

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MIDWEST GENERATION, LLC	)	
& INEOS JOLIET, LLC,	)	
Petitioners,	)	
v.	)	PCB 16-19 (Midwest Generation)
	)	PCB 16-24 (INEOS)
ILLINOIS ENVIRONMENTAL	)	(Time-Limited Water Quality Standard)
PROTECTION AGENCY	)	(Consolidated)
Respondent.	)	

**NOTICE OF FILING**

TO: Don Brown	Brad Halloran
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500	100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
<b>(VIA ELECTRONIC MAIL)</b>	<b>(VIA ELECTRONIC MAIL)</b>

**(SEE PERSONS ON ATTACHED SERVICE LIST)**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a **JOINT STATUS REPORT** a copy of which is herewith served upon you.

March 8, 2023

Respectfully submitted,  
Midwest Generation, LLC

Respectfully submitted  
INEOS JOLIET, LLC

By: /s/Vincent R. Angermeier  
One of Its Attorneys

By: /s/ Michael P. Murphy  
One of Its Attorneys

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**CERTIFICATE OF SERVICE**

I, the undersigned, on oath state the following:

That I have served the attached **JOINT STATUS REPORT** via electronic mail upon:

Don Brown  
Clerk of the Board  
Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
[Don.Brown@illinois.gov](mailto:Don.Brown@illinois.gov)

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That my email address is: [Michael.Murphy@heplerbroom.com](mailto:Michael.Murphy@heplerbroom.com)

That the number of pages in the email transmission is 5 pages.

That the email transmission took place before 5:00 p.m. on the date of March 8, 2023.

\_\_\_\_\_  
/s/ Michael P. Murphy  
One of Its Attorneys

Date: March 8, 2023

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**STATUS REPORT**

Petitioner, Midwest Generation, LLC (MWGen), by one of its attorneys, Vincent R. Angermeier, and Petitioner, INEOS Joliet, LLC, by its attorneys, HeplerBroom, LLC, submit this Status Report, in lieu of the March 2nd, 2023 status conference.

On July 8th, 2021, the Board granted Alternative Thermal Effluent Limitations (ATELs) for MWG's Joliet Generating Station 9 and Joliet Generating Station 29 (collectively, "the Stations") and directed the Illinois Environmental Protection Agency (the "Agency") to incorporate the ATELs into reissued NPDES permits for each Station.

At the most recent status conference, on December 1, 2022, MWG related that it had not received a reissued permit. Subsequent to that hearing, MWG made additional attempts to contact Agency personnel. The efforts were unsuccessful, and MWG reported this to Agency counsel. On or around March 3, 2023, Agency counsel contacted responsible personnel at the Agency. Shortly thereafter, MWG was contacted by an Agency permit writer, who related that he had been told that his internal deadline to complete work on this project is March 10, 2023.

Counsel for MWG has consulted with attorneys for the Agency and INEOS. All three agree that because of the potential for near-term action, the next status conference should be scheduled for the next 30 days. The participants request that the Hearing Officer propose dates and times.

Pursuant to a December 21, 2021 Hearing Officer Order, INEOS' Amended Petition for a TLWQS filed on July 26, 2018 is stayed until the Board reaches a decision on INEOS' to-be-filed Petition for Alternative Thermal Effluent Limitations (ATEL). INEOS was also ordered to submit Status Reports every 90 days, and submitted its latest Status Report on December 16, 2022. This constitutes INEOS' Fifth Status Report.

Since the last Status Report, INEOS has continued to assess and investigate previous comments from Illinois EPA regarding the draft Demonstration document that will support the ATEL Petition. INEOS has now determined that it will seek an end-of-pipe limit for demonstrating thermal compliance and will submit an updated draft Demonstration document to Illinois EPA by March 10, 2023. INEOS expects that the Petition will be ready to file within 30 days after resolution of any further Illinois EPA comments on the Demonstration document. INEOS will submit its Sixth Status Report on or before June 14, 2023.

Respectfully submitted,

Midwest Generation, LLC

By: /s/Vincent R. Angermeier  
One of Its Attorneys

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INEOS JOLIET, LLC

By: /s/ Michael P. Murphy  
One of its attorneys

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