

ILLINOIS POLLUTION CONTROL BOARD  
February 20, 2020

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

ORDER OF THE BOARD (by C.M. Santos):

On February 5, 2019, Midwest Generation, LLC (MG) filed a petition (Pet.) requesting that the Board revise an adjusted standard the Board granted in 1996. Petition of Midwest Generation for Adjusted Standard from 35 Ill. Adm. Code 811 and 814, AS 96-9 (Aug. 15, 1996). MG requested relief for the Main Quarry of its Joliet/Lincoln Quarry site located in unincorporated Will County. MG has used the Main Quarry site to dispose of coal combustion residuals (CCR) from two of its generating stations. Pet. at 10. Condition 7 of the adjusted standard addresses closing the Main Quarry. MG requested that the Board revise Condition 7 to allow it to use a new final cover technology known as “ClosureTurf” that was not available in 1996. Pet. at 3.

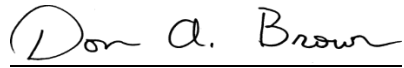
On October 3, 2019, the Board granted MG’s motion to stay this proceeding—including the pending request for a public hearing—and has twice extended the stay.

On February 14, 2020, MG filed a motion to withdraw its petition to revise the adjusted standard (Mot.). MG states that “the regulatory landscape related to CCR and CCR surface impoundments continues to develop.” Mot. at 1. MG cites Public Act 101-171, effective July 30, 2019, which added to the Environmental Protection Act provisions regulating CCR surface impoundments. MG also reports that, after the Senate passed Senate Bill 671 amending the requirements of Public Act 101-171, the House of Representatives received the bill for consideration during the 2020 legislative session. *Id.* at 1-2. Also, the Illinois Environmental Protection Agency (IEPA) has issued a draft proposal of CCR rules required by Public Act 101-171. MG expects that IEPA will submit its proposal to the Board before the end of March 2020. *Id.* at 2; *see* 415 ILCS 5/22.59(g) (eight-month deadline to propose rules). Because of this “new and developing regulatory scheme” and the possible effect on its site, MG requests that the Board grant the motion to withdraw its petition. MG reports that IEPA does not object to the motion. *Id.*

MG’s motion indicates that it no longer wishes to pursue a revision of the Board’s 1996 adjusted standard. The Board grants the motion to withdraw. Having done so, the pending request for a hearing on MG’s request is denied as moot. By the end of March 2020, the Board expects to receive IEPA’s proposed rules for CCR surface impoundments, which will trigger rulemaking procedures including public hearings under Section 28 of the Environmental Protection Act (415 ILCS 5/28 (2018)).

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 20, 2020 by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk  
Illinois Pollution Control Board