

ILLINOIS POLLUTION CONTROL BOARD
March 22, 2018

MIDWEST GENERATION LLC,)
)
 Petitioner,)
)
 v.) PCB 18-58
) (Thermal Demonstration)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by C.K. Zalewski):

Midwest Generation, LLC (MWGen) filed a petition seeking alternative thermal effluent limitations for its Will County Generation Station (WCGS) on January 26, 2018. Petition at 1. The petition was filed under Section 316(a) of the Clean Water Act (33 U.S.C. § 1326(a)), 35 Ill. Adm. Code 304.141(c), and 35 Ill. Adm. Code Part 106.Subpart K. *Id.* MWGen requests that the alternative thermal effluent limitations in its petition apply to WCGS' discharges in lieu of those imposed by 35 Ill. Adm. Code 302.408(c) through (f), and (h). In addition, MWGen requests an alternative zone of passage requirement in lieu of the otherwise applicable zone of passage provision in 35 Ill. Adm. Code 302.102(b)(8).

A petitioner for an alternative effluent limitation is required to provide public notice of the petition's filing within fourteen days after filing. 35 Ill. Adm. Code 106.1135(a). MWGen timely filed a certification of publication on February 6, 2018, stating that notice of the petition's filing was published on January 31, 2018 in the *Herald-News*. See 35 Ill. Adm. Code 106.1140. The Board finds the petition notice sufficient. See 35 Ill. Adm. Code 106.1135(b). Any request for a public hearing was due by February 21, 2018, which was the 21st day after the date of publication. 35 Ill. Adm. Code 106.1150. No hearing request was received.

The Agency filed its recommendation on MWGen's petition on March 12, 2018, which was 45 days after the filing of the petition. 35 Ill. Adm. Code 106.1145(a). Any response to the Agency recommendation from MWGen or any interested person is due by April 2, 2018, which is 21 days after the Agency filed its recommendation. 35 Ill. Adm. Code 106.1145(c).

The Board has not determined whether the contents of MWGen's petition are sufficient or whether the Board will hold a hearing. See 35 Ill. Adm. Code 106.1130, 106.1155(a). The Board may issue questions for MWGen either through a Board or hearing officer order.

IT IS SO ORDERED.

Board Member B.K. Carter abstained.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 22, 2018, by a vote of 4-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large, looped initial "D".

Don A. Brown, Clerk
Illinois Pollution Control Board