

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SIERRA CLUB, NATURAL RESOURCES,)
RESOURCES DEFENSE COUNCIL,)
PRAIRIE RIVERS NETWORK, and)
ENVIRONMENTAL LAW & POLICY)
CENTER)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)

Respondent.)

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JUN 26 2015

STATE OF ILLINOIS
Pollution Control Board

PCB No. 2015-189
(Third Party NPDES Appeal)



ORIGINAL

NOTICE OF FILING

PLEASE TAKE NOTICE that on Friday, the 26th day of June 2015, I filed with the Clerk of the Illinois Pollution Control Board the Administrative Record containing pages (0001-1114) and Index to the Administrative Record on behalf of Respondent, Illinois Environmental Protection Agency. The Administrative Record and Index are attached hereto and hereby served upon persons listed in the Service List.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

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Dated: June 26, 2015

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Pollution Control Board

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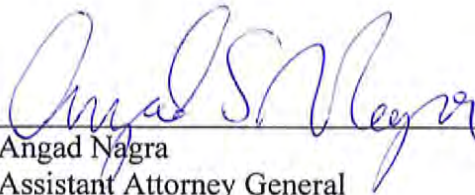
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CERTIFICATE OF SERVICE

I, Angad Nagra, an Assistant Attorney General, certify that on the 26th day of June, 2015, I caused to be served by U.S. Mail, the foregoing Notice of Filing and Administrative Record, to the parties listed above, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.



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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SIERRA CLUB, NATURAL)
RESOURCES DEFENSE COUNCIL,)
PRAIRIE RIVERS NETWORK, and)
ENVIRONMENTAL LAW & POLICY)
CENTER,)

Petitions,)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY and)
MIDWEST GENERATION, LLC)

Respondents.)

PCB 15-189
(Third Party NPDES Appeal)

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 ORIGINAL

RECORD

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), in accordance with the procedural rules of the Illinois Pollution Control Board ("Illinois PCB") as set forth in 35 Ill. Adm. Code 105.212 and 105.116, files as its Record in this cause the Illinois EPA's record of National Pollutant Discharge System ("NPDES") Permit number IL0002259, issued to Midwest Generation, LLC ("Midwest Generation") on March 25, 2015, which is attached and consists of the following documents:

Permit File Documents

1. IN THE MATTER OF: PROPOSED DETERMINATION OF THERMAL STANDARDS FOR ZION AND WAUKEGAN GENERATING STATIONS (PCB 77-82, August 3, 1978). (pp. 1-3)
2. Letter dated October 18, 2004, from Fred McCluskey, Vice President Technical Services, Midwest Generation, to Blaine Kinsley, Illinois EPA, Bureau of Water, Industrial Permits. (pp. 4-5)
3. Letter dated November 22, 2004, from Julia Wozniak, Senior Biologist, Midwest Generation, to Alan Keller, Manager, Bureau of Water, Permit Section. (pp. 6-24)

4. Letter dated January 21, 2005, from Maria Race, Senior Environmental Engineer, Midwest Generation, to Division of Water Pollution Control (“DWPC”), Permit Section, with attached Forms 1 and 2C of NPDES permit renewal application. (pp. 25-110)
5. Phase II Existing Facility Intake Performance Standards Proposal for Information Collection pages 1, 20, and Appendix A Figure 1, June 2005. (pp. 109-111)
6. Email on August 8, 2006, from Julia Wozniak to Jaime Rabins, DWPC, Permit Section. (pp. 112-113)
7. Engineer review notes dated August 16, 2006, prepared by Jaime Rabins. (pp. 114-119)
8. Facility review dated January 19, 2007, dated January 19, 2007. (pp. 120-125)
9. Memorandum and letters dated February 23, 2007, from Blaine Kinsley to Manager, DWPC/Field Operations Section (“FOS”); Army Corps of Engineers, Chicago District; Midwest Generation; and U.S. EPA Region V, with attached draft permit and public notice/fact sheet. (pp. 126-143)
10. Memorandum dated March 20, 2007, from Benjamin Grumbles, Assistant Administrator, U.S. EPA, to Regional Administrators. (p. 144)
11. Emails on April 9, 2007, between Maria Race and Jaime Rabins. (pp. 145-146)
12. Email on April 18, 2007, from Maria Race to Jaime Rabins. (p. 147)
13. Emails on May 7, 2007, from Julia Wozniak to Blaine Kinsley and Jaime Rabins, with attached March 20, 2007 memorandum. (pp. 148-151)
14. Letter dated January 3, 2008, from Maria Race to Jaime Rabins. (p. 152)
15. Letter dated September 2, 2009, from Maria Race, stating address change. (p. 153)
16. Emails on September 2 and 24, 2009, between Maria Race and Jaime Rabins, and on September 29, 2009, between Gina Hamlin and Jaime Rabins. (pp. 154-155)
17. Address correction form received on August 27, 2010. (p. 156)
18. Letter dated September 29, 2011, from Robert Mosher, BOW, Water Quality Standards, to Amy Hanrahan, Midwest Generation. (p. 157)
19. Email dated October 21, 2011, from Darin LeCrone, Manager, Industrial Unity, DWPC, to Leslie Lowry, Jaime Rabins, Shu-Mei Tsai, Brian Cox, and Mark Liska, all DWPC/Permit Section. (p. 158)
20. Email on November 9, 2011, from Jaime Rabins to Amy Hanrahan. (p. 159)

21. Letter dated November 17, 2011, from Amy Hanrahan to Robert Mosher. (p. 160)
22. 15-day notice review notes dated November 23, 2011, prepared by Jaime Rabins. (pp. 161-162)
23. Public notice material for December 2, 2011 posting. (pp. 163-167)
24. Letters dated November 30, 2011, from Darin LeCrone to Municipal Clerk, Waukegan, Illinois; Midwest Generation; and Edward Karecki, U.S. Fish & Wildlife Service, Chicago Field Office. (pp. 168-191)
25. E-mails between Jaime Rabins and Ann Alexander, Senior Attorney, Midwest Program, Natural Resources Defense Council, and Amy Hanrahan, with attached letter dated December 27, 2011, from Ann Alexander to Jaime Rabins. (pp. 192-196)
26. Email on December 28, 2011, from Darin LeCrone to Alan Keller. (pp. 197-198)
27. Letter dated January 12, 2012, from Amy Hanrahan to Darin LeCrone, with attachments. (pp. 199-238)
28. Emails on July 13, 2012, from Susan Franzetti of Nijman Franzetti LLP to Deborah Williams, Illinois EPA, Division of Legal Counsel, and July 17, 2012, from Deborah Williams to Jaime Rabins, with attached letter dated June 14, 1974, from Commonwealth Edison to A. H. Manzardo, Chief, Permit Branch, Region V, U.S. EPA. (pp. 239-244)
29. Draft Special Condition language, w/o email on August 14, 2012, from Deborah Williams to Alan Keller, Sanjay Sofat, Darin LeCrone, Jaime Rabins, and Marcia Willhite (pp. 245-247)
30. Letters dated February 6, 2013, from Darin LeCrone to Edward Karecki, Municipal Clerk of Waukegan, Illinois, and Midwest Generation, with attached draft permit and public notice/fact sheet. (pp. 248-270)
31. 30-day notice review notes dated October 5, 2013, prepared by Jaime Rabins. (pp. 271-275)
32. Letter dated November 2, 2012, from Julia Wozniak to Darin LeCrone, with attachments. (276-361)
33. 15-day notice review notes dated November 8, 2012, prepared by Jaime Rabins. (pp. 362-364)
34. Emails on February 1, 2013, among Mark Joseph, Darin LeCrone and Jaime Rabins. (pp. 365-366)

35. Public notice material for February 8, 2013 posting. (pp. 367-370)
36. Letter dated March 11, 2013, from Julia Wozniak to Darin LeCrone, with attachments. (pp. 371-470)
37. Email on March 11, 2013, from Erin Morse, Legal Assistant, Environmental Law and Policy Center, to Jaime Rabins, with attachments. (pp. 471-507)
38. Emails on June 25, 2013, from Charles Parnell, Vice President, Public Affairs, Midwest Generation, to Ken Page, Environmental Justice Office and Barb Lieberoff, Community Relations, Illinois EPA, with attachments, and forwarded by Ken Page to Jaime Rabins, Sanjay Sofat, Alan Keller, and Darin LeCrone. (pp. 508-510)
39. Letter dated July 22, 2013, from Julia Wozniak to Jaime Rabins, with attachment. (pp. 511-515)
40. Emails on July 10, 19 and 23, 2013, between Jaime Rabins and Julia Wozniak. (pp. 516-517)
41. Email on July 24, 2013, from Maria Race to Jaime Rabins, with attachments. (pp. 518-575)
42. Emails on July 25, 2013, between Roy Smogor, DWPC, and Jaime Rabins, and among Jaime Rabins, Roy Smogor, and Scott Twait, Water Quality Standards, DWPC. (pp. 576-577)
43. Email on July 26, 2013, from Julia Wozniak to Jaime Rabins. (pp. 578-580)
44. Announcement for NPDES hearing on July 31, 2013. (p. 581)
45. Memorandum dated November 20, 2013, from Scott Twait to Jaime Rabins. (pp. 582-583)
46. Emails on May 16 and 19, 2014, between Jaime Rabins and Julia Wozniak. (pp. 584-586)
47. Address correction form dated June 23, 2014. (pp. 587-588)
48. Emails on July 19 and 22, 2011, January 29 and 30, 2013, and May 16, 2014, between Jaime Rabins and Brian Koch, on May 19, 2014 from Brian Koch to Scott Twait, and on May 20, 2014 from Scott Twait to Jaime Rabins. (pp. 589-591)
49. Emails on August 6 and 9, 2014, between Jaime Rabins and Julia Wozniak. (pp. 592-593)
50. Email on August 18, 2014, from Darin LeCrone to Sean Ramach and Patrick Kuefler, U.S. EPA, with attached proposed NPDES permit. (pp. 594-606)

51. Emails on August 26, 2014, between Jaime Rabins and Julia Wozniak. (p. 607)
52. Emails on August 28, 2014, between Jaime Rabins and Julia Wozniak. (pp. 608-610)
53. Emails on August 28 and 29, and September 3, 2014, between Jaime Rabins and Julia Wozniak. (pp. 611-614)
54. Emails on September 3, 2014, between Jaime Rabins and Julia Wozniak. (p. 615)
55. Emails on September 5, 8 and 9, 2014, between Jaime Rabins and Julia Wozniak. (pp. 616-617)
56. Emails on September 23, 2014, between Jaime Rabins and Scott Twait. (p. 618)
57. Emails on September 26, 2014, between Jaime Rabins and Julia Wozniak. (p. 619)
58. Letter dated November 25, 2014, from Kevin Pierard, Chief, NPDES Programs Branch, U.S. EPA, Region 5, to Alan Keller. (pp. 620-623)
59. Emails on December 2, 2014, from Darin LeCrone to Jaime Rabins, from Jaime Rabins to Darin LeCrone and Scott Twait, and from Scott Twait to Jaime Rabins and Darin LeCrone, and on December 3, 2014, from Darin LeCrone to Scott Twait and Jaime Rabins and from Scott Twait to Darin LeCrone and Jaime Rabins. (pp. 624-626)
60. Emails on December 3, 2014, from Darin LeCrone to Scott Twait and Jaime Rabins, from Jaime Rabins to Darin LeCrone, and from Scott Twait to Jaime Rabins and Darin LeCrone. (pp. 627-630)
61. Emails on December 2, 3 and 5, 2014, between Jaime Rabins and Julia Wozniak. (pp. 631-633)
62. 30-day notice review notes dated December 9, 2014, prepared by Jaime Rabins. (pp. 634-638)
63. Fact Sheet: Final Rule on Coal Combustion Residuals Generated by Electric Utilities, December 2014. (pp. 639-642)
64. Emails on January 6, 2015, between Jaime Rabins and Lynn Dunaway, Groundwater Section. (pp. 643-644)
65. Email on January 27, 2015, from Julia Wozniak to Roger Callaway, with attachment. (pp. 645-654)
66. Engineer note dated February 25, 2015, prepared by Jaime Rabins. (p. 655)

67. Responsiveness Summary, March 25, 2015. (pp. 656-682)
68. Letter dated March 25, 2015, from Alan Keller to Midwest Generation. (p. 683)
69. Letter dated March 25, 2015, from Alan Keller to U.S. EPA Region 5. (p. 684)
70. Letter dated March 25, 2015, from Alan Keller to Midwest Generation, with attached renewed NPDES Permit No. IL0002259. (pp. 685-703)

Hearing File Documents

71. Transcript of informational public hearing held July 31, 2013. (pp. 704-872)
72. Hearing exhibits list, with attached exhibits. (pp. 873-1104)

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

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Dated: June 26, 2015