

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
COAL COMBUSTION ASH PONDS)
AND SURFACE IMPOUNDMENTS AT) **R14-10**
POWER GENERATING FACILITIES:) **(Rulemaking – Water)**
PROPOSED 35 ILL.ADM. CODE PART 841:)

NOTICE OF FILING

TO: John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

PLEASE TAKE NOTICE that I have today filed with the Illinois Pollution Control Board Midwest Generation, LLC's Response to Illinois Environmental Protection Agency's Motion to Stay, copies of which are herewith served upon you.

Dated: January 30, 2015

MIDWEST GENERATION, L.L.C.

By: /s/ Susan M. Franzetti
One of Its Attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing Midwest Generation, L.L.C.'s Response to Illinois Environmental Protection Agency's Motion to Stay was filed electronically on January 30, 2015 with the following:

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

and that true copies were mailed by First Class Mail, postage prepaid, on January 30, 2015 to the parties listed on the foregoing Service List.

/s/ Susan M. Franzetti

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
COAL COMBUSTION WASTE (CCW))	R14-10
SURFACE IMPOUNDMENTS AT POWER)	(Rulemaking – Water)
GENERATING FACILITIES: PROPOSED)	
NEW 35 ILL. ADM. CODE 841)	

**MIDWEST GENERATION L.L.C.'S RESPONSE TO ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY'S MOTION TO STAY**

Midwest Generation L.L.C. ("Midwest Gen") hereby submits its response to the Illinois Environmental Protection Agency's ("Illinois EPA" or "Agency") Motion to Stay ("Agency Motion"). Midwest Gen supports the Illinois EPA's motion based on the significant, recent developments relating to the United States Environmental Protection Agency's submittal of minimum criteria for managing coal combustion residuals from electric utilities for publication in the *Federal Register*. For the reasons set forth below, Midwest Gen submits that a stay of proceedings while the parties review and evaluate the new federal minimum criteria is necessary to avoid the risk of material prejudice.

1. On December 19, 2014, the U.S. EPA website was updated to include a prepublication version of its final rule for the disposal of coal combustion residuals (CCR) from electric utilities (the "Federal CCR Rule"). See <http://www2.epa.gov/coalash/pre-publication-version-coal-combustion-residuals-final-rule>.

2. The Federal CCR Rule preamble along with the language of the rule itself totals 744 pages. It establishes national minimum criteria for the management of CCR landfills, surface impoundments, and lateral expansions, both old and new.

3. Midwest Gen agrees with the Agency's conclusion that because the Federal CCR Rule covers the same subject-matter as the current rulemaking, a brief stay would conserve administrative resources and assist the Board in developing rules that are appropriate and do not conflict with the Federal CCR Rule.

4. The Agency notes that it will be filing a status report at the end of the stay. Because Midwest Gen anticipates that this status report will contain substantive remarks on the federal

CCR rule, the Board should allow for a 30 day comment period following the filing of the Agency's status report, so that interested parties may respond.

Respectfully submitted,
MIDWEST GENERATION, L.L.C.

By: /s/ Susan M. Franzetti
One of Its Attorneys

Date: January 30, 2015

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