

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MIDWEST GENERATION, LLC,

Petitioner,

v.

**ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,**

Respondent.

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PCB 2025-004

NOTICE OF FILING

To: See Attached Service List (Via Electronic Filing)

PLEASE TAKE NOTICE that the undersigned filed today with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Joint Notice of Continued Stay, a copy of which is attached hereto and hereby served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Mallory Meade

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Dated: November 7, 2025

SERVICE LIST

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
MIDWEST GENERATION, LLC,)	
Petitioner,)	
)	
v.)	PCB No. 25-04
)	Permit Appeal (Land, CCR)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

JOINT NOTICE OF CONTINUED STAY

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by and through its attorneys, hereby files a Joint Notice of Continued Stay in the above-captioned matter. In support, the Agency states as follows:

1. In a final decision on July 3, 2024, the Agency issued to Petitioner Coal Combustion Residual (“CCR”) Surface Impoundment Operating Permit No. 2024-CO-100029 authorizing operation of the Ash Surge Basin (W1798010008-01), the Metal Cleaning Basin (W1798010008-03), the Ash Bypass Basin (W1798010008-04), and the Former Ash Basin (W1798010008-05) in accordance with 35 Illinois Administrative Code Part 845 (“Permit”).
2. On November 6, 2024, Petitioner filed an Appeal and Request for Partial Stay of certain conditions contained in the Permit, specifically Special Conditions 6, 11, 14, 15, 16, 17, 19, 20, 21, 22, 25, 26, and 28, and the permit identification information provided in the headers of pages of the Permit.
3. On November 21, 2024, the Board accepted Petitioner’s Petition for hearing.
4. On December 19, 2024, the Board granted Petitioner’s Request for Partial Stay of all

conditions specified in Petitioner's Request.

5. Since the Board's grant of the Partial Stay, the parties have been engaged in discussions that may lead to the resolution of this matter.
6. The parties believed they had reached a tentative agreement on all substantive issues, but the Agency has determined that the Permits will be moved from the Bureau of Water to the Bureau of Land, potentially resulting in additional negotiations that require additional negotiations. In addition, several of the parties' previously agreed-upon modifications to the Permit must be made as major modifications rather than minor modifications. Those major modifications will be subject to the public notice requirements of 35 Ill. Adm. Code 845.260.
7. On September 29, 2025, the Agency issued a Modified Permit that addressed some, but not all, of the stayed conditions. This was because only some modifications could be treated as minor modifications. It was the Agency's intent to only address the minor modifications in this Modified Permit, to reach a partial resolution of the issues in this matter; it was not the Agency's intent for this Modified Permit to be the final modified permit issued in this matter.
8. The Agency intends to publish a new draft modified permit for public notice that addresses the major modifications required for this permit.
9. Per the December 19, 2024 Board Order granting Petitioner's Partial Stay, the "partial stay remains in effect until the Board takes final action on the permit appeal, or until the Board orders otherwise."
10. The Board has not taken final action on the permit appeal or otherwise ordered the partial stay to be lifted.

11. Therefore, it is the parties' understanding and the Agency's intent that the Permit conditions stayed by the December 19, 2024 Board Order remain stayed, notwithstanding the issuance of the September 29, 2025 Modified Permit.
12. It is the parties' understanding and the Agency's intent that the issuance of the September 29, 2025 Modified Permit does not necessitate the filing of a new permit appeal for the contested Special Conditions in the Permit that remain unaddressed by the Modified Permit, as those contested Special Conditions remain stayed by the December 19, 2024 Board Order.
13. Petitioner joins in this Joint Notice of Continued Stay.

WHEREFORE, the Illinois Environmental Protection Agency, joined by Petitioner Midwest Generation, LLC, accept the Joint Notice of Continued Stay of the permit conditions that were stayed by the December 19, 2024 Board Order granting Petitioner's Partial Stay.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

MIDWEST GENERATION, LLC

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Dated: November 7, 2025

CERTIFICATE OF SERVICE

I hereby certify that I did on November 7, 2025, prior to 5:00 PM, cause to be served by electronic mail, a true and correct copy of the following instruments entitled NOTICE OF FILING and JOINT NOTICE OF CONTINUED STAY, containing 6 pages, to:

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s/ Mallory Meade
Mallory Meade
Assistant Attorney General
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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Certificate of Service are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

s/ Mallory Meade
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