

ILLINOIS POLLUTION CONTROL BOARD
August 17, 2021

MIDWEST GENERATION, LLC, and INEOS)
Joliet, LLC,)
)
 Petitioners,)
)
 v.) PCB 16-19
) PCB 16-24
 ILLINOIS ENVIRONMENTAL) (consol.)
 PROTECTON AGENCY,) (Time-Limited Water Quality Standard)
)
 Respondent.

HEARING OFFICER ORDER

On August 3, 2021, Midwest Generation, LLC (MWG) and INEOS Joliet LLC (INEOS) filed a Second Joint Motion to Stay Proceedings (Mot. to Stay).

Procedural History

The Board Order of December 5, 2019 held, in part, that if petitioners filed petitions for alternative thermal effluent limitations the stay previously granted in these matters will be in effect until the Board reaches final decisions in the petitions for alternative thermal effluent limitations. The petitioners did file petitions for alternative thermal effluent limitations in Board dockets PCB 20-38 & PCB 20-39 (Consol.). On July 8, 2021, the Board granted the petitioners requested relief in the alternative thermal effluent limitations (ATELs). Midwest Generation LLC, v. IEPA, PCB 20-38 & 20-39, slip op. at 125-126. (Consol.) (July 8, 2021). Therefore, the stays in the above-captioned matters have expired.

Note also that the Board's Order of July 25, 2019 consolidated this petition with PCB 16-24 (INEOS) for purposes of hearing. Midwest Generation, LLC, v. IEPA, PCB 16-19 (July 25, 2019).

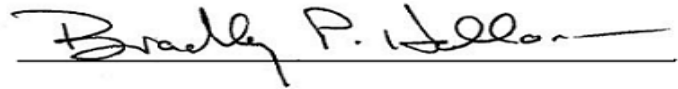
Second Motion to Stay Proceedings

The petitioners request that these matters be stayed while the relief granted in PCB 38 & PCB 20-39 can be incorporated into each Stations' NPDES Permit. Mot. to Stay at 1. "Although the Board ordered the Agency to 'expeditiously' incorporate the ATELs into the Joliet Stations' NPDES Permits, it is unknown how quickly the Agency will act to do so." *Id.* at 3. Petitioners request that the proceedings be stayed until January 1, 2022. *Id.* at 5. The motion states that the respondent does not object to the stay. *Id.*

Petitioners Second Motion to Stay is granted until January 1, 2022. No quarterly reports are required at this time.

The parties or their legal representatives in PCB 16-19 are directed to participate in a telephonic status conference with the hearing officer on September 16, 2021, at 10:15 a.m. The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on September 16, 2021, at 10:30 a.m. The telephonic status conference must be initiated by the petitioner, but each party is nonetheless responsible for its own appearance. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Bradley P. Halloran" with a horizontal line underneath it.

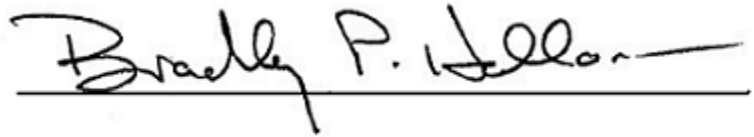
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917
Brad.Halloran@illinois.gov

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on August 17, 2021, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on August 17, 2021:

Don Brown
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601

A handwritten signature in black ink that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
(312) 814-8917

SERVICE LIST

“@” Consents to electronic service

PCB 2016-019@
Albert Ettinger
Law Firm of Albert Ettinger
53 W. Jackson, Suite 1664
Chicago, IL 60604

PCB 2016-019@
Sara Terranova
IEPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794

PCB 2016-019@
Susan M. Franzetti
Nijman Franzetti LLP
10 S. LaSalle Street, Suite 3600
Chicago, IL 60603

PCB 2016-019@
Vincent R. Angemeier
Nijman Franzetti LLP
10 S. LaSalle Street, Suite 3600
Chicago, IL 60603

PCB 2016-019@
Michael P. Murphy
Heplerbroom, LLC
4340 Acer Grove Drive
Springfield, IL 62711

PCB 2016-019@
Stacy Meyers, Senior Counsel
Openlands
25 E. Washington St., Suite 1650
Chicago, IL 60602

PCB 2016-019@
Dave Pfeifer
USEPA
Region 5 (WT-15J)
77 W. Jackson Blvd.
Chicago, IL 60604