

ILLINOIS POLLUTION CONTROL BOARD

June 3, 2021

IN THE MATTER OF:)	
)	
PETITION OF MIDWEST GENERATION)	AS 21-2 (Adjusted Standard-Land)
FOR AN ADJUSTED STANDARD FROM)	
845.740(a) AND FINDING OF)	
INAPPLICABILITY OF PART 845)	

ORDER OF THE BOARD (by J. Van Wie):

On May 11, 2021, Midwest Generation, LLC (MWG) filed a petition (Pet.) pursuant to Section 28.1 of the Environmental Protection Act (Act) and Part 104 of the Board’s procedural rules. *See* 415 ILCS 5/28.1 (2018); 35 Ill. Adm. Code 104.Subpart D. MWG seeks this regulatory relief for four basins at its Powerton Station in Pekin, Tazewell County, Illinois (Powerton): the Ash Surge Basin, Metal Cleaning Basin, the Bypass Basin, and the Service Water Basin. Pet. at 1. MWG seeks an adjusted standard for the Ash Surge Basin, Bypass Basin, and Metal Cleaning Basin to allow the decontamination and retention of the existing liners in the three basins rather than the liners’ removal as required in the Part 845 Illinois Standards for Disposal of Coal Combustion Residuals in Surface Impoundments (CCR Rule). *Id.*, 35 Ill. Adm. Code 845. For the Service Water Basin, MWG seeks an adjusted standard finding that Part 845 of the Board rules is inapplicable because it is a process water basin that does not accumulate CCR. *Id.*

Section 28.1 of the Act and Section 104.408 of the Board’s procedural rules require publication of 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) (2018); 35 Ill. Adm. Code 104.408(a). Notice must be published within 14 days of filing a petition for an adjusted standard with the Board. 35 Ill. Adm. Code 104.408(a). As required by Section 104.410, MWG timely filed a certificate of publication of notice on May 19, 2021. Notice of filing the petition was published in the Pekin Daily Times on May 15, 2021.

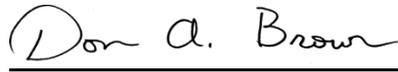
The Board finds that the notice and petition meet the requirements of Section 28.1 of the Act and Section 104.408 of the Board’s procedural rules and accepts the petition for adjusted standard. *See* 415 ILCS 5/28.1 (2018); 35 Ill. Adm. Code 104.408. Unless otherwise ordered, the IEPA must file a response including its recommendation concerning the Board’s proposed action on this petition within 45 days after service of the petition. *See* 35 Ill. Adm. Code 104.416(a). On May 21, 2021, the Illinois Environmental Protection Agency (IEPA) moved for a 60-day extension of this time to and including August 24, 2021. MWG has not objected to this request. The motion is granted.

MWG requests that the Board hold a hearing on its petition. Pet. at 30.

The Board notes that MWG's petition included 23 exhibits designated 1 through 23. This order makes no determination on the informational sufficiency or the merits of MWG's petition. The Board through its own orders or through orders of its hearing officer may direct MWG 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 June 3, 2021, 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 solid horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board