

ILLINOIS POLLUTION CONTROL BOARD
September 21, 2023

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

ORDER OF THE BOARD (by M.D. Mankowski):

On September 8, 2023, Midwest Generations, LLC (MG) filed a motion for dismissal of its proceeding (Mot.).

On June 27, 2018, MG filed an amended TLWQS petition for a time-limited water quality standard (TLWQS) for its Will County and Joliet Generating Stations. On July 25, 2019, the Board consolidated this proceeding for purposes of hearing with PCB 16-24, INEOS Joliet, LLC v. IEPA.

On November 7, 2019, the Board approved alternate thermal effluent limitations for MG’s Will County Generating Station, and on November 21, 2019, it granted a motion to make non-substantive modifications to its order. Midwest Generation, LLC v. IEPA, PCB 18-58.

On November 27, 2019, MG, INEOS Joliet, LLC (INEOS), and the Illinois Environmental Protection Agency (IEPA) filed a joint motion (Mot. Stay) to stay these consolidated proceedings while MG pursues alternate thermal effluent limitations for its Joliet Generating Stations. The Board granted the motion on December 5, 2019, and stayed this proceeding until the Board reached a final decision on MG’s petition for alternate limitations. On July 8, 2021, the Board granted MG’s alternate limitations and directed the IEPA to include them in MG’s National Pollutant Discharge Elimination System (NPDES) permits for the Joliet Stations. Midwest Generation, LLC v. IEPA, PCB 20-38, 20-39 (consol.). The Board has since granted motions to extend the stay, and the parties have submitted status reports.

MG reports that on November 17, 2021, IEPA reissued the permit for the Will County Generating Stations with the alternate limitations adopted by the Board in PCB 18-58. Mot. Stay at 3. MG also reports that on August 9, 2023, IEPA issued a draft permit for the Joliet 9 Station with the comment period ending September 8, 2023. Mot. Stay at 5. It adds that, although IEPA “has not yet issued a draft NPDES permit for the Joliet 29 Station,” it expects IEPA to issue it “in the near future.” *Id.* Based on IEPA’s “progress in reissuing the NPDES permits and other developments,” MG no longer considers that “the temporary stay of the effectiveness of the

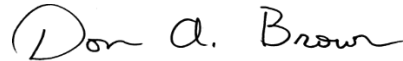
underlying water quality standards granted by Section 38.5(h) of the [Environmental Protection] Act is necessary.” *Id.*

MG requests that the Board dismiss this proceeding, and it adds that counsel for INEOS and IEPA do not object to the motion. Mot. at 5.

Based on these factors, the Board grants the motion to dismiss and closes the docket. Having dismissed one of the two cases consolidated with one another in this proceeding, the Board directs the Clerk to revise the caption in future orders to reflect this dismissal.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 21, 2023, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above the printed name and title.

Don A. Brown, Clerk
Illinois Pollution Control Board