

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

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	Michelle M. Ryan, Assistant Counsel Illinois Environmental Protection Agency 1021 N. Grand Avenue East P.O. Box 19276 Springfield, IL 62794 michelle.ryan@illinois.gov
Bradley P. Halloran, Hearing Officer Illinois Pollution Control Board 100 West Randolph Street Suite 11-500 Chicago, IL 60601 brad.halloran@illinois.gov	Jennifer Cassel Earthjustice 1010 Lake Street, Suite 200 Oak Park, IL 60301 jcassel@earthjustice.org

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 Motion for Withdrawal of its Petition for an Adjusted Standard, a copy of which is herewith served upon you.

Dated: February 14, 2020

MIDWEST GENERATION, LLC



By: _____

Kristen L. Gale
Susan M. Franzetti
NIJMAN FRANZETTI LLP
10 South LaSalle Street Suite 3600
Chicago, IL 60603
(312) 251-5255

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing and Midwest Generation, LLC's Motion for Withdrawal of its Petition for an Adjusted Standard was electronically filed on February 14, 2020 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 emailed on February 14, 2020 to the parties listed on the above foregoing Service List.

Dated: February 14, 2020



Kristen L. Gale
Susan M. Franzetti
Nijman Franzetti LLP
10 S. LaSalle Street, Suite 3600
Chicago, IL 60603
(312) 251-5255

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

**PETITION OF MIDWEST GENERATION
FOR AN ADJUSTED
STANDARD FROM 35 ILL. ADM. CODE
PARTS 811 and 814**

**AS 19-1
(Adjusted Standard-RCRA)**

**MIDWEST GENERATION, LLC'S MOTION FOR WITHDRAWAL OF ITS PETITION
FOR AN ADJUSTED STANDARD**

Petitioner, Midwest Generation, LLC (“Respondent” or “MWGen”), by its undersigned counsel, respectfully requests that the Illinois Pollution Control Board (“Board”) grant its request to withdraw its Petition for an Adjusted Standard. In support of its motion, MWGen states as follows:

1. On February 5, 2019, MWGen filed a petition for a revision to its existing adjusted standard. *In the Matter of Petition of Midwest Generation for an Adjusted Standard from 35 Ill. Adm. Code Parts 811 and 814*, PCB AS 19-1, Petition (Feb. 5, 2019). MWGen’s Petition requested that the Board revise a condition of its existing adjusted standard. On March 25, 2019, Illinois EPA filed its recommendation that the Board grant the revision to the adjusted standard.

2. On July 30, 2019, Public Act 101-171 was enacted, which amended the Illinois Environmental Protection Act and added new sections regarding the regulation, management, and permitting of coal combustion residual (“CCR”) and CCR surface impoundments. 2019 ILL. ALS 171, 2019 Ill. Laws 171, 2019 ILL. P.A. 171, 2019 Ill. SB 9.

3. As MWG reported in its Status Report filed on February 3, 2020, the regulatory landscape related to CCR and CCR surface impoundments continues to evolve. The Illinois Senate passed a proposed amendment to Public Act 101-171, SB-0671 “EPA-CCR SURFACE

IMPOUNDMENT”, and the amendment is pending with the Illinois House of Representatives. Additionally, Illinois EPA issued a draft of its proposed regulations of CCR and CCR surface impoundments and it is anticipated that Illinois EPA will submit its proposal to the Board by the end of March 2020.

4. Due to the new and developing regulatory scheme and its potential effects on the Lincoln Stone Quarry, MWGen wishes to withdraw its Petition for an Adjusted Standard.

5. Illinois EPA does not object to MWGen’s Motion

WHEREFORE, Petitioner, Midwest Generation, LLC, respectfully request that the Board enter an Order granting its request to withdraw its petition.

Respectfully submitted,
Midwest Generation, LLC



By: _____
One of its Attorneys

Kristen L. Gale
Susan M. Franzetti
Nijman Franzetti LLP
10 S. LaSalle St, Suite 3600
Chicago, Illinois 60603
(312) 262-5524
kg@nijmanfranzetti.com
sf@nijmanfranzetti.com