

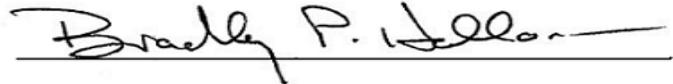
ILLINOIS POLLUTION CONTROL BOARD
May 9, 2018

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

HEARING OFFICER ORDER

To assist the Board's understanding of the above-captioned matter, the Illinois Department of Natural Resources is directed to address the attached questions in a filed written response on or before May 15, 2018.

IT IS SO ORDERED.



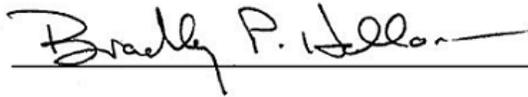
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on May 9, 2018, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on May 9, 2018:

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Attachment to Hearing Officer Order of May 9, 2018

In response to the Illinois Environmental Protection Agency's (Agency) Recommendation, the Illinois Department of Natural Resources (IDNR) stated, "[w]ithout further information concerning [Midwest Generation's (MWG) December 2016 request to modify the approved Detailed Plan of Study (DPS)], IDNR is unable to confirm any conclusion on the merits of the Agency's approval of the requests or their potential impacts, if any, on the [balanced indigenous community (BIC)] assessment contemplated by [35 Ill. Adm. Code 106.1130(e)(4)]." IDNR Res. at 3. In the May 7, 2018, status conference, "[t]he Agency, IDNR and [MWG] stated that [IDNR's perceived] procedural issue has been resolved." Hearing Officer Order (May 7, 2018).

1. Does IDNR now concur with the conclusions in the Agency's Recommendation on the BIC assessment contemplated by Section 106.1130(e)(4)?
2. If IDNR has not changed its position on the Agency's conclusions, is the information concerning MWG's modification—for purposes of comparing the modification with the initially approved DPS and evaluating the modification of the DPS—in the record? If not, what information does IDNR need to evaluate the Agency's recommendation on the BIC assessment contemplated by Section 106.1130(e)(4)?
3. If the information is in the record, what is IDNR's conclusion on the modification to MWG's DPS and Agency's recommendation to approve the Petition? If IDNR requires more time to evaluate the information, please provide how much time it requires to respond to this question.