

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BUREAU OF LAND

PERMIT SECTION

Responsiveness Summary for Public Questions and Comments on the
Operating Permit Application for Midwest Generation LLC Joliet 9
Generation Station Coal Combustion Residual (CCR) Surface Impoundment

Joliet, Illinois

Will County

Bureau of Land Site Identification No.: 1978090001

Bureau of Land Permit Application No.: 2021-482



TABLE OF CONTENTS

| <u>Section</u> | <u>Page</u> |
|---|---------------------|
| Illinois EPA Operating Permit Application Decision | Page 3 |
| Pre-Hearing Public Outreach | Page 4 |
| July 31, 2024 Public Hearing | Page 4 |
| Background of Midwest Generation LLC Joliet 9 Station | Page 4 |
| Illinois EPA Responses to Comments, Questions, and Concerns Regarding Operating Permit Application | Pages 5 through 13 |
| Illinois EPA Responses to Comments, Questions, and Concerns Regarding Groundwater | Pages 13 through 21 |
| Acronyms and Initials | Page 22 |
| Distribution and Responsiveness Summary | Page 22 |
| Who Can Answer Your Questions | Page 22 |

March 09, 2026
Illinois Environmental Protection Agency

ILLINOIS EPA OPERATING PERMIT APPLICATION DECISION

On March 09 2026, the Illinois EPA's Bureau of Land determined that the operating permit application submitted by Midwest Generation LLC (Midwest Generation) for the operation of Joliet 9 Generating Station (Joliet 9) coal combustion residual (CCR) surface impoundment is not technically adequate at this time. This determination of technical inadequacy is based on the review of the public comments received on the draft operating permit issued by Illinois EPA's Bureau of Water. The public comments highlighted a lack of adequate proof that the CCR surface impoundment will be operated so as not to cause a violation of the Act or Board rules.

This CCR surface impoundment, also referred to as the Lincoln Stone Quarry (LSQ), is located at 1601 Patterson Road, Joliet 60436. The application sought to establish operating requirements for a CCR surface impoundment at the Midwest Generation Joliet 9 Generating Station. The denial letter outlining the concerns raised by the public and additional copies of this responsiveness summary prepared in accordance with 35 Illinois Administrative Code (35 IAC) 845.260(f) can be obtained from the Illinois EPA website (<https://epa.illinois.gov/public-notices/ccr-public-notices.html>).

The operating permit application, designated in the Illinois EPA's Bureau of Land records as Log No. 2021-482, is dated October 29, 2021, and was received on November 3, 2021. The facility was assigned Impoundment No. W1970450046-01 by Illinois EPA's Bureau of Water. All future correspondence regarding this CCR surface impoundment will be associated with Illinois EPA Bureau of Land Site Identification No. 1978090001 and application Log No. 2021-482.

The operating permit application is not being approved at this time because it did not provide an acceptable groundwater monitoring program and did not adequately address past groundwater exceedances. Further, Illinois EPA is also seeking additional information regarding closure and post-closure care cost estimates and LSQ's ability to meet the closure performance standards specified in 35 IAC 845.750. Illinois EPA's letter notifying Midwest Generation of the denial of its operating permit application was mailed on March 09, 2026. This letter gives Midwest Generation 90-days, from the date the denial letter was mailed, to submit an updated operating permit application.

The Illinois EPA will review the updated operating permit application to ensure compliance with all the applicable requirements for CCR surface impoundments specified in 35 IAC Part 845.

PRE-HEARING PUBLIC OUTREACH

The draft CCR Operating Permit No. 2021-CO-100028 for LSQ was issued by Illinois EPA's Bureau of Water on June 26, 2024. On July 1, 2024, the Illinois EPA's Bureau of Water published a notice of public hearing and public comment period for the CCR surface impoundment operating permit. The initial public comment period began on July 1, 2024, and ended on August 15, 2024. Notification for the public comment period and public hearing was sent to individuals on the CCR listserv, elected officials, and environmental advocacy groups via email and mail. The hearing notice included instructions for participation in the public hearing and how to submit comments.

Following completion of review of the updated application a new draft operating permit will be issued and the draft permit public notice and participation requirements specified in 35 IAC 845.260 will be followed.

JULY 31, 2024 PUBLIC HEARING

A public hearing was conducted at 6:00 pm on July 31, 2024, at the Joliet Junior College, Weitendorf Agriculture Center to accept oral comments from the public on the draft operating permit for LSQ. There were forty-five people in attendance and, of these, sixteen gave public comments. A recording of the public hearing is posted on the Illinois EPA website at <https://multimedia.illinois.gov/epa/EPA-Joliet-Public-Hearing-073124.html>.

BACKGROUND OF MIDWEST GENERATION LLC JOLIET 9 STATION

LSQ, a former rock quarry, has been used as a disposal facility for CCR created at Joliet 9 and Midwest Generation Joliet 29 (Joliet 29) generating stations as part of electricity generating process. These stations burned coal until their conversion to burn natural gas in 2016. Joliet 9 is located on the south side of Des Plaines River and has one generating unit, identified as Unit 6. This unit was retired on June 1, 2023. Joliet 29 is located on the north side of Des Plaines River and has two generating units, identified as Units 7 and 8. Units 7 and 8 were retired on September 1, 2023. CCR is no longer disposed at LSQ with the last ash being placed in 2019.

LSQ is a CCR surface impoundment as defined in Section 3.143 of the Illinois Environmental Protection Act (Act) and 35 IAC 845.120. LSQ consists of the West Filled Area (WFA), the Main Quarry, and the North Quarry. CCR was placed in the WFA and the Main Quarry. Decanted water from the Main Quarry is gravity drained to the North Quarry. The North Quarry acts as a settling pond used to treat water discharged from the Main Quarry. A bedrock wall exists between the North Quarry and the Main Quarry. The WFA was closed in 1975 and is covered with a soil final cover. The Main Quarry was used for disposal of CCR until 2019.

ILLINOIS EPA RESPONSES TO COMMENTS, QUESTIONS, AND CONCERNS REGARDING OPERATING PERMIT APPLICATION

Comments, Questions and Concerns are in regular text. Illinois EPA's responses are in bold.

1. To my understanding it is around 6,000,000 tons worth of coal ash somewhere in that quarry. I don't see anywhere in the wording that if for some reason MWG comes up with additional coal ash they can just drop it in the quarry as well. At some point when we have the discussion of closure of that facility nowhere am I hearing they're going to extract the 6,000,000 tons worth of toxic material that they have put in that quarry? If you guys or somebody decides to let them continue operating without any statement ahead of time that they're going to extract what they put in I don't see this having a good ending Those of us that have been watching this for a long- time would like to see the 6,000,000 tons that they put in removed.
2. Coal ash from Joliet 9, Lincoln Stone Quarry, and Joliet 29 power plants has been dumped into the unlined fractured bedrock and leaking into the Lincoln stone quarry since 1962. Millions of tons of coal ash sit in as much as 60 to 70 feet deep in groundwater. A report shows coal ash is leaching toxic contaminants including arsenic, mercury, lithium, and more into that water. Naturally occurring toxins in coal are concentrated in coal ash surrounding the toxic stew are private wells, a river, and operating quarry almost across the street from Lincoln Stone quarry wildlife, our water and untold impacts to the environment. The only remedy for this site in my opinion is to deny this application and go directly to closure and make sure NRG has adequate funding and financial assurances to completely excavate all the coal ash. This coal ash should then be safely removed to a lined hazardous waste landfill or create a high - quality lined wall monitor, well enforced hazardous waste landfill on their property.

Illinois EPA response

The proposed closure plan submitted in the construction permit application is still under review. At this time, Illinois EPA cannot comment on the final closure plan or the requirements of any future construction for closure permit. Illinois EPA's final decision on the construction permit application is subject to proper public notice and comment period requirements of 35 IAC Part 845.

3. Where is a comprehensive environmental study and impact study statement on the site that not only includes Joliet 9 and Joliet 29 but the entire area? Including the Westfield area, the north area and any other questionable areas or possible impoundments determined through analysis and testing of the water and soil.

Illinois EPA response

A comprehensive environmental impact study for the entire area surrounding Joliet 9 and Joliet 29 is not required by 35 IAC Part 845 and was not submitted as part of the operating permit application.

35 IAC Part 845 includes groundwater monitoring requirements that will determine if any contaminants are migrating offsite. These regulations also require corrective action to be performed if the regulated or permitted limits are exceeded.

4. The draft operating permit says that it does not address closure, but it approves a bond set aside in the amount that is only calculated for closure in place. That amount is not adequate to pay for the coal ash to be properly excavated and disposed of. The Illinois EPA must require a proper estimate of the cost to excavate the coal ash and move it elsewhere and direct Midwest Gen. to set aside the corresponding amount of funds to excavate the coal ash.

Illinois EPA response

The final closure plan including a closure alternatives analysis submitted in the construction permit application is still under review. The owner or operator of the LSQ is required to provide financial assurance for completion of closure and post-closure care. Financial assurance is also required for remediation of releases from the CCR surface impoundment. The total amount of financial assurance required will be known after Illinois EPA completes the review of the closure/post-closure care plan and cost estimates submitted in the construction permit application.

Operating permit applications under 35 IAC Part 845 are required to include a preliminary closure plan and initial post-closure care plan. The denial letter requires submittal of detailed cost estimates that are based on the preliminary closure plan and initial post-closure care plan.

5. The time I've been living in Joliet, cancer deaths have almost tripled in the past 20 years. Largely in part due to our contaminated water and my concern is not to add to that but to reduce the amount of cancer going into our drinking water. What I'd like to see more of is an assurance that this is being adequately addressed and how this could be put into place with some kind of contingency plan in case this doesn't work. There's no other plan that in place that I see in this permit that is going to address these problems.
- 6 I urge the IEPA to deny this permit as we have heard many of the residents in the area speak on how their neighbors have experienced cancer from the contaminants and the toxins and the accidents of chemicals in their drinking water. This permit would allow for Midwest Generation to continue to operate a coal combustion residual which has been leaching into groundwater and to private resident's wells. Joliet 9 is one of the worst coal plants and coal ash dumps in the State of Illinois. It's time we do something, and we deny a permit for an application that doesn't meet the health standards that we have set forth for safe drinking water. Midwest Generation should not cap in place they should excavate, fully remove the coal ash to a lined the landfill which is much better than keeping it 60 feet deep in our drinking water.

7. We must deny this permit, it is not necessary. This facility needs to be closed, dredged down to bedrock and cleaned up before it contaminates anyone's water. It's already leaching out in the direction of residence and towards the Des Plaines River. I think Midwest Gen has had plenty of time to think about what they want to do with this, and we don't want it capped. It's useless to cap it. There are people from everywhere around here that are concerned it's not just the people that live a mile away from the quarry.

Illinois EPA response

Illinois EPA has denied the operating permit application. The denial letter requires submittal of an updated operating permit application to address issues raised during the public hearing.

Closure activities have not been approved or permitted by Illinois EPA. The final closure plan submitted in the construction permit application includes a closure alternatives analysis (including closure by removal of CCR). The Illinois EPA at this time cannot comment on the final closure plan submitted in the construction permit application as it is still under review.

8. We understand that this operating permit is not approving, or authorizing closure but in fact there's a closure plan included in the application that's required to be part of the application. That plan provides for capping in place or closing without removing the coal ash and again as others have mentioned where coal ash is sitting in groundwater that you cannot cap in place that is prohibited by our state rules and the federal rules so that needs to be revisited prior to any construction permit or approval of a construction permit.

Illinois EPA response

The preliminary closure plan provided in the operating permit application does propose closure with CCR in place. This plan is not being approved at this time as Illinois EPA has denied the operating permit application. The denial letter requires the updated operating permit application to include detailed closure and post-closure care cost estimates, as well as information on LSQ's ability to meet the closure performance standards specified in 35 IAC 845.750 under the proposed closure approach.

The final closure plan required by 35 IAC 845.220(d)(2) is provided in the construction permit application. The final closure plan includes the closure alternative analysis required by 35 IAC 845.710. The Illinois EPA at this time cannot comment on the final closure plan submitted in the construction permit application as it is still under review.

9. There are provisions in the permit that basically kick for later. What was required to be submitted in the application there are mandates to include groundwater protection standards in the application. There are mandates to justify those groundwater protection standards in the application. so that we all know what triggers clean up there are mandates to specify what type of statistical analysis is going to be done to evaluate

whether there has been an exceedance again going back to triggering cleanup. The permit calls for those things to be determined later. Public participation is on the permit and on the application, it is not on what is submitted later under the permit. Part 845 is clear, and Illinois legislature was clear that public participation, meaningful public participation is a critical component of how we're going to deal with coal ash and make sure our water remains clean, and our air remains clean. There is a need to ensure that all this documentation establishes compliance with part 845 in the application, not after. The agency cannot approve a permit if it doesn't have proof that those standards will be met. Not after the permit is already issued. The lack of Transparency and public participation both demand rejection of this permit.

Illinois EPA response

Illinois EPA has denied the operating permit application. The denial letter requires submittal of an updated operating permit application to resolve issues raised during the public hearing. The Illinois EPA will review the updated application and may require submittal of additional information or issue a draft operating permit.

Nonetheless, permits may contain requirements that will be met after issuance of the permit in accordance with 35 IAC 845.200(b)(3). This procedure allows timely issuance of permits and memorializes requirements in a legally binding document. If a facility doesn't comply with the requirements of its permit, Illinois EPA has the ability to issue violation notices as necessary to require compliance. In addition, except for minor modifications mentioned in 35 IAC 845.280(d), all other permit modifications are subject to public notice procedures of 35 IAC 845.260. Therefore, the public will have the opportunity to review information submitted after the permit is issued. The Illinois EPA recognizes the importance of public participation in the CCR permitting process and will ensure the public has an opportunity to review information as required by 35 IAC Part 845.

10. If the permit is denied what happens next? yeah let's just assume for a moment that we win, and they don't get a permit what happens next?

Illinois EPA response

If a permit is denied, the applicant has the right to file an appeal with the Illinois Pollution Control Board. As a result of an appeal, the Illinois Pollution Control Board could uphold the denial or order Illinois EPA to issue the permit.

In the absence of a permit, Midwest Generation must continue to comply with all the applicable requirements, including operating and monitoring requirements, of 35 IAC Part 845. Additionally, until the issuance of an operating permit under 35 IAC Part 845, Midwest Generation must also comply with the landfill permit issued for LSQ by Illinois EPA's Bureau of Land. The regulatory requirements for solid waste landfills are stipulated under 35 IAC Parts 810 through 814.

11. It feels like this hearing is about the operating and not the closure permit, but we have approved bonds for our closure permanent that would be just cap in place. The decision feels like maybe it's already been made and that is a little bit confusing from an advocacy standpoint. From a public process standpoint if that decision has been made then why is there not public review of that decision? Why are we now discussing it? If it hasn't then we might be way under bonding what the appropriate solution is. How do we do this process so that we can make sure the state is stuck with the coal ash in the event the company goes out of business and the bonding is inefficient? How do we make sure that's appropriately scaled to all possible closure alternatives?
12. The operating permit does not include the plan for closing the impoundment, which is covered by a construction permit that is still under review. The permit provides insufficient funds for proper closure. The permit application is incomplete, and its approval circumvents public input. The permit should use binding language to ensure that NRG follows the permit.
13. Midwest Generation's preliminary closure plan fails to describe how LSQ will be closed in accordance with part 845. The application does not include a financial assurance certification in compliance with part 845. This permit authorizes MWG to set aside far less funding than will be necessary to properly close LSQ by digging up the coal ash and removing it to a safer location and unlawfully side steps public participation by allowing documents essential for compliance to be submitted after the permit is issued and the window for public input is closed. The IEPA must require submission of all required permit application materials before approving the operating permit. The IEPA must include in the permit the documents relied on for compliance or at a minimum include links to these documents to enable transparency and enforcement.

Illinois EPA response

The operating permit application includes a preliminary closure plan and initial post-closure care plan. The denial letter requires submittal of detailed cost estimates that are based on the closure and post-closure care plans required to be provided in operating permit applications.

The owner or operator of LSQ is required to provide financial assurance for completion of closure, and for post-closure care. Financial assurance is also required for remediation of releases from the CCR surface impoundment.

The total final amount of financial assurance required will be known after Illinois EPA completes the review of final closure and if required, final post-closure care plan. These plans including a closure alternatives analysis and cost estimates submitted in the construction permit application are still under review. The Illinois EPA cannot comment on these final plans at this time.

When the Illinois EPA makes a final decision on the operating and construction permit applications (approval, partial approval with conditions, or denial), the draft decision will be public noticed in accordance with 35 IAC 845.260, and a public hearing will be held. Both the operating and construction permit applications are available on Midwest Generation's website. (<https://midwestgenerationllc.com/illinois-ccr-rule-compliance-data-and-information/>).

14. The Public Notice Fact Sheet, in the "Special Conditions" section, states at Special Condition 2 that "Permit does release Permittee from liability from prior violations." The draft permit, in contrast, provides that "issuance of this permit does not release the Permittee from any liability for prior violations of the Act or Rules and Regulations promulgated thereunder." This appears to be a typo in the Public Notice Fact Sheet, which should be corrected to state that the permit "does not release the Permittee from liability." This should be corrected in the fact sheet to ensure proper accountability.

Illinois EPA response

Illinois EPA has denied the operating permit application. The typographical error in the Public Notice/Fact Sheet is noted and will be corrected when a tentative determination is made in the future.

15. Special Conditions 8 and 10 call for amendments to the operating permit when there are changes that would "substantially affect" the provisions in the permit, namely the Emergency Action Plan and the Closure Plan. The term "substantially affect" is vague and subjective. The permittee's view of what substantially affects the written closure plan and IEPA's view of what substantially affects the written closure plan will naturally be different. Removing the term "substantially" would decrease the subjective element of this requirement and improve the enforceability. Moreover, as noted above, MWG's preliminary closure must immediately be entirely revised so that provides for closure "in accordance with" Part 845.

Illinois EPA response

35 IAC 845.520(d)(2) states the Emergency Action Plan (EAP) must be amended whenever there is a change in conditions that would "substantially" affect the EAP. 35 IAC 845.720(a)(3)(B)(i) states the preliminary closure plan must be amended when there is a change in operation that would "substantially" affect the closure plan. Except for minor modifications mentioned in 35 IAC 845.280(d), all other permit modifications are subject to public notice and participation procedures of 35 IAC 845.260.

16. If I am reading correctly, it sounds like the Illinois EPA is prepared to allow for the toxic substances to remain in the Quarry and there is a list of acceptable toxic substances that are going to be allowed. If this is the case, I, along with many of the residents in this area, especially those with wells, are going to be very upset. Way before NRG even decided to close the power plants, those of us who follow environmental issues were terribly concerned about what was going into the Lincoln Quarry. Knowing what has

happened with coal pond leaks and actual breaches of coal ash ponds, there is enough existing history to be worried about what was happening at the Lincoln Quarry. My question remains, what is going to be allowed if the closure permit is approved as is.

17. We know that there are tons of toxic CCR in the quarry. What is the permit allowing NRG to do? Can they just cap the quarry, or must they remove the toxic CCR?

Illinois EPA response

Illinois EPA has denied the operating permit application that sought to establish operating requirements for the CCR surface impoundment in accordance with 35 IAC Part 845. The denial letter requires submittal of an updated operating permit application to address issues raised during the public hearing. The Illinois EPA will review the updated operating permit application to ensure compliance with all the applicable requirements of 35 IAC Part 845.

The construction permit application including the proposed final closure plan is still under review by the Illinois EPA. The updated operating permit application may be reviewed concurrently with the construction permit application. The Illinois EPA at this time cannot comment on the closure plan submitted in the construction permit application as it is still under review.

When the Illinois EPA makes a final decision on the operating and construction permit applications (approval, partial approval with conditions, or denial), the draft decisions will be public noticed in accordance with 35 IAC 845.260, and a public hearing will be held.

18. The State of Illinois has passed coal ash legislation and now is the time for the Illinois EPA to act in the best interest of the citizens most impacted by this ongoing problem. By law this must be an open and transparent permit which means all required documents must be submitted before the permit is issued. This includes a proper estimate of the cost to excavate the coal ash and move it elsewhere and direct Midwest Gen. to set aside the corresponding amount of funds.
19. We do not believe that Midwest Generation has the best interest of our water in mind. They are ultimately looking to capping the quarry and not removing the coal ash they have put into the quarry for decades. They have been doing this for too long and now they want to walk away from the mess they created. We doubt Midwest Generation was unaware of what they were doing. I have to believe their own scientists and engineers knew what was happening to the coal they were burning and what would be in the resulting CCR. They knew and they decided to stall and do nothing but continue to dump their toxic brews into the Lincoln Quarry. Closely looking over what public documents are available about the so-called pumps and piping system in place at the Lincoln Quarry, I have no faith in that system being any sort of long-term fix. For me looking at what is being presented as a safety measure is unacceptable. The only acceptable approach to

this situation is for all the coal ash to be removed and disposed of properly simply not dumped in any landfill.

Illinois EPA response

Closure activities as required by 35 IAC Part 845 have not been approved or permitted by Illinois EPA. The closure plan submitted in the construction permit application includes a closure alternatives analysis (including closure by removal of CCR) as required by 35 IAC 845.710. The Illinois EPA at this time cannot comment on the closure plan submitted in the construction permit application as it is still under review.

All CCR surface impoundments are required to maintain a publicly accessible website containing all the information required by 35 IAC Part 845. Both operating and construction permit applications are available on this website (<https://midwestgenerationllc.com/illinois-ccr-rule-compliance-data-and-information/>).

20. Section A, History of construction, of the fact sheet incorrectly states that “LSQ has operated as a surface impoundment since 1962’. That is not true, LSQ has operated and has been permitted by Illinois EPA as a landfill since 1962.

Illinois EPA response

LSQ has been in operation since 1962. On September 1, 1976, Illinois EPA’s Bureau of Land issued Permit No. 1976-37-DE for LSQ as a solid waste disposal site. LSQ continued to be regulated as a non-hazardous solid waste landfill until the adoption of 35 IAC Part 845 on April 21, 2021. As of the effective date of 35 IAC Part 845, LSQ has been classified as a CCR surface impoundment. The landfill permit issued by Illinois EPA’s Bureau of Land will continue to remain in effect until the operating permit under 35 IAC Part 845 is issued.

21. There are typographical errors on the permit number throughout the permit. Please ensure that once the permit is issued, the permit number is updated throughout permit, including on the cover page and all page headers.
22. On the cover page, 5th paragraph, second sentence, there is a typographical error: “CCR stopped being replaced into the main quarry in 2019...”
23. Special Condition 18 This is the same condition as Special Condition 16 and should be deleted.
24. Special Condition 19 - Please update the end of the first sentence to” at every well listed in Special Condition 15.”
25. Special Condition 32- References to leachate should be deleted, if it were to be generated it would be regulated under the NPDS program. MWG requests to submit only one copy of all certifications, logs, reports, and planned sheets to be consistent with other Illinois EPA program’s requirements. Indeed, Part 845 requires a significant

number of submittals be posted on a website accessible by the public, including the Agency, rendering the duplication of documents in hard copy to be unreasonable, burdensome, and beyond the requirements established under Part 845.

Illinois EPA response

Not applicable at this time as the operating permit application has been denied. These issues will be addressed when a draft operating permit is issued in the future.

ILLINOIS EPA RESPONSES TO COMMENTS, QUESTIONS, AND CONCERNS REGARDING GROUND WATER

26. How many wells, both private and municipal, are within or near the area around Lincoln Stone Quarry? Also included should be the impact the current operating quarry, which is pretty much almost across the street, kitty corner from Lincoln Stone is having on Lincoln stone quarry?

Illinois EPA response

There are no potable wells within LSQ. There are 33 potable water wells within 2,500 feet of the facility. The impact of Vulcan Quarry (identified in Comment 26 above as *the current operating quarry, which is pretty much almost across the street, kitty corner from Lincoln Stone*) on LSQ was addressed within the operating permit application (where it was identified as Vulcan Laraway Quarry or Laraway Quarry) and has been managed by LSQ since 2012 when installation of the groundwater extraction system was completed at LSQ.

The groundwater extraction system is comprised of pumping wells installed as part of an interim corrective action plan under the landfill permit to prevent groundwater contamination from leaving the site. The pumping wells have not been approved as permanent corrective action. In addition, the groundwater in the three units under LSQ is being monitored for impacts in accordance with the landfill permit and 35 IAC 845 Subpart F. Consequently, if there are impacts detected at onsite monitoring wells, then Midwest Generation will be required to implement further groundwater corrective action as needed.

27. There should also be testing of the waters of the river, and an in-depth environmental assessment and testing of the deep aquifer. Coal ash is not designated as hazardous waste which I believe is a big misnomer but this is a big but the constituents in coal ash are hazardous. Based on this designation I believe Lincoln Stone Quarry has gotten past all these years. If you approve this application in my opinion. You are not only giving them a pass but allowing this toxic quarry to continue in this state for many more years. You have toxic coal ash sitting in groundwater in the uppermost aquifer.

Illinois EPA response

Illinois EPA has denied the operating permit application. The denial letter gives Midwest Generation 90 days, from the date this letter was mailed, to submit an updated operating permit application.

In any future permits issued for LSQ, Illinois EPA will take care to require groundwater sampling in locations that will ensure contaminated groundwater is identified prior to migrating off-site, including toward the river and adjacent properties.

Groundwater sampling and analysis of the deep aquifer has been conducted since 1976 and is anticipated to continue. For permitted facilities, exceedances of the groundwater protection standard are required to be identified and corrected in accordance with 35 IAC 845.650.

28. Where is enforcement and oversight by the EPA because in my opinion over the years to reach this point, it is sadly lacking. I believe Lincoln Stone Quarry is under a GMZ which is the groundwater management zone which basically states as long as they are doing something to prevent off-sight contamination no violations by EPA would be issued. How long have they had this GMZ? How much longer is the GMZ going to be there?

Illinois EPA response

A Groundwater Management Zone (GMZ) is allowable when ongoing corrective action for groundwater is conducted in accordance with 35 IAC Part 620. The LSQ GMZ was established under LSQ's solid waste landfill permit (Permit No. 1994-241-LFM, Log No. 2014-126) on July 9, 2014, and the active groundwater extraction system forms the basis of this GMZ. The GMZ will only remain in effect until the landfill permit is dissolved. Revisions to 35 IAC Part 620, effective March 28, 2025, prevent a GMZ from addressing any exceedance of a groundwater protection standard specified in 35 IAC 845.600(a) or (b). The landfill permit will be dissolved upon issuance of an operating permit for LSQ under 35 IAC Part 845.

29. My focus is on the pumps that were installed at the South end of the quarry in 2010 in an extension in 2012. MWG put about twelve pumps in there to lower the water table to prevent leakage to the south. I'm wondering are the pumps still running, is anybody taking care of them? I'm concerned because Vulcan Quarry is an active quarry located about 100 yards away to the southeast, not to the South but to the southeast. That quarry was given an expansion by Joliet the City of Joliet allowing Vulcan quarry to mine minerals and rock 100 feet closer to the southeast corner of Lincoln Stone Quarry. Is anybody paying attention to them? You're going to have groundwater leakage to the southeast, it's stopped to the south not to the southeast. I hope somebody is maintaining the pumps, but you need pumps on the east side to prevent the flow to Vulcan Quarry. I hope somebody is telling Vulcan Quarry they better monitor their water in case they start seeing some of the elements that are in the coal ash.

Illinois EPA response

The groundwater extraction pumps are permitted as an interim corrective action measure under LSQ's solid waste landfill permit. This activity will continue under the operating permit when it is issued until a permanent corrective action is approved and implemented in accordance with 35 IAC 845.680. The landfill permit requires LSQ to maintain the extraction pumps and to provide an evaluation of the interim corrective action measures, including the groundwater extraction system, to Illinois EPA each year. The pumps currently provide control of groundwater flow between LSQ and Vulcan Quarry such that groundwater does not flow toward Vulcan Quarry. Groundwater flow is measured monthly. The landfill permit requires quarterly monitoring of 19 groundwater monitoring wells to evaluate constituent concentrations in the vicinity of the groundwater extraction system.

30. I have a private well and about a third of the 25,000 residents of Homer Glen have private wells. That's why I'm concerned we're all on the same aquifer as out here in Joliet. Will County tells me they're the aquifers getting dangerously low. In fact, Joliet is going to have to switch to Lake Michigan water by 2030. My concern is the United States Environmental Protection Agency states coal ash wreaks havoc on drinking water there's all kinds of diseases and everything else affiliated with it. I am concerned about leakage into the groundwater and it's very dangerous as anything else I'm going to say would just be repetitious to what was already said but thank you so much for your time.

Illinois EPA response

The Illinois EPA acknowledges the public comment.

31. I am concerned about the quality of my drinking water and drinking water and everyone in Joliet. I know our water comes from an underground aquifer. I know that federal and state requirements state that coal ash cannot be sitting in groundwater in a quarry, and I know that's the case at Lincoln Stone Quarry. Putting a cap on top of the ash does nothing to stop the ash from continuing to leach toxins into the groundwater under that cap.

Illinois EPA response

The Illinois EPA acknowledges the public comment.

32. The groundwater monitoring that is proposed in the permit is inadequate. It has an insufficient number of monitors. There are places where the monitors are too far apart from each other, and there is inadequate monitoring along all the boundaries where groundwater could be flowing over the property lines. This area is known for having fractured bedrock. The fractured bedrock can affect the direction of groundwater flow so there need to be more monitors and monitors along all the boundaries of the property.

Illinois EPA response

Illinois EPA has determined the groundwater monitoring system proposed in the operating permit application will be denied as it is not technically adequate. Deficiencies raised by the public and noted in the denial letter include inadequacy of the proposed well network to adequately monitor the uppermost aquifer and designation of wells impacted by the facility as background wells.

33. I want to bring up the concern about the hydraulic controls and the pumps that are being used at the property. I know that there were a couple provisions in the permit that allowed for those hydraulic controls or that pumping to be discontinued when the Laraway Quarry is fully dewatered. My concern about these provisions is that it seems like there are some presuppositions about what's going to happen when the Laraway Quarry is fully dewatered without adequate detail and investigation. We should not presuppose that the pumping can be stopped just because the Laraway Quarry is dewatered there needs to be a provision for a full investigation and characterization at that time to understand what in fact happens when the Laraway Quarry is fully dewatered. What impact does that have on groundwater flow and the direction that the groundwater is flowing in?

Illinois EPA response

Illinois EPA does not presuppose any permanent corrective action requirements. Illinois EPA has determined the current groundwater extraction system approved under LSQ's solid waste landfill permit is an adequate interim corrective action through technical review of appropriate information. This interim corrective action cannot be terminated until such time that a permanent corrective action is implemented with approval from Illinois EPA. Illinois EPA approval will be issued after technical review of appropriate information and sufficient evidence submitted that termination of the groundwater extraction system will not adversely affect the uppermost aquifer.

34. This site is an old limestone quarry where coal ash was dumped for decades. Coal ash is sitting in groundwater as much as 60-70 ft deep leaching toxic contaminants to that water. The coal ash is leaching toxic contaminants including arsenic, lithium, molybdenum, and more into the tap water. The permit does not require adequate groundwater monitoring at and near Lincoln stone quarry. The permit must be amended to include additional monitoring of water. Because coal ash is touching water and because limestone can have cracks, we need more monitoring to make sure IEPA knows where the contaminated water is flowing.

Illinois EPA response

Please see Illinois EPA Response to Comment 32.

35. Years ago, coal ash was brought here and is now sitting near groundwater. This is dangerous because toxic chemicals components can leach into the water aquifers that could be sources of drinking water for residents in the area, and endangering wildlife as

well. As you work on this permit for this area please consider a detailed monitoring plan for local groundwater. The limestone base can have fissions or cracks that can carry the contaminated water into other areas underground.

Illinois EPA response

Please see Illinois EPA Response to Comment 32.

36. Please deny the permit request for further use of Lincoln Stone Quarry by Midwest generation and NRG. Dumping more coal ash from any other generating site into Lincoln Stone Quarry should be prohibited. Covering or capping the existing coal ash in Lincoln Stone Quarry and just walking away from this contaminated site should also be prohibited. In addition, the nearby Laraway Road Vulcan Quarry was granted permission to expand by the city of Joliet. I am also aware that there is an underground quarry operation to the west or southwest of Lincoln Stone Quarry. Who is keeping an eye on potential increase of underground leakage of contaminated water from Lincoln stone quarry to the southwest to Vulcan quarry expansion and to this underground operation to the west/ southwest of Lincoln Stone quarry?

Illinois EPA response

The operating permit application does not request approval for disposal of CCR from other generating sites in LSQ. Disposal of CCR in LSQ ceased in 2019 and will not be reinitiated. The operating permit application requests approval to manage the CCR surface impoundment known as LSQ . However, Illinois EPA has denied the operating permit application and has informed Midwest Generation that an updated operating permit application addressing the concerns raised by the public must be submitted within 90 days from the date the denial letter is mailed.

Please see Illinois EPA Response to Comment 29 regarding groundwater flow in the vicinity of LSQ. In addition, monthly collection of groundwater flow measurements allows LSQ and Illinois EPA to determine any changes in flow, including if there is any change in flow to the southwest or the southeast.

37. The permit application and draft permit fail to satisfy Illinois protective coal ash rules. The IEPA must require additional groundwater monitoring wells to the east of Lincoln Stone Quarry. The groundwater monitor network does not fulfill the requirement that potential contaminant pathways must be monitored. The IEPA should require immediate monitoring of the deep groundwater aquifer. This permit improperly designates polluted wells as background wells likely masking increases in contamination in ways that allow MWG to evade cleaning up polluted water. The application must be revised, and the permit revised to require monitoring from background wells unaffected by CCR.

Illinois EPA response

Please see Illinois EPA Response to Comment 32.

38. The draft permit as it stands is not clear with regards to what the “background groundwater monitoring” referenced in Special Condition 19, now Special Condition 21 Section d) consists of and when that monitoring is “completed.” Section 650(b) is part of Section 650, and thus, under the introductory clause of Special Condition 21, groundwater monitoring must be conducted in compliance with it (and all other provisions of 845.650) within 90 days of the effective date of the permit. Section d) is confusing and appears unnecessary.

Illinois EPA response

Special Condition 21 of the draft permit required compliance with the groundwater monitoring program requirements of 35 IAC Part 845 and specified four components of the requirements. Special Condition 21(d) specified that groundwater monitoring is not complete upon completion of Special Condition 21(c). In any case, Illinois EPA has denied the operating permit application.

39. There is a list of the “existing monitoring network” under Special Condition 25, now Special Condition 27, but it is not clear why it is listed and how it interacts with the required monitoring wells set out in Special Condition 15. To the extent the list is intended to set out the “hydraulic control system” referenced in Special Condition 27, the permit must specify exactly which wells are part of the “hydraulic control system” that must “continue to be activity operated until Laraway Quarry permanently ceases dewatering operations,” and which wells must continue to be monitored after those dewatering operations cease.

Illinois EPA response

Illinois EPA has denied the operating permit application to address issues raised by the public and has informed Midwest Generation that an updated operating permit application addressing these concerns must be submitted within 90 days from the date the denial letter is mailed. Illinois EPA will take care to specify groundwater monitoring wells and groundwater extraction wells by their designation and purpose in future permits issued for LSQ.

40. Special Condition 26 refers to wells in Special Condition 27 when it appears it is intended to refer to Special Condition 25.

Illinois EPA response

Illinois EPA has denied the operating permit application to address issues raised by the public and has informed Midwest Generation that an updated operating permit application addressing these concerns must be submitted within 90 days from the date the denial letter is mailed. Illinois EPA will take care to correctly reference wells and Special Conditions in future permits issued for LSQ.

41. Since 1962 the quarry has been leaching heavy metal contaminants into the ground and without adequate monitoring wells there is no way of knowing the location of these toxic metals. What we do know is that shallow groundwater wells show significant pollutants. The permit does not require enough monitoring wells and no deep-water monitoring wells.

Illinois EPA response

Please see Illinois EPA Response to Comment 32.

42. Special condition 15, now Special Condition 17- For the Water Table Unit, G30WT and G41WT are listed as both background wells and downgradient wells; these should only be designated as down- gradient wells, while G47WT should remain listed as the background well. For the Silurian Bedrock Unit, G47S and G45S should be swapped: G45S should be the background well and G47S should be the down- gradient well. For the Ordovician bedrock unit, G45D is listed as both a background well and down-gradient well; it should only be listed as the background well. Please extend the deadline to install the two new wells from 30 days to 90 days after the effective date of the permit as driller schedules are booked several weeks out, which is beyond MWG control.

Illinois EPA response

Illinois EPA has denied the operating permit application to address issues raised by the public and has informed Midwest Generation that an updated operating permit application addressing these concerns must be submitted within 90 days from the date the denial letter is mailed. Illinois EPA will take care to appropriately designate wells either as background or downgradient in future permits issued for LSQ. While Illinois EPA concurs with the well details described in Comment 42, it is anticipated the groundwater monitoring system prescribed within the draft operating permit will be revised. Nonetheless, when permits are issued for LSQ in the future, if installation of additional groundwater monitoring wells is required, the deadline to complete this activity will be set at 90 days after the effective date of the final permit.

43. Special Condition 16, now Special Condition 19 -MWG requests the deadline to initiate sampling be extended to “within 90 days of the effective date” to allow for maintenance of the temporal spacing between sampling events. Please update the end of the first sentence to” at every well listed in special condition 15.

Illinois EPA response

The request made in Comment 43 is acceptable to Illinois EPA. However, Illinois EPA denied the operating permit application to address issues raised by the public. Nonetheless, when permits are issued for LSQ in the future, the deadline to initiate sampling will be set at “within 90 days of the effective date” of the final permit to allow for maintenance of the temporal spacing between sampling events.

44. Special Condition 17, now Special Condition 19 The deadline should be extended to 90 days to remain consistent with the Powerton CCR Operating Permit (2024- CO-100029) issued on July 3, 2024. MWG would like to note that when it comes to background statistical calculations, more data is better- we should not be restricted to only using the most recent eight rounds of sampling for groundwater units where more data is available.

Illinois EPA response

Please see Illinois EPA Response to Comment 43 regarding the deadline to initiate sampling.

The regulations at 35 IAC Part 845 require a proposed groundwater monitoring system that includes a minimum of eight independent samples for each background well. Therefore, a larger background dataset may be proposed. However, the number of samples collected when conducting monitoring for background wells must be consistent with the statistical procedures chosen under 35 IAC 845.640(f) and the performance standards under 35 IAC 845.640(g). Nonetheless, background must be established upon completion of eight quarters of sampling at background wells and may be revised upon Illinois EPA review and approval at a later date.

45. Special Condition 20, now Special Condition 22, The deadline to submit statistical calculations should be extended to 90 days to allow for the receipt and statistical analysis of all data (radium sample analysis may take 45 or more depending on laboratory workload).
46. Special Condition 21, now Special Condition 23 -MWG requests the deadline be extended to 90 days to give sufficient time to conduct the analysis.

Illinois EPA response

The request made in Comments 45 and 46 are acceptable to Illinois EPA. However, Illinois EPA denied the operating permit application to address issues raised by the public. Nonetheless, when permits are issued for LSQ in the future, the deadline to submit statistical calculations will be set to within 90 days of completion of sampling.

47. Special Condition 24, now Special Condition 26- If the agency intends for G45S (and not G47S) and T03S as the background wells, then the proposed GWPS for chloride and lithium should be listed. The proposed GWPS for chloride is 238 mg/l and for lithium is 0.042 mg/L based on statistical evaluations provided in the permit application. These are not large deviations from the default standards and were generated in accordance with section 845. 600(a)(2).

Illinois EPA response

Illinois EPA denied the operating permit application to address issues raised by the public. Nonetheless, when permits are issued for LSQ in the future, , the appropriate Groundwater Protection Standards (GPS) will be specified. For those constituents with an Illinois EPA-approved background concentration higher than the GPS identified in 35 IAC 845.600(a)(1), the background concentration will be the GPS.

48. Special Condition 25, now Special Condition 27- In general, MWG request clarification on intent and requirements of this condition. References to Laraway Quarry should be changed to Vulcan Materials Laraway Quarry. The requirement to “notify Illinois EPA at least 30 days prior to the cessation of operations” is not clear whether it is cessation of Vulcan’s operations or MWG’s hydraulic control system (MWG understands your term” hydraulic control system”) to be the extraction wells MWG operates. It is unclear as to the purpose of listing the “existing monitoring network” and MWG wonders if Illinois EPA intended to have listed the hydraulic control system. MWG also recommends that this condition also include references to Boyd's Quarry and the need to maintain a minimum head differential between it and the LSQ Main Quarry as is specified in the landfill operational permit.

Illinois EPA response

Special Condition 27 of the draft operating permit required the following: (1) operation of the groundwater extraction system at LSQ until such time as a permanent corrective action is implemented; (2) obtaining approval from Illinois EPA to change or terminate the groundwater extraction system; and (3) addressing exceedances of the GPS in accordance with 35 IAC 845.650(d) or (e). Illinois EPA denied the operating permit application to address issues raised by the public. Due to the anticipated submittal of an updated operating permit application, it is likely that the contents and numbers of Special Conditions will be revised when permits are issued for LSQ in the future. Nonetheless, Comment 48 will be considered when permits are issued for LSQ in the future.

49. Special Condition 26, now Special Condition 29 -MWG request clarification on the requirements of this special condition. Is it the agency's intention for MWG to start sampling Ordovician bedrock unit wells at effective date or after hydraulic control system turned off once dewatering operations at Vulcan Materials Laraway Quarry have ceased? The reference to Special Condition 27 is in error and should be changed to Special Condition 15.

Illinois EPA response

Special Condition 28 of the draft operating permit required continued monitoring of the uppermost aquifer after termination of groundwater extraction at LSQ. However, Illinois EPA denied the operating permit application to address issues raised by the public.

ACRONYMS AND INITIALS

| | |
|--------------|--|
| CCR | Coal Combustion Residuals |
| CCRSI | Coal Combustion Residual Surface Impoundment |
| GMZ | Groundwater Management Zone |
| GWPS/GPS | Groundwater Protection Standard |
| Illinois EPA | Environmental Protection Agency |
| IAC | Illinois Administrative Code |
| LSQ | Lincoln Stone Quarry |
| MWG | Midwest Generation |

DISTRIBUTION OF RESPONSIVENESS SUMMARY

An announcement that the CCR surface impoundment final permit determination and accompanying responsiveness summary is available on the Illinois EPA website, was mailed or e-mailed to all who registered at the hearing and to all who sent in written comments. Printed copies of this responsiveness summary are available from Dr Sabrina Bailey, 312-832-2162, e-mail: sabrina.bailey@illinois.gov.

WHO CAN ANSWER YOUR QUESTIONS ILLINOIS EPA CCR PERMIT

| | | |
|---------------------------------|-------------|--------------|
| CCR Permit | Imran Syed | 217-782-7813 |
| Groundwater | Dana Austin | 217-785-7437 |
| Public Hearing of July 31, 2024 | Jeff Guy | 217-785-8724 |

The public hearing notice, fact sheets, the hearing recording, the denial letter and the responsiveness summary are available on the Illinois EPA website <https://epa.illinois.gov/public-notices/ccr-public-notices.html>