

ILLINOIS POLLUTION CONTROL BOARD
December 21, 2021

MIDWEST GENERATION, LLC, & 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

Midwest Generation’s Motion to Extend Stay of Proceedings and Withdraw Request for Relief Related to Will County Generating Station

On December 9, 2021, Midwest Generation, LLC., (PCB 16-19) (Midwest Generation), filed a “Motion to Extend Stay of Proceedings and Withdraw Request for Relief Related to Will County Generating Station” (Mot.). Midwest Generation requests the stay until May 1, 2022, while the Illinois Environmental Protection Agency (IEPA) incorporates the relief granted in PCB 20-38 and PCB 20-39 for the Joliet Stations into their NPDES permits. Mot. at 4. Midwest Generation states that it will file another request for stay should the relief and reissuance of the NPDES permits is not final by May 1, 2021. *Id.* At 5. Midwest Generation also requests that it “hereby withdraws its request for a Time-Limited Water Quality Standard (TLWQS) for the Brandon Pool & Chicago Sanitary and Shipping Canal...because the request is mooted by the Alternative Thermal Effluent Relief that [t]he Board granted in PCB 18-58...” *Id.* The IEPA does not object to either request. *Id.*

INEOS Joliet, Inc. Third Motion to Stay Proceeding

On December 6, 2021, INEOS Joliet, LLC., (PCB 16-24) (INEOS), filed a “Third Motion to Stay Proceeding” (Mot.). INEOS states that it submitted the required early screening information to the IEPA for its request for Alternative Thermal Effluent Limitation (ATEL) for its review. Mot. at 3. INEOS requests a stay until the Board reaches its decision on the ATEL petition it is preparing. Mot. at 3-4. The IEPA does not object.

Note 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).

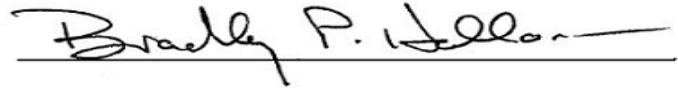
Rulings

Midwest Generation's motion to stay is granted until May 1, 2021, or until the Board orders otherwise. The Board will reserve ruling on Midwest Generation's request to withdraw its request for a TLWQS for the Brandon Pool & Chicago Sanitary and Shipping Canal until the stay ends or is lifted.

INEOS motion is granted until the Board reaches its decision on INEOS' ATEL petition or until the Board orders otherwise. INEOS is directed to submit a status report every 90 days or until further notice from the date of this order.

The parties or their legal representatives in PCB 16-19 are directed to participate in a telephonic status conference with the hearing officer on January 13, 2022, at 10:30 a.m. The parties or their legal representatives in PCB 16-24 are directed to participate in a telephonic status conference with the hearing officer on January 13, 2022, at 10:45 a.m. Note that if the parties choose, and in light of the above rulings, the conference calls can be rescheduled. 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.



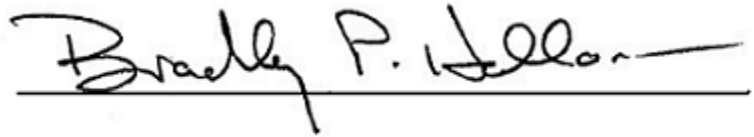
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on December 21, 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 December 21, 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
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