

ILLINOIS POLLUTION CONTROL BOARD
October 3, 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 the Board 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 (CCR) 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.

On September 27, 2019, MG filed a motion to stay this proceeding (Mot.). *See* 35 Ill. Adm. Code 101.514 (Motions to Stay Proceedings). MG’s motion notes that Public Act 101-171 took effect on July 30, 2019. Public Act 101-171 amended existing provisions of the Environmental Protection Act and added new provisions addressing CCR surface impoundments.

MG requests that the Board stay this proceeding for 60 days “while it evaluates the potential impacts of Public Act 101-171.” Mot. at 1. At the end of the stay, MG commits to file a status report. *Id.*, citing 35 Ill. Adm. Code 101.514. MG adds that the Illinois Environmental Protection Agency (IEPA) “does not object” to the request.

The Board recognizes that Public Act 101-171 significantly amended statutory requirements for the management of CCR surface impoundments. MG requests a stay of 60 days to consider the effect of Public Act 10-171, and IEPA does not oppose the request. Under these circumstances, the Board finds that a 60-day stay of this proceeding is reasonable. The Board grants MG’s motion and stays this proceeding—including the pending request for a public hearing—for 60 days to Monday, December 2, 2019. The Board directs MG to file a status report at the close of the stay. 35 Ill. Adm. Code 101.514(b).

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 3, 2019, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board