable to Illinois EPA**
Remittance Stub

Account Information

Acct. Number W1978100011
 Facility Name Will County Station
 IEPA Program COALIN
 Billing Date Mon December 16, 2019

Amount Due

Tue January 31, 2020 \$300,000.00

Amount Enclosed

Please remit payment to:
Illinois Environmental Protection Agency
 Fiscal Services #2
 P.O. Box 19276
 Springfield, IL 62794-9276