

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MIDWEST GENERATION, LLC,)	
Petitioner,)	
)	
v.)	PCB 24-
)	
ILLINOIS ENVIRONMENTAL)	(Permit Appeal – Ninety Day
PROTECTION AGENCY,)	Extension)
Respondent.)	

NOTICE OF FILING

To: See attached Service List

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board Petitioner Midwest Generation, LLC's **REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD**, a copy of which is herewith served upon you.

Dated: August 5, 2024

MIDWEST GENERATION, LLC

By: /s/Kristen L. Gale

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Illinois Environmental Protection Agency
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Springfield, IL 62702
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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing and Petitioner Midwest Generation, LLC's Request for Ninety Day Extension of Appeal Period was electronically filed on August 5, 2024 with the following:

Don Brown, Clerk of the Board
Illinois Pollution Control Board
60 E. Van Buren Street, Suite 630
Chicago, IL 60605
don.brown@illinois.gov

and that copies were sent via e-mail on August 5, 2024 to the parties on the service list.

Dated: August 5, 2024

/s/Kristen L. Gale

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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ILLINOIS ENVIRONMENTAL)	(Permit Appeal – Ninety Day
PROTECTION AGENCY,)	Extension)
Respondent.)	

REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD

NOW COMES Petitioner, Midwest Generation, LLC (“MWG”), and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board (“Board”) grant an extension of the thirty-five (35) day period for petitioning for a hearing to November 5, 2024, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA’s final decision. In support thereof, MWG respectfully states as follows:

1. On or about July 3, 2024, the Illinois EPA issued to the Petitioner Coal Combustion Residual Surface Impoundment Operating Permit for MWG’s Powerton Generating Station. *See* Attachment 1.
2. Petitioner received the final decision on or about July 3, 2024.
3. On August 4, 2024, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. On August 5, 2024, Illinois EPA responded stating that it was amenable to the extension of the permit appeal period and joins in the request. *See* Attachment 2.

4. The additional time requested by the parties may eliminate the need for a hearing in this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy, grant this request for a ninety day extension of the third-five day period for petitioning a hearing.

Respectfully submitted,

MIDWEST GENERATION, LLC

Petitioner,

By: /s/Kristen L. Gale
One of its attorneys

Kristen L Gale
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ATTACHMENT 1



217/782-0610

July 3, 2024

Midwest Generation, LLC
13082 East Manito Road
Pekin, Illinois 61554

Re: Midwest Generation, LLC
Powerton Generating Station
Coal Combustion Residual Surface Impoundment Operating Permit 2024-CO-100029
Bureau ID: W1798010008

Dear Permittee:

Attached is the final Coal Combustion Residual Surface Impoundment Operating Permit for your facility. The Permit as issued covers monitoring and related reporting requirements. Failure to meet any portion of the Permit could result in civil and/or criminal penalties. The Illinois Environmental Protection Agency is ready and willing to assist you in interpreting any of the conditions of the Permit as they relate specifically to your discharge. Since the public notice of your permit, the following changes have been made:

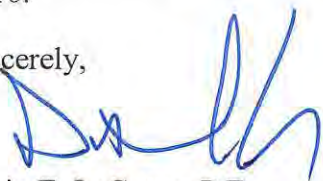
1. Special Condition 10 corrected references the Annual Consolidated Report in Special Condition 29.
2. Special Condition 12 now states that there are two migration pathways.
3. Special Condition 13 now states that there are two migration pathways and updates the monitoring wells.
4. Special Condition 19 requires horizontal and vertical extent of structural components in all basins and explains the sampling of each material type used as a structural component and how they are to be compliant.
5. Special Conditions 21 and 22 now also note steps MWG must implement pursuant to 35 Ill. Admin. Code 845.650(d) or (e) if there is an exceedance at one or more downgradient monitoring wells.
6. Reference to leachate monitoring data has been removed from Special Condition 28.
7. Special Condition 30 has been revised to not include CCR.
8. Various spelling and grammar mistakes have been corrected.

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The attached Permit is effective as of the date indicated on the first page of the Permit. Until the effective date of any re-issued Permit, the limitations and conditions of the previously issued Permit remain in full effect. You have the right to appeal any condition of the Permit to the Illinois Pollution Control Board within a 35 day period following the issuance date.

Should you have questions concerning the Permit, please contact Mark E. Liska at 217/782-0610.

Sincerely,



Darin E. LeCrone, P.E.
Manager, Permit Section
Division of Water Pollution Control

DEL:MEL:24022801.docx

Attachment: Final Permit

cc: Records
Compliance Assurance Section
Peoria Region
Billing
USEPA

Coal Combustion Residual Surface Impoundment Permit No. 2024-CO-100029

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

Coal Combustion Residual Surface Impoundment Operating Permit

Expiration Date: June 30, 2029

Issue Date: July 3, 2024

Name and Address of Permittee:

Midwest Generation, LLC
13082 East Manito Rd.
Pekin, IL 61554

Name and Address of Facility:

Midwest Generation, LLC
Powerton Generating Station
13082 East Manito Rd.
Pekin, IL 61554
(Tazewell County)

CCR Impoundment:

W1798010008-01 Ash Surge Basin
W1798010008-03 Metal Cleaning Basin
W1798010008-04 Ash Bypass Basin
W1798010008-05 Former Ash Basin

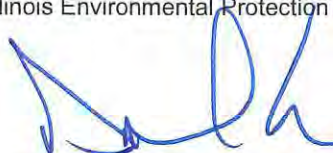
In compliance with the provisions of the Illinois Environmental Protection Act, Title 35 of Ill. Adm. Code, Subtitle C and/or Subtitle D, Chapter 1, and the Clean Water Act (CWA), the above-named permittee is hereby authorized to operate a coal combustion residual (CCR) surface impoundment, at the above location in accordance with the standard conditions and attachments herein.

Coal Combustion Residual Surface Impoundment Permit No. 2024-CO-100029 authorizes the operation of the Ash Surge Basin, the Metal Cleaning Basin, the Ash Bypass Basin, and the Former Ash Basin.

Coal Combustion Residual Surface Impoundment Permit No. 2024-CO-100029 does not authorize the closure, corrective action, or any construction for the Ash Surge Basin, the Former Ash Basin, the Ash Bypass Basin, or the Metal Cleaning Basin.

Coal Combustion Residual Surface Impoundment Permit No. 2024-CO-100029 does not authorize the discharge of any wastewater to waters of the United States. NPDES Permit No. IL0002232 authorizes this facility to discharge wastewater to waters of the United States.

Permittee is not authorized to operate after the above expiration date. In order to receive authorization to operate beyond the expiration date, the permittee shall submit the proper application as required by the Illinois Environmental Protection Agency (IEPA) not later than 180 days prior to the expiration date.



Darin E. LeCrone P.E.
Manager, Permit Section
Division of Water Pollution Control

CCR Impoundment Permit No. 2021-CO-100029

Special Conditions

SPECIAL CONDITION 1: This permit does not relieve the Permittee of the responsibility of complying with the provisions of the State of Illinois Rules and Regulations, 35 Ill. Adm. Code Subtitle B, Air Pollution Control, Chapter 1 and 35 Ill. Adm. Code Subtitle G, Land Pollution Control, Chapter 1. The Permittee may be required to file reports and/or obtain applicable permits through the Illinois EPA's Bureau of Air (BOA) - Division of Air Pollution Control (DAPC) and/or Illinois EPA's Bureau of Land (BOL) – Division of Land Pollution Control (DLPC).

SPECIAL CONDITION 2: This permit does not authorize any construction activities necessary for closure and/or corrective action of the CCR impoundment(s) at the site.

SPECIAL CONDITION 3: The operator shall implement methods for controlling dust, including the Fugitive Dust Control Plan included in Application Log No. 2021-100029, so as to prevent wind dispersal of particulate matter off-site.

SPECIAL CONDITION 4: A permanent sign shall be maintained at each CCR impoundment that contains the information required under 35 IAC, Section 845.130.

SPECIAL CONDITION 5: The written Emergency Action Plan (EAP), shall be maintained by the facility. The EAP and all amendments must be placed in the facility's operating record. Upon activation of the EAP, the facility must notify Illinois EPA in writing within 30 days of activation and place all corresponding documentation in the facility operating record. The permittee may amend the EAP at any time but must amend the EAP when there is a change in conditions that would substantially affect the EAP.

SPECIAL CONDITION 6: The written closure plan has been submitted as part of Permit Application Log No. 2021-100028. The closure plan and all amendments must be placed in the facility's operating record. The permittee may amend the written closure plan at any time but must amend the closure plan when there is a change in a CCR surface impoundment that would substantially affect the written closure plan, and before closure activities have started or unanticipated events necessitate a revision. The closure plan shall be amended at least 60 days before a planned change and within 60 days after an unanticipated event.

SPECIAL CONDITION 7: The permittee shall provide and maintain financial assurance in accordance with Part 845 Subpart I.

SPECIAL CONDITION 8: The Safety and Health Plan and accompanying certification has been submitted as part of Permit Application Log No. 2021-100029. The plan must be updated annually and on an as needed basis. The Safety and Health Plan and all amendments must be placed in the facility operating record.

SPECIAL CONDITION 9: All CCR impoundments and any lateral expansion of a CCR surface impoundment must be inspected by a qualified person on a weekly basis and after each 25-year, 24-hour storm event. All CCR surface impoundment instrumentation must be inspected at least every 30 days. A report for each inspection shall be generated and placed into the facility operating record.

SPECIAL CONDITION 10: Each CCR Surface impoundment must be inspected on an annual basis by a qualified Professional Engineer, in accordance with 35 IAC 845.540. An inspection report must be completed and included with the Annual Consolidated Report, as specified in Special Condition 27.

SPECIAL CONDITION 11: Within 90 days of the effective date of this operating permit, the facility must install and monitor as a part of the groundwater monitoring network at one additional downgradient well, MW-21D, in the Sand and Gravel Unit and two additional down gradient wells, MW-22 and MW-23 in the Silty Clay/Silt Unit. MWG must also install and monitor for groundwater elevations two piezometers in the fill unit, P-1 and P-2, and install and monitor for surface water elevations one staff gage in the Lost Creek. The piezometers must be installed with 10 feet screens, placed with the bottom of the screen installed at the bottom of the fill sand or top of the native soils.

SPECIAL CONDITION 12: The background wells for the two migration pathways are as follows:

- a. Silty Clay/Silt Unit —MW-16.
- b. Sand and Gravel Unit— MW-16.

SPECIAL CONDITION 13: The downgradient wells for the two migration pathways are as follows:

- a) Silty Clay/Silt Unit —MW-06, MW-14, Newly installed well MW-22, Second newly installed well.
- b) Sand and Gravel Unit— MW-01, MW02, MW03, MW04, MW05, MW-07, MW-10, New well installed MW-21D.

SPECIAL CONDITION 14: Surface water and groundwater interaction monitoring and sand and gravel aquifer unit groundwater monitoring includes surface water elevations and groundwater elevations collected and reported in accordance with 35 IAC

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Special Conditions

845.610(e)(3)(C), 35 IAC 845.640(c)(1) and (3), and 35 IAC 845.650(b)(2). The groundwater and surface water elevation monitoring locations are as follows:

- a) Surface water—the Illinois River USGS staff gage at Kingston Mines and one new staff gage, installed in the Lost Creek.
- b) Groundwater:
 1. Fill Sand connected to the Sand and Gravel Unit—two newly installed piezometers, P-1 and P-2.
 2. Silty Clay/Silt Unit— MW-06, MW-12, MW-14, MW-15, MW-17, MW-18, MW-22, MW-23.
 3. Sand and Gravel Unit—MW-01, MW02, MW03, MW04, MW05, MW-07, MW-09, MW-11, MW-16, MW-19, MW-21D.

MWG must install the silty clay/silt and sand and gravel unit groundwater monitoring wells, fill unit piezometers and staff gages within 90 days of the issuance of this permit.

After completion of the initial surface water/groundwater interaction investigation, lasting 2 calendar years, the necessity of additional wells to monitor storm water infiltration and flooding recharge will be assessed by MWG. A report for review and approval by the Agency will be provided to the Agency by the end of 2.5 years from the beginning of the groundwater and surface water elevation monitoring.

SPECIAL CONDITION 15: Within 30 days of the effective date of this operating permit, the facility must initiate groundwater sampling and analysis in accordance with 35 IAC Section 845.640 at every well. Compliance with Section 845.640(a) requires the collection and submission of monitoring data during annual reporting of laboratory reports, field documents and records of collection and analysis, and documentation of environmental data compliant with SW 846.

SPECIAL CONDITION 16: Within 90 days of the effective date of this permit, the permittee must select a statistical method for evaluating groundwater monitoring data, pursuant to Section 845.640(f)(1), and notify Illinois EPA of the chosen statistical method. The permittee must use the data from the groundwater monitoring program required by this permit to conduct the statistical analysis. Data to be provided or an amended Attachment 9-4 of the Initial Operating Permit Application is as follows:

- a) Outlier analysis must be struck from Attachment 9-4 or revised to adhere to the following for any laboratory analyzed constituent listed in 35 IAC 845.600:

Verified data from a NELAP certified laboratory is representative of the aquifer properties analyzed. Outliers cannot be evaluated for exclusion from any dataset without explicit data validation identifying discrepancies from the laboratory and/or field procedures that would qualify a data point to be considered an outlier. Midwest Generation must use the USEPA data validation procedures to determine when or if a data point is to be excluded from a data set. (EPA QA/G-8).
- b) All input data sets for each constituent must be provided in a table in accordance with SW-846 chapter 1, incorporated by reference in 35 IAC 845. Chapter 1 of SW846 states that regulatory decisions must be made with environmental data.
- c) All data sets, used for statistical analysis of background, must be within the last eight consecutive quarterly sampling events in order to validate the statistical methods for recent activity (35 IAC 845.650(b));
- d) Non-parametric statistical analysis must be provided to the Agency for review and approval each time that a non-parametric data set occurs.

SPECIAL CONDITION 17: Within 30 days of the effective date of this permit, the groundwater monitoring program must be in compliance with 35 IAC 845.650 at all wells.

- a. The permittee must analyze each sample for the constituents listed in 845.600(a), calcium and turbidity.
- b. When analyzing groundwater quality, the permittee must measure total recoverable metals pursuant to Section 845.640(i).
- c. The permittee must collect a minimum of eight independent samples from each background and downgradient well within 550 days of operating permit issuance.
- d. After background groundwater monitoring has been completed, the permittee must conduct monitoring pursuant to Section 845.650(b).

CCR Impoundment Permit No. 2021-CO-100029

Special Conditions

SPECIAL CONDITION 18: Within 640 days of the effective date of this permit, the permittee must submit statistical calculations using the method selected in Special Condition 16. As part of this submittal, the applicant must provide a groundwater protection standard for each constituent, the statistical evaluations and calculations including the raw data used, and a description of any assumptions used when calculating the groundwater protection standards.

SPECIAL CONDITION 19: Within 180 days of the effective date of the operating permit, the permittee must provide an analysis of the coal combustion residuals and horizontal and vertical extent of structural components in and around the Former Ash Basin, Ash Surge Basin, Metal Cleaning Basin, and Ash Bypass Basin. Structural components of the Former Ash Basin, Ash Surge Basin, Metal Cleaning Basin and Ash Bypass Basin are defined in 35 Ill. Admin. Code 845.120. Sampling must include 10% representative sampling of each material type used as a structural component. The samples must be compliant with the sampling requirements of SW 846 and pursuant to 845.230(d)(2)(B).

SPECIAL CONDITION 20: Within 60 days of the effective date of this permit, the permittee must provide an analysis of all waste streams entering or currently at the Former Ash Basin, Ash Surge Basin, Metal Cleaning Basin, and Bypass Basin. Sources that have historically discharged in the Former Ash Basin, Ash Surge Basin, Metal Cleaning Basin, and Bypass Basin include: coal pile runoff, gas side metal cleaning waste, plant drains, yard runoff, roof drains, road runoff. For each of these sources and any other sources not identified, the permittee must provide an analysis of the waste stream compliant with the sampling requirements of SW 846 pursuant to 845.230(d)(2)(C) or a statement that the identified source is no longer discharging and the approximate date of the last discharge.

SPECIAL CONDITION 21: The groundwater standards at the waste boundary for the Silty Clay/Silt unit are:

<u>Pollutant</u>	<u>Concentration</u>
Antimony	0.006 mg/L
Arsenic	0.010 mg/L
Barium	2.0 mg/L
Beryllium	0.004 mg/L
Boron	4.7 mg/L
Cadmium:	0.005 mg/L
Chloride:	200 mg/L
Chromium:	0.1 mg/L
Cobalt:	0.006 mg/L
Fluoride:	4.0 mg/L
Lead:	0.0075 mg/L
Lithium:	0.04 mg/L
Mercury:	0.002 mg/L
Molybdenum:	0.1 mg/L
pH:	6.5-9.0 units
Selenium:	0.05 mg/L
Sulfate:	400 mg/L
Thallium:	0.002 mg/L
Total Dissolved Solids:	1200 mg/L
Radium 226 and 228 combined:	5 pCi/L

If the statistical analysis performed as part of Special Condition 19 determines a groundwater protection standard that is higher than the currently permitted limits, the applicant may submit a permit application modification to modify the above standards. Chloride and pH will only be amended through statistical analysis during permit renewal.

After review and approval of initial background concentrations by the Agency, background concentrations for constituents listed in 35 IAC 845.600(a) will only be evaluated for changes during permit renewal and after implementation and completion of construction permits.

In the event that exceedances of the aforementioned GWPS have occurred at one or more downgradient monitoring well, MWG must implement 35 Ill. Admin. Code 845.650(d) or (e). Subsequently, if the Agency does not concur with an Alternative Source Demonstration [35 Ill. Admin. Code 845.650(e)] or 35 Ill. Admin. Code 845.650(d) is implemented, 35 Ill. Admin. Code 845.660, 35 Ill. Admin. Code 845.670, and 35 Ill. Admin. Code 845.680 must be implemented. In the event that the exceeding GWPS results are at a property boundary well, MWG must implement 35 Ill. Admin. Code 845.680(a)(3).

SPECIAL CONDITION 22: The groundwater standards at the waste boundary for the Sand and Gravel unit are:

<u>Pollutant</u>	<u>Concentration</u>
------------------	----------------------

CCR Impoundment Permit No. 2021-CO-100029

Special Conditions

Antimony	0.006 mg/L
Arsenic	0.010 mg/L
Barium	2.0 mg/L
Beryllium	0.004 mg/L
Boron	4.7 mg/L
Cadmium:	0.005 mg/L
Chloride:	200 mg/L
Chromium:	0.1 mg/L
Cobalt:	0.006 mg/L
Fluoride:	4.0 mg/L
Lead:	0.0075 mg/L
Lithium:	0.04 mg/L
Mercury:	0.002 mg/L
Molybdenum:	0.1 mg/L
pH:	6.5-9.0 units
Selenium:	0.05 mg/L
Sulfate:	400 mg/L
Thallium:	0.002 mg/L
Total Dissolved Solids:	1200 mg/L
Radium 226 and 228 combined:	5 pCi/L

If the statistical analysis performed as part of Special Condition 19 determines a groundwater protection standard that is higher than the currently permitted limits, the applicant may submit a permit application modification to modify the above standards. Chloride and pH will only be amended through statistical analysis during permit renewal.

After review and approval of initial background concentrations by the Agency, background concentrations for constituents listed in 35 IAC 845.600(a) will only be evaluated for changes during permit renewal and after implementation and completion of construction permits.

In the event that exceedances of the aforementioned GWPS have occurred at one or more downgradient monitoring well, MWG must implement 35 Ill. Admin. Code 845.650(d) or (e). Subsequently, if the Agency does not concur with an Alternative Source Demonstration [35 Ill. Admin. Code 845.650(e)] or 35 Ill. Admin. Code 845.650(d) is implemented, 35 Ill. Admin. Code 845.660, 35 Ill. Admin. Code 845.670, and 35 Ill. Admin. Code 845.680 must be implemented. In the event that the exceeding GWPS results are at a property boundary well, MWG must implement 35 Ill. Admin. Code 845.680(a)(3).

SPECIAL CONDITION 23: Annual consolidated reports must contain the following items in accordance with Section 845.550, 845.500(c), 845.540(b)(3), and 845.610(e):

Fugitive Dust Control Report in accordance with Section 845.500(c);

Annual Inspection Report in accordance with Section 845.540(b)(2);

Groundwater Monitoring and Corrective Action Report in accordance with Section 845.610(e)(3) and (e)(4); documentation in the report must satisfy Section 845.640(a), (b), (c),

SPECIAL CONDITION 24: The permittee must maintain a written operating record at the facility. Each record must be retained for at least three years past the date the Agency approved the owner's or operator's request to terminate post-closure care, when closure is with a final cover system, or the completion of groundwater monitoring under Section 845.740(b), when closure is by removal. Records for each individual surface impoundment must be identified by name and identification number.

The permittee must place the following information, as it becomes available, in the facility's operating record:

- a. Copies of all permit applications and permits;
- b. Documentation recording the public meetings held under Section 845.240;
- c. Weekly CQA reports under Section 845.290(b);
- d. Hazard potential classification assessments for CCR surface impoundments (see Section 845.440(a)(3)(D));
- e. Structural stability assessments for CCR surface impoundments (see Section 845.450(d)(4));

CCR Impoundment Permit No. 2021-CO-100029

Special Conditions

- f. Safety factor assessments for CCR surface impoundments (see Section 845.460(c)(4));
- g. The CCR fugitive dust control plan and any subsequent amendment of the plan (see Section 845.500(b)(6)), except that only the most recent fugitive dust control plan must be maintained in the facility's operating record, irrespective of the time requirement specified in subsection (b);
- h. Inflow design flood control system plans for CCR surface impoundments (see Section 845.510(c)(4)(D));
- i. Emergency Action Plan (see Section 845.520(a)), except that only the most recent EAP must be maintained in the facility's operating record irrespective of the time requirement specified in subsection (b);
- j. Documentation prepared by the owner or operator recording all activations of the EAP (see Section 845.520(f));
- k. Documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR surface impoundment and the local emergency responders (see Section 845.520(g));
- l. Safety and Health Plan (see Section 845.530(a));
- m. Documentation recording the results of each inspection and instrumentation monitoring by a qualified person (see Section 845.540(a)(2));
- n. Annual consolidated report (see Section 845.550), which contains the following:
 - 1. The annual CCR fugitive dust control report (see Section 845.500(c));
 - 2. The annual inspection report (see Section 845.540(b)(3)); and
 - 3. The annual groundwater monitoring and corrective action report (see Section 845.610(e));
- o. All groundwater monitoring data submitted to the Agency and any analysis performed (see Section 845.610(b)(3)(D) and 845.640(a), (b), and (c));
- p. Within 30 days after detecting one or more monitored constituents above the groundwater protection standard, the notifications required by Section 845.650(d) and (e);
- q. The semi-annual report describing the progress in selecting and designing the remedy (see Section 845.670(a));
- r. Within 30 days after completing implementation of the corrective action plan, the notification required by Section 845.680(e);
- s. USEPA-approved or denied demonstration as required by Section 845.700(d)(2)(F);
- t. The preliminary written closure plan and any amendment of the plan (see Section 845.720(a)) except that only the most recent closure plan must be maintained in the facility's operating record, irrespective of the time requirement specified in subsection (b);
- u. The written demonstrations, including the certification required by Section 845.730(b)(3), for a time extension for initiating closure (see Section 845.730(b)(2)); 22) The notification of intent to close a CCR surface impoundment (see Section 845.730(d));
- v. The monthly reports for closure by removal (see Section 845.740(d));
- w. The closure report and certification (see Section 845.760(e)(3)), or the completion of groundwater monitoring report and certification (see Section 845.740(f)); completion of groundwater monitoring in accordance with Section 845.740 with concurrence of the Agency must be in the record;
- x. The notification of completion of closure of a CCR surface impoundment (see Section 845.760(f));
- y. The notification recording a notation on the deed (see Section 845.760(h));

CCR Impoundment Permit No. 2021-CO-100029

Special Conditions

- z. The preliminary written retrofit plan for a CCR surface impoundment (see Section 845.770(a)(3));
- aa. The notification of intent to initiate retrofit of a CCR surface impoundment (see Section 845.770(d));
- bb. The retrofit completion report and certification (see Section 845.770(g)(3));
- cc. The notification of completion of retrofit activities (see Section 845.770(h));
- dd. The notification of completion of post-closure care period (see Section 845.780(f));
- ee. The completion of CCR removal and decontamination report and certification (see Section 845.740(e)); and
- ff. The most current cost estimates (see Section 845.940(d)).

SPECIAL CONDITION 25: All groundwater monitoring data and resulting analysis must be submitted to Illinois EPA within 60 days after completion of sampling and must be placed into the facility operating record.

SPECIAL CONDITION 26: The permittee shall prepare an Annual Groundwater Monitoring and Corrective Action Report each year. The Annual Groundwater Monitoring and Corrective Action Report shall be submitted to Illinois EPA as part of the Annual Consolidated Report required in Special Condition 24, and must be placed into the facility operating record. The annual report shall include at a minimum and to the extent available:

- a. A map, aerial image, or diagram showing the CCR surface impoundment, all background (or upgradient) and downgradient monitoring wells, including the well identification numbers, that are part of the groundwater monitoring program for the CCR surface impoundment, and a visual delineation of any exceedances of the groundwater protection standards;
- b. Identification of any monitoring wells that were installed or decommissioned during the preceding year, along with a narrative description of why those actions were taken;
- c. A potentiometric surface map of each monitored groundwater migration pathway unit (Fill Unit, Silty/Clay-Silt Unit and Sand and Gravel Unit) for each groundwater elevation sampling event required by Section 845.650(b)(2);
- d. Monitoring data must include analytical results, documentation of field sampling procedures, and laboratory reports in accordance with 35 IAC 845.640(a).
- e. An assessment of corrective measures, corrective action plans, interim corrective measures and any other corrective action measures conducted during the year must be summarized and/or documented in the submission of the annual groundwater monitoring and corrective action report in accordance with 35 IAC 845.610(e) and 35 IAC 845.550(3).
- f. In addition to all the monitoring data obtained in the year, a summary including the number of groundwater samples that were collected for analysis for each Illinois EPA approved background and downgradient well, and the dates the samples were collected;
- g. In accordance with 35 IAC 845.610(e), a narrative discussion of any statistically significant increases over background levels for the constituents listed in Section 845.600. Any statistically significant increases over background concentrations for one or more constituents listed in 35 IAC 845.600 must be identified and summarized or documented in accordance with 35 IAC 845.610(e)(4). Corrective action assessments, planning, and actions must be documented in accordance with 35 IAC 845.610(e); and
- h. All other information required to be included in the annual report as specified in 35 IAC 845 Subpart F.

SPECIAL CONDITION 27: The Annual Consolidated report each calendar year shall be submitted to the Illinois EPA by January 31 of the following year and placed into the facility operating record. The Annual Consolidated Report shall consist of the following:

- a. The Annual CCR fugitive dust control report.
- b. The Annual Inspection Report, which may include:

CCR Impoundment Permit No. 2021-CO-100029

Special Conditions

1. Annual Hazard potential certification, if applicable.
 2. Annual structural stability assessment certification, if applicable.
 3. Annual Safety factor assessment certification, if applicable.
 4. Inflow design flood control system certification, if applicable.
- c. The Annual Groundwater Monitoring and Corrective Action Report.

SPECIAL CONDITION 28: All certifications, logs, reports, plan sheets, notices, and groundwater required to be submitted to the Illinois EPA by the permittee shall be mailed to the following address:

Illinois Environmental Protection Agency
Compliance Assurance Section
Bureau of Water
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Information submittals transmitted by FedEx or UPS shall be mailed to the following address:

Illinois Environmental Protection Agency
Compliance Assurance Section
Bureau of Water
1021 North Grand Avenue East
Springfield, Illinois 62702

Electronic groundwater monitoring data shall be emailed to Illinois EPA at the following email address:
EPA.BOW.GWS.CCR@illinois.gov

Except for electronic groundwater, the operator shall provide the Illinois EPA with the original and two (2) copies of all certifications, logs, reports, and plan sheets required by this permit.

SPECIAL CONDITION 29: Issuance of this permit does not release the Permittees from any liability for prior violations of the Act or Rules and Regulations promulgated thereunder.

SPECIAL CONDITION 30: All sludges not considered Coal Combustion Residual as defined under 35 Ill. Adm. Code Part 845, if generated, shall be disposed of at a site and in a manner acceptable to the Agency, including obtaining required state construction and/or operating permits from the Agency.

SPECIAL CONDITION 31: All discharges to a Water of the United States shall be governed by NPDES Permit No. IL0002232.

ATTACHMENT 2

From: [Strauss, Rebecca Y.](#)
To: [Kristen Gale](#); [Matoesian, Charles](#)
Cc: [Diers, Stefanie](#); [Genevieve Essig](#)
Subject: RE: Powerton Operating Permit and Construction Permit Appeal Extension
Date: Monday, August 5, 2024 8:39:31 AM

Hi Kristen,

Yes, the Agency is amenable to a 90-day extension of the appeal period for both permits and joins in the request.

Thanks,
Rebecca

Rebecca Strauss
Assistant Counsel, Water Regulatory Unit
Illinois Environmental Protection Agency
1021 North Grand Ave., E.
Springfield, IL 62702
(217) 557-1451

From: Kristen Gale <kg@nijmanfranzetti.com>
Sent: Sunday, August 4, 2024 4:17 PM
To: Strauss, Rebecca Y. <Rebecca.Strauss@Illinois.gov>; Matoesian, Charles <Charles.Matoesian@Illinois.gov>
Cc: Diers, Stefanie <Stefanie.Diers@Illinois.gov>; Genevieve Essig <ge@nijmanfranzetti.com>
Subject: [External] Powerton Operating Permit and Construction Permit Appeal Extension

Hi Rebecca:

Section 105.208(c) of the Board rules states that "any request for extension of time under this Section must be accompanied by written evidence that the Agency joins in the request, e.g., affidavit of the petitioner or signature of the Agency's representative." Following up on our oral agreement on Wednesday, please confirm by responding to this email tomorrow that you are amenable to a 90-day extension of the appeal period for both the Powerton Operating Permit and Construction Permit and that the Agency joins in the Request.

Upon receipt we will get it on file.

Thanks
Kristen

Kristen Laughridge Gale | Nijman Franzetti LLP

T: 312-262-5524

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