

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	AS 2021-001
Petition of Midwest Generation)	
for an Adjusted Standard from 845.740(a))	
and Finding of Inapplicability of Part 845)	(Adjusted Standard)
(Joliet 29 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 Pollution Control Board Midwest Generation, LLC’s Motion for Extension of Time, a copy of which is herewith served upon you.

Respectfully submitted,

MIDWEST GENERATION, LLC

Petitioner,

BY: /s/Kristen L. Gale
One of its Attorneys

Dated: February 22, 2022

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THIS FILING IS SUBMITTED ELECTRONICALLY

SERVICE LIST

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ILLINOIS POLLUTION CONTROL BOARD

Bradley Halloran, Hearing Officer

Don Brown, Clerk

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing, Certificate of Services and Motion for Extension of Time was electronically filed on February 22, 2022 with the following:

Don Brown, Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
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and that copies were sent via e-mail on February 22, 2022 to the parties on the service list.

Dated: February 22, 2022

/s/Kristen L. Gale

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MOTION FOR EXTENSION OF TIME

Midwest Generation, LLC (“Petitioner”) by and through its attorney, submits this Motion for Extension of Time to file its Response to the Illinois Environmental Protection Agency’s (“Illinois EPA” or “Agency”) Recommendation concerning Midwest Generation LLC’s request for an Adjusted Standard from 35 Ill. Adm. Code § 845.740(a). In support thereof, Petitioner states as follows:

1. On May 11, 2021, Petitioner filed its Petition for an Adjusted Standard (“Petition”) from 845.740(a) and Finding of Inapplicability of Part 845.

2. On June 3, 2021, the Illinois Pollution Control Board (“Board”) accepted the Petition and granted Illinois EPA an extension of time to file the Agency’s Recommendation on the Petition, ordering the Agency Recommendation due on September 23, 2021.

3. On September 22, 2021, Illinois EPA filed its Recommendation to the Board stating that Part 845 was inapplicable to Pond 1 and Pond 3 at the Joliet 29 Station. Simultaneous with its Recommendation, Illinois EPA filed a Motion for Extension of Time to file its Recommendation regarding Petitioner’s request for an adjusted standard from 35 Ill. Adm. Code § 845.740(a) for Pond 2.

4. On September 30, 2021, the Hearing Officer granted Illinois EPA’s Motion for Extension of Time for the Agency to file its Recommendation for Pond 2 and ordered the Agency Recommendation due on November 22, 2021. Upon Agency request and without objection, the Hearing Officer granted Illinois EPA three additional extensions of time to file

its Recommendation for Pond 2 until February 4, 2022 while Illinois EPA and Petitioner were still engaged in discussions surrounding the facts alleged and relief requested.

5. On February 4, 2022, the Agency filed with the Board and served to Petitioner its Recommendation for Pond 2. Pursuant to 35 Ill. Adm. Code 104.416(d), Petitioner's Response to the Agency's Recommendation is due within 14 days after service of the Recommendation, or February 18, 2022.

6. On February 10, 2022, Petitioner filed a Motion for Extension of the deadline to file its Response to the Agency's Recommendation to March 9, 2022. The Agency did not object to the request and the Hearing Officer granted the extension on February 14, 2022.

7. Petitioner requires additional time to complete and file its Response to the Agency's Recommendation in this matter, and respectfully requests that the Hearing Officer extend the deadline to respond to March 24, 2022.

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

WHEREFORE, Petitioner requests that the Hearing Officer grant its Motion for Extension of Time to March 24, 2022 to file its Response to the Agency's Recommendation as to Joliet 29 Pond 2.

Respectfully submitted,

MIDWEST GENERATION, LLC

Petitioner,

By: /s/ Kristen L. Gale
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