

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MIDWEST GENERATION, LLC)
Petitioner,)
v.) PCB 2018-058
ILLINOIS ENVIRONMENTAL) (Thermal Demonstration – Water)
PROTECTION AGENCY)
Respondent.)

NOTICE OF FILING

To:

Don Brown, Clerk of the Board Illinois Pollution Control Board James R. Thompson Center, Suite 11-500 100 W. Randolph Street Chicago, IL 60601 don.brown@illinois.gov	Stefanie N. Diers Illinois Environmental Protection Agency 1021 N. Grand Avenue East P.O. Box 19276 Springfield, IL 62794 Stefanie.diers@illinois.gov
Eric Lohrenz Virginia Yang Illinois Department of Natural Resources One Natural Resources Way Springfield, IL 62702-1271 eric.lohrenz@illinois.gov virginia.yang@illinois.gov	

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board Petitioner, Midwest Generation, LLC's Response to Illinois EPA Recommendation, a copy of which is herewith served upon you.

Dated: March 26, 2018

MIDWEST GENERATION, LLC

By: /s/ Vincent R. Angermeier

Susan M. Franzetti
Vincent R. Angermeier
NIJMAN FRANZETTI LLP
10 South LaSalle Street Suite 3600
Chicago, IL 60603
(312) 251-5590

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing and Petitioner, Midwest Generation, LLC's Response to Illinois EPA Recommendation was electronically filed on March 26, 2018 with the following:

Don Brown, Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601
don.brown@illinois.gov

and that a true copy was mailed via email on March 26, 2018 to the parties listed on the foregoing Service List.

Dated: March 26, 2018

/s/ Vincent R. Angermeier

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**MIDWEST GENERATION, LLC’S RESPONSE TO ILLINOIS EPA
RECOMMENDATION**

Midwest Generation, LLC, (“MWGen”) by its attorneys, submits the following response to the Recommendation of the Illinois Environmental Protection Agency (the “Agency”) to the Illinois Pollution Control Board (the “Board”) regarding MWGen’s Petition to Approve Alternate Thermal Effluent Limitations (“Petition”) for the Will County Generating Station (the “Station”).

In accordance with the requirements of 35 Ill. Adm. Code 106.1145, the Agency filed its Recommendation on March 12, 2018. The Recommendation states that the Agency agrees that the numerical alternative effluent limits proposed in MWGen’s Petition will not result in any appreciable harm to the balanced, indigenous population of fish, shellfish, and wildlife in the Station’s receiving waters (the “BIP”). Accordingly, the “Chicago Area Waterway System and Brandon Pool Aquatic Life Use B” standards (the “ALU B” standards), set to become applicable on July 1, 2018, are more stringent than necessary to protect the BIP. The Agency also notes that the Illinois Department of Natural Resources has advised that it regards as unlikely the potential for the proposed alternative thermal standards to produce adverse impacts on threatened or endangered species in the receiving waters (specifically, the banded killifish). Finally, the Agency states that the Petition has met all of the content requirements outlined in Part 106,

Subpart K. Based on MWGen's demonstrations in support of these conclusions, the Agency recommends that the Board grant the relief MWGen requests in its Petition.

MWGen concurs with the Agency's assessment that MWGen has satisfied the procedural and substantive requirements of Section 316(a) of the Clean Water Act and of 35 Ill. Admin Code Part 106, Subpart K for approval of the proposed alternative thermal effluent limits. MWGen respectfully requests that the Board proceed expeditiously in reviewing this Petition, and hopes that the proposed alternative thermal limits can be promulgated before the ALU B thermal standards take effect on July 1, 2018.

Dated: March 26, 2018

MIDWEST GENERATION, LLC

By: /s/ Vincent R. Angermeier

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