

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
MIDWEST GENERATION, LLC)	
)	
Petitioner,)	
)	
v.)	PCB No. 20-38
)	PCB No. 20-39
)	(Thermal Demonstration)
ILLINOIS ENVIRONMENTAL)	(Consolidated)
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

To:

Don Brown, Clerk of the Board Illinois Pollution Control Board James R. Thompson Center, Suite 11-500 100 W. Randolph Street Chicago, IL 60601 don.brown@illinois.gov (via electronic mail)	Bradley P. Halloran, Hearing Officer Illinois Pollution Control Board James R. Thompson Center, Suite 11-500 100 W. Randolph Street Chicago, IL 60601 brad.halloran@illinois.gov (via electronic mail)
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SEE PERSONS ON ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the ILLINOIS EPA'S ANSWER, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

Date: September 9, 2020

By: /s/ Sara G. Terranova
Sara G. Terranova
Assistant Counsel
Division of Legal Counsel
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ILLINOIS EPA’S ANSWER

NOW COMES the Illinois Environmental Protection Agency (Illinois EPA or Agency), by and through one of its attorneys, Sara G. Terranova, and hereby submits ILLINOIS EPA’S ANSWER as follows:

Question for the Agency:

IEPA recommends that the Board condition MG’s ATEL to address regulatory relief for the downstream dischargers rather than requiring separate Subpart K petitions. IEPA believes that separate petitions would result in the unnecessary use of both Board and IEPA resources. IEPA Resp. at 4. Please comment on whether extending relief to other downstream thermal dischargers is allowed under 35 Ill. Adm. Code 106, Subpart K when the dischargers have not filed petitions seeking alternative effluent limitations. If so, provide specific language addressing downstream dischargers for the Board to consider.

Illinois EPA Answer:

The Agency does not believe 35 Ill. Adm. Code 106, Subpart K precludes extending relief to other downstream thermal dischargers when the dischargers have not filed petitions seeking alternative effluent limitations.

The Agency proposes the following language to address the downstream dischargers:

Pursuant to 35 Ill. Adm. Code 106.1160(d)(1)(A), Petitioner demonstrated that due to the size and thermal loads, the discharges of Stepan Chemical (IL0002453), INEOS (Formally Flint Hills Resources) (IL0001643), and ExxonMobil Oil Corporation (IL0002861), will be able to meet the applicable water quality

standard except in those circumstances where the ambient temperature is at or above the applicable water quality standard and allowed mixing is not available. Stepan Chemical (IL0002453), INEOS (Formally Flint Hills Resources) (IL0001643), and ExxonMobil Oil Corporation (IL0002861) are hereby granted the thermal relief and are eligible for allowed mixing for temperature with the following conditions:

1. Thermal loadings shall be commensurate with historical loadings. Any expansion of existing thermal loadings shall not be subject to the Alternate Thermal Effluent Limitations.
2. Each NPDES permit shall include an effluent temperature monitoring requirement.

WHEREFORE, the Illinois EPA submits the above stated answer to the question from the Illinois Pollution Control Board.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

Date: September 9, 2020

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CERTIFICATE OF SERVICE

I, Sara G. Terranova, Assistant Counsel for the Illinois EPA, herein certifies that I have served a copy of the foregoing Notice of Filing and the Illinois EPA's Answer, via electronic mail upon:

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Clerk of the Board
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Dated: September 9, 2020

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