Electronic Filing: Received, Clerk's Office 5/14/2018

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter:)	
MIDWEST GENERATION, LLC,)	
Petitioner,)	
v.)	PCB 2018-058
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
Respondent,)	

NOTICE OF FILING

TO: Don Brown, Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)

(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 **Response to Hearing Officer Order**, dated May 9, 2018, on behalf of the Illinois Department of Natural Resources, an Interested Party. a copy of which are herewith served upon you.

Respectfully submitted,

ILLINOIS DEPARTMENT OF NATURAL RESOURCES,

By: _______

Virginia I. Yang,

Legal Counsel (4-300)

James R. Thompson Center

Chicago, Illinois 60601

Virginia.yang@illinois.gov

Dated: May 15, 2018

Illinois Department of Natural Resources Office of Legal Affairs One Natural Resources Way Springfield, Illinois 62702-1271 217-782-1809 (general) 312-793-1012 (direct)

CERTIFICATE OF SERVICE

I, Virginia I. Yang, Legal Counsel for the Illinois Department of Natural Resources, herein certify that I have served a copy of the foregoing Response to Hearing Officer's Order, dated May 15, 2018, via electronic mailing upon:

Dan Brown Clerk of the Board Illinois Pollution Control Board 100 W. Randolph Street (11-500) Chicago, IL 60603 Dan.Brown@illinois.gov

Stefanie N. Diers Illinois Environmental Protection Agency 1021 N. Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794 Stefanie.diers@ilinois.gov

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
Brad.Halloran@illinois.gov

Susan M. Franzetti Vincent R. Angermeier NIJMAN FRANZETTI LLP 10 S. LaSalle Street (3600) Chicago, Illinois 60601 sf@nijmanfranzetti.com

Eric Lohrenz
Office of General Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois, 62794-9276
Eric.Lohrenz@illinois.gov

Respectfully submitted,

ILLINOIS DEPARTMENT OF NATURAL RESOURCES

By: Mama y ye Virginia I. Yang, Legal Counsel

James R. Thompson Center (4-300)

Chicago, Illinois 60601 Virginia.yang@illinois.gov

DATED: May 15, 2018 Illinois Department of Natural Resources Office of Legal Affairs One Natural Resources Way Springfield, Illinois 62702-12

Electronic Filing: Received, Clerk's Office 5/14/2018

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter:)	
MIDWEST GENERATION, LLC,)	
Petitioner,)	
v.)	PCB 2018-058
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
Respondent,)	

RESPONSE TO QUESTIONS FROM HEARING OFFICER

NOW COMES the Illinois Department of Natural Resources (IDNR), an Interested Party to the above referenced proceedings, by and through one of its Attorneys, Virginia I. Yang, and submits the following Response to Questions from Hearing Officer, as stated in an Order dated May 9, 2018 as follows:

- 1. IDNR concurs with the conclusions in the IEPA's Recommendation on the BIC assessment contemplated by Section 106.1130(e)(4).
- 2. IDNR has reason to believe that the information provided by IEPA concerning MWG's Modification for purposes of comparing the modification with the initially approved DPS and evaluating the modification of the DPS is in the record. (See IEPA letter to MWG, dated 12/6/16.)
- 3. Based on IDNR recent discussions with IEPA, and IDNR review of IEPA letter to MWG, dated 12/6/16, IDNR concludes that the modification to MWG's DPS and the IEPA's Recommendation to approve the Petition is justified by IEPA's statements in said IEPA Letter to MWG concerning: 1) use of two years of data collected in 2015 and 2016 instead of waiting to collection 2017 data, and 2) use of one year of QHEI data instead of two years of QHEI data. (See IEPA letter to MWG, dated 12/6/16.)

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WHEREFORE, Illinois Department of Natural Resources submits its Response to the Questions from the Hearing Officer regarding the MWG Petition for Approval of Alternative Thermal Effluent Limitations, as currently filed with the Illinois Pollution Control Board (IPCB 2018-58).

Respectfully submitted,

Illinois Department of Natural Resources

By:

Virginia J. Yang, Legal Counsel

James R. Thompson Center (4-300)

Chicago, Illinois 60601

Virginia.yang@illinois.gov

DATED: May 15, 2018 Illinois Department of Natural Resources Office of Legal Affairs One Natural Resources Way Springfield, Illinois 62702-1271



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

BRUCE RAUNER, GOVERNOR ALEC MESSINA, ACTING DIRECTOR

217/558-2012

DEC 1 2 2016

NRG
Midwest Generation, LLC
Will County Generating Station
c/o Scott Perry, Station Director
529 East 135th Street
Romeoville, Illinois 60446

RE: NPDES No. IL0002208

Midwest Generation - Will County Generating Station

316(a) Plan of Study Modification Approval

Dear Mr. Perry:

The Agency has reviewed the revised December 5, 2016 "Detailed Study Plan to Support Alternative Thermal Limits" for the Will County Generating Station. Based on the information provided, the Agency approves the revised December 5, 2016 "Detailed Plan of Study to Support Alternative Thermal Limits" thereby satisfying the requirements of 35 IAC 106.1120 (Detailed Plan of Study). The Agency reserves the option to provide further comments if new information becomes available.

The two requested revisions approved for the Will County Station:

- Use two years of data collected (2015 and 2016) instead of waiting to collect 2017 data. The
 intention of the original plan was to collect two years of fish data during single unit operation.
 Since the 2015 and 2016 data were collected during single unit operation, the Agency agrees that
 there is no need to wait the 2017 data collection for fish to continue the work on the alternate
 effluent limitation (AEL) development.
- Use one year of QHEI data instead of two years of QHEI data. Since habitat data does not vary
 by a significant amount yearly, the Agency agrees that there is not a need to collect two years of
 OHEI data.

If you have any questions or comments regarding this letter, please contact me at the above address and phone number. If you have questions regarding the permit, please call Permit Section at 217/782-0610.

Sincerely,

Scott Twait

Water Quality Standards Unit

Bureau of Water

SAT:NRG-Will Co-316(a)planofstudy-revision.docx