

ILLINOIS POLLUTION CONTROL BOARD
March 14, 2019

IN THE MATTER OF:)
)
PETITION OF MIDWEST GENERATION,) AS 19-1
LLC FOR AN ADJUSTED STANDARD) (Adjusted Standard - Land)
FROM 35 ILL. ADM. CODE 811 AND 814)

ORDER OF THE BOARD (by C.M. Santos):

On February 5, 2019, Midwest Generation, LLC (MG) filed a petition (Pet.) requesting that the Board revise an adjusted standard granted in 1996. Petition of Midwest Generation for Adjusted Standard from 35 Ill. Adm. Code 811 and 814, AS 96-9 (Aug. 15, 1996). MG requests relief for the Main Quarry of its Joliet/Lincoln Quarry site, which is located south of the Des Plaines River at the intersection of Brandon and Patterson Roads in unincorporated Will County. MG has used the Main Quarry site to dispose of coal combustion residuals from two of its generating stations. Pet. at 10. Condition 7 of the adjusted standard addresses closing the Main Quarry. MG requests that the Board revise Condition 7 to allow it to use a new final cover technology known as “ClosureTurf” that was not available in 1996. Pet. at 3.

The Environmental Protection Act (Act) and the Board’s rules require publishing notice of an adjusted standard proceeding in a newspaper of general circulation in the area affected by the petitioner’s activity. 415 ICLS 5/28.1(d)(1) (2016); 35 Ill. Adm. Code 104.408(a). Notice must be published within 14 days after filing a petition for an adjusted standard with the Board. MG timely filed a certificate of publication on February 8, 2019, the date on which the Joliet *Herald-News* published notice of filing the petition. See 35 Ill. Adm. Code 104.410. As required, the notice included the statement that any person may cause the Board to hold a public hearing on the petition by requesting a hearing within 21 days after the date on which notice was published. 35 Ill. Adm. Code 104.408(b)(7).

The Board finds that the notice provided by MG meets the requirements of the Act and the Board’s rules (415 ILCS 5/28.1 (2016); 35 Ill. Adm. Code 104.408) and accepts the petition. Unless otherwise ordered by the hearing officer, the Illinois Environmental Protection Agency (IEPA) must file a response including its recommendation concerning the Board’s proposed action on this petition with 45 days after service of the petition. See 35 Ill. Adm. Code 104.416(a). MG may respond to IEPA’s recommendation within 14 days after being served with it. 35 Ill. Adm. Code 104.416(d).

MG “waives a hearing on the petition.” Pet. at 21; see 35 Ill. Adm. Code 104.406(j), 104.422(a)(1). While the Board has not received a request to hold a public hearing, the Board has not determined whether it would be advisable to hold a hearing. See 35 Ill. Adm. Code 104.422(a)(3). This order makes no determination on the informational sufficiency or the merits of MG’s petition. The Board through its own order or through orders of its hearing officer may direct MG to provide additional information.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 14, 2019, by a vote of 5-0.

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

Don A. Brown, Clerk
Illinois Pollution Control Board