



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

July 11, 2024

David Bacher
Senior Regional Manager
Environmental Business, NRG Energy, Inc.
david.bacher@nrgenergy.com

Dear Mr. Bacher:

In a letter dated June 3, 2024, Midwest Generation, LLC (MWG) requested to withdraw its extension request of November 30, 2020, from further EPA review. MWG's extension request was submitted pursuant to 40 CFR 257.103(f)(1) and pertained to the East Ash Pond at the Waukegan Generating Station in Waukegan, Illinois. Your letter further stated that MWG made notification on June 3, 2024, of its intent to close the East Ash Pond, although the letter was unclear whether MWG has ceased placing all wastestreams into the East Ash Pond.

On January 11, 2022, EPA determined that the extension request was complete because it included the required information, analyses and documentation specified under 40 CFR 257.103(f)(1). Subsequently, on June 20, 2023, EPA proposed to deny MWG's extension request; however, EPA had not issued a final decision prior to MWG's request to withdraw its extension request. As a consequence of MWG submitting a complete extension request and EPA not taking final action on the request, the deadline for the East Ash Pond to cease receipt of waste was tolled between April 11, 2021, and June 3, 2024, when MWG withdrew its extension request. See, 40 CFR 257.103(f)(3)(ii).

Accordingly, EPA will conduct no further review of the extension request and will update the CCR Part A webpage ([linked here](#)) to reflect that MWG has withdrawn its request. Finally, EPA requests clarification on whether MWG has permanently ceased placing all wastestreams into the East Ash Pond.

Sincerely,

Cecilia De Robertis

Cecilia De Robertis

Deputy Division Director

Materials Recovery and Waste Management Division

July 11, 2024

Cecilia De Robertis
USEPA
One Potomac Yard
2777 S. Crystal Drive
Arlington, Virginia 22202-3553

RE: Waukegan Generating Station, Midwest Generation, LLC
Alternate Closure Demonstration 40 CFR Part 257.103 Withdraw Request

Ms. De Robertis,

The purpose of this correspondence is to respond to your July 11, 2024 correspondence regarding clarification on the final receipt of waste for the Waukegan East Ash Pond associated with our request to the United States Environmental Protection Agency (USEPA) to withdraw its Demonstration for a Site-Specific Alternate Deadline to Initiate Closure in accordance with 40 CFR 257.103 that was based on a Demonstration for No Alternative Disposal Capacity submitted to USEPA on November 30, 2020.

The East Ash Pond has ceased the receipt of any managed waste streams to the impoundment with the last CCR Material placed on June 3, 2022 and the last managed stormwater runoff as of May 21, 2024.

Please contact me at (302) 540-0327 or davd.bacher@nrgenergy.com to address any questions or concerns regarding this submittal.

Sincerely,



David Bacher
Senior Regional Manager
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29416 Power Plant Road
Dagsboro, Delaware 19939

CC: Frank Behan (USEPA)
W. Stone (NRG)
S. Shealey (MWG)