

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
)  
PETITION OF MIDWEST ) AS 19-1  
GENERATION, LLC FOR AN ) (Adjusted Standard – RCRA)  
ADJUSTED STANDARD FROM 35 ILL. )  
ADM. CODE PARTS 811 AND 814 )

**NOTICE OF FILING**

To:

Don Brown, Clerk of the Board Illinois Pollution Control Board James R. Thompson Center, Suite 11-500 100 W. Randolph Street Chicago, IL 60601 <a href="mailto:don.brown@illinois.gov">don.brown@illinois.gov</a>	Michelle M. Ryan, Assistant Counsel Illinois Environmental Protection Agency 1021 N. Grand Avenue East P.O. Box 19276 Springfield, IL 62794 <a href="mailto:michelle.ryan@illinois.gov">michelle.ryan@illinois.gov</a>
Bradley P. Halloran, Hearing Officer Illinois Pollution Control Board 100 West Randolph Street Suite 11-500 Chicago, IL 60601 <a href="mailto:brad.halloran@illinois.gov">brad.halloran@illinois.gov</a>	Jennifer Cassel Earthjustice 1010 Lake Street, Suite 200 Oak Park, IL 60301 <a href="mailto:jcassel@earthjustice.org">jcassel@earthjustice.org</a>

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board Petitioner, Midwest Generation, LLC's Motion for Continuance of the Stay, a copy of which is herewith served upon you.

Dated: February 3, 2020

MIDWEST GENERATION, LLC



By: \_\_\_\_\_

Kristen L. Gale  
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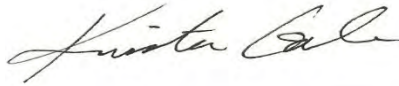
**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing and Midwest Generation, LLC's Motion for Continuance of the Stay was electronically filed on February 3, 2020 with the following:

Don Brown, Clerk of the Board  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 W. Randolph Street  
Chicago, IL 60601  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

and that a true copy was emailed on February 3, 2020 to the parties listed on the above foregoing Service List.

Dated: February 3, 2020



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(312) 251-5255

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**IN THE MATTER OF:**

**PETITION OF MIDWEST GENERATION  
FOR AN ADJUSTED  
STANDARD FROM 35 ILL. ADM. CODE  
PARTS 811 and 814**

**AS 19-1  
(Adjusted Standard-RCRA)**

**MIDWEST GENERATION, LLC'S MOTION FOR CONTINUANCE OF THE STAY**

Petitioner, Midwest Generation, LLC (“Respondent” or “MWGen”), by its undersigned counsel, respectfully requests that the Illinois Pollution Control Board (“Board”) grant its request for a continuance of the stay in this matter pursuant to 35 Ill. Adm. Code 101.514. In support of its motion, MWGen states as follows:

1. On February 5, 2019, MWGen filed a petition for a revision to its existing adjusted standard. *In the Matter of Petition of Midwest Generation for an Adjusted Standard from 35 Ill. Adm. Code Parts 811 and 814*, PCB AS 19-1, Petition (Feb. 5, 2019). MWGen’s Petition requested that the Board revise a condition of its existing adjusted standard. On March 25, 2019, Illinois EPA filed its recommendation that the Board grant the revision to the adjusted standard.

2. On July 30, 2019, Public Act 101-171 was enacted, which amended the Illinois Environmental Protection Act (“Act”) and added new sections regarding the regulation, management, and permitting of coal combustion residual (“CCR”) and CCR surface impoundments. 2019 ILL. ALS 171, 2019 Ill. Laws 171, 2019 ILL. P.A. 171, 2019 Ill. SB 9.

3. On September 27, 2019, MWGen sought a stay for sixty (60) days of any action of the Board in this matter in consideration of Public Act 101-171, and the Illinois EPA did not object to the request.

4. On October 3, 2019, the Board granted MWGen's request and ordered that a status be filed on December 2, 2019.

5. On December 2, 2019, MWGen filed a status report with the Board and also a motion for a continuance of the stay. MWGen reported that statutory and regulatory landscape for CCR and CCR surface impoundments in Illinois continued to evolve including a new amendment to P.A. 101-171 passed by the Illinois Senate, SB-0671 "EPA-CCR SURFACE IMPOUNDMENT", and also Illinois EPA's pending draft of the CCR regulations.

6. On December 5, 2019, the Board granted MWGen's request and ordered a that a status report be filed on February 3, 2020.

7. Filed concurrently with this motion, MWGen has provided a Status Report to the Hearing Officer and the Board regarding the recent activities in this matter. As MWGen reported, SB-0671, the amendment to P.A. 101-171, has been presented in the Illinois House of Representatives, and referred to the Rules Committee. Illinois EPA also issued a draft of its proposed regulations of CCR and CCR surface impoundments requesting comments by interested parties. MWGen prepared comments on the draft regulations and submitted the comments to the Illinois EPA.

8. MWGen continues to evaluate the impacts of Public Act 101-171, the proposed amendment, and also the status of the preparation of the CCR regulations, on the operation and closure of the Lincoln Stone Quarry.

9. Because the statutory and regulatory requirements continue to develop, MWGen requests that the Board continue the stay of any action in this matter for an additional forty-five (45) days.

10. Illinois EPA does not object to MWGen's request that the Board continue the stay for an additional forty-five (45) days.

11. At the end of the stay, MWGen will file a status report with the Board and Hearing Officer pursuant to Section 101.514.

WHEREFORE, Petitioner, Midwest Generation, LLC, respectfully request that the Board enter an Order granting a continuance of the stay for an additional forty-five (45) days.

Respectfully submitted,  
Midwest Generation, LLC



By: \_\_\_\_\_  
One of its Attorneys

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