

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	AS 2021-003
Petition of Midwest Generation LLC for an)	
Adjusted Standard From 35 Ill. Adm. Code)	(Adjusted Standard)
845.740(a) and Finding of Inapplicability of)	
35 Ill. Adm. Code 845)	
(Waukegan Station))	

To: See attached service list.

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the Illinois Environmental Protection Agency’s Motion for Extension of Time, a copy of which is herewith served upon you.

Respectfully submitted,

Dated: August 18, 2021

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Christine Zeivel, #6298033
Division of Legal Counsel
Illinois Environmental Protection Agency
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Respondent,

BY: /s/Christine Zeivel
Christine Zeivel

THIS FILING IS SUBMITTED ELECTRONICALLY

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MOTION FOR EXTENSION OF TIME

The Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by and through its attorney, hereby submits its Motion for Extension of Time and requests a 90-day extension of time, up to and including at least Monday, November 22, 2021, to file its recommendation concerning the Petition of Midwest Generation LLC for an Adjusted Standard from Section 845.740(a) and Finding of Inapplicability of 35 Ill. Admin. Code 845 (“Part 845”) at its Waukegan Station, stating as follows:

1. On May 11, 2021, Petitioner filed its Petition for Adjusted Standards from Part 845 (“Petition”).
2. On May 11, 2021, a total of eight petitions for adjusted standards and three petitions for variances were filed with the Board concerning Part 845. Many of these petitions seek adjusted standards or variances for multiple coal combustion residual (“CCR”) surface impoundments.
3. On June 3, 2021, the Board granted Illinois EPA’s extension of time to file the Agency’s recommendation on the Petition and ordered the Agency recommendation due on August 24, 2021.
4. The Agency has been working diligently to evaluate and complete recommendations concerning Petitioner’s requests as contained in the Petition.

5. On July 7, 2021, Petitioner's counsel informed the Agency that Petitioner decided to close its Waukegan plant and had changed its plans for future use of the East and West Ponds. Counsel further informed the Agency that Petitioner intended on filing an amended petition for an adjusted standard from the closure by removal requirements for the West Pond instead of the East Pond.

6. On August 10, 2021, Illinois EPA held a meeting with Petitioner to discuss its request for adjusted standards from 35 Ill. Adm. Code 845.740(a) at all its facilities. During the meeting, Petitioner reiterated that an amended petition would be filed for the Waukegan Station.

7. Based on Petitioner's representations to Illinois EPA about its intention to file an amended Petition, along with the number of recommendations the Agency must complete, Illinois EPA requests the Board extend the deadline to file its recommendation concerning the Petition by ninety (90) days. Illinois EPA requests that the Board allow the Agency ninety (90) days from the date the Board accepts any amended petition, or, in the alternative, ninety (90) days from the current deadline of August 24, 2021, up to and including at least Monday, November 22, 2021.

8. Counsel for the Agency contacted counsel for Midwest Generation, who indicated they have no objection to the requested extension of time.

WHEREFORE, Illinois EPA requests the Illinois Pollution Control Board grant its Motion for Extension of Time and grant the Agency an additional 90 days, up to and including at least Monday November 22, 2021, to file its recommendation with the Board.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent,

/s/ Christine Zeivel

Christine Zeivel, #6298033

Division of Legal Counsel

Illinois Environmental Protection Agency

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THIS FILING IS SUBMITTED ELECTRONICALLY

CERTIFICATE OF SERVICE

I, the undersigned, on affirmation certify the following:

That I have served the attached **MOTION FOR EXTENSION OF TIME** by e-mail upon the following:

Susan M. Franzetti	sf@nijmanfranzetti.com
Kristen Laughridge Gale	kg@nijmanfranzetti.com
Molly H. Snittner	ms@nijmanfranzetti.com
Brad Halloran	Brad.Halloran@illinois.gov
Don Brown	Don.Brown@illinois.gov

That I have served the attached **MOTION FOR EXTENSION OF TIME** upon any other persons, if any, listed on the Service List, by placing a true copy in an envelope duly address bearing proper first-class postage in the United States mail at Springfield, Illinois on August 18, 2021.

That my e-mail address is Christine.Zeivel@Illinois.gov.

That the number of pages in the e-mail transmission is six (6).

That the e-mail transmission took place before 4:30 p.m. on the date of August 18, 2021.

/s/Christine Zeivel
August 18, 2021