

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	PCB AS 2021-003
Petition of Midwest Generation, LLC for an)	
Adjusted Standard from 845.740(a))	
and Finding of Inapplicability of Part 845)	
for the 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 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: March 28, 2023

Kristin L. Gale
Susan M. Franzetti
Genevieve J. Essig
Nijman Franzetti LLP
10 S. LaSalle Street, Suite 3400 (please note change of suite no.)
Chicago, IL 60603
(312) 251-5590
kg@nijmanfranzetti.com
sf@nijmanfranzetti.com
ge@nijmanfranzetti.com

THIS FILING IS SUBMITTED ELECTRONICALLY

SERVICE LIST

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Stefanie N. Diers

Sara Terranova

Division of Legal Counsel

Illinois Environmental Protection Agency

1021 North Grand Avenue East

P.O. Box 19276

Springfield, IL 62794-9276

Stefanie.Diers@illinois.gov

Sara.Terranova@illinois.gov

Christine.Zeivel@illinois.gov

ILLINOIS POLLUTION CONTROL BOARD

Bradley Halloran, Hearing Officer

Don Brown, Clerk

James R. Thompson Center

100 W. Randolph St., Suite 11-500

Chicago, IL 60601

Brad.Halloran@illinois.gov

Don.Brown@illinois.gov

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) PCB AS 2021-003
Petition of Midwest Generation, LLC for an)
Adjusted Standard from 845.740(a))
and Finding of Inapplicability of Part 845)
for the Waukegan Station)

MOTION FOR EXTENSION OF TIME

Midwest Generation, LLC (“MWG”) by and through its attorney, submits this Motion for Extension of Time to file its Response to the Illinois Environmental Protection Agency’s (“Agency”) Recommendation concerning MWG’s request for an Adjusted Standard from 35 Ill. Adm. Code § 845.740(a) and Finding of Inapplicability of Part 845. In support, MWG states as follows:

1. On May 11, 2021, MWG filed its Petition for an Adjusted Standard from 845.740(a) and Finding of Inapplicability of Part 845 (“Petition”).
2. The Agency’s recommendation with respect to the Petition (“Recommendation”) was to be filed with the Illinois Pollution Control Board (“Board”) within 45 days after the filing of the Petition, *i.e.*, June 25, 2021. 35 Ill. Adm. Code. 104.416.
3. Between May 21, 2021, and July 25, 2022, the Agency filed six motions for extension providing nearly 16 months of additional time – over 17 months in total – to prepare its Recommendation. MWG did not object to the Agency’s motions, and the Hearing Officer granted each.
4. On October 31, 2022, the Agency filed with the Board its Recommendation and exhibits, which are nearly 1,400 pages in total.

5. Pursuant to Section 104.416(d) of the Board's Rules, MWG's Response was due within 14 days after the date of service of the recommendation. 35 Ill. Adm. Code 104.416(d).

6. On November 14, 2022, the Hearing Officer granted MWG's motion to extend its Response to April 28, 2023.

7. Due to the length and complexity of the Agency's Recommendation, an extended medical leave by MWG's counsel, and potential changes currently pending with respect to the Waukegan Station that may impact MWG's response, MWG requires additional time to complete and file its Response to the Agency's Recommendation. Accordingly, MWG respectfully requests that the Hearing Officer extend the deadline to respond to July 28, 2023.

8. Counsel for MWG contacted the Agency's counsel, who stated it does not take a position on MWG's motion.

WHEREFORE, Midwest Generation, LLC requests that the Hearing Officer grant its Motion for Extension of Time to July 28, 2023, to file its Response to the Agency's Recommendation.

Respectfully submitted,

MIDWEST GENERATION, LLC

Petitioner,

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

Kristin L. Gale
Susan M. Franzetti
Genevieve J. Essig
Nijman Franzetti LLP
10 S. LaSalle Street, Suite 3400 (please note change of suite no.)
Chicago, IL 60603
(312) 251-5590
kg@nijmanfranzetti.com
sf@nijmanfranzetti.com
ge@nijmanfranzetti.com

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:

Stefanie N. Diers	Stefanie.Diers@illinois.gov
Sara Terranova	Sara.Terranova@illinois.gov
Christine Zeivel	Christine.Zeivel@illinois.gov
Bradley 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 addressed bearing proper first-class postage in the United States mail at Chicago, Illinois on March 28, 2023.

That my e-mail address is: kg@nijmanfranzetti.com

That the number of pages in the e-mail transmission is five (5).

That the e-mail transmission took place before 4:30 p.m. on the date of March 28, 2023.

/s/ Kristen L. Gale
March 28, 2023

Kristin L. Gale
Susan M. Franzetti
Genevieve J. Essig
Nijman Franzetti LLP
10 S. LaSalle Street, Suite 3600 (please note change of suite no.)
Chicago, IL 60603
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sf@nijmanfranzetti.com
ge@nijmanfranzetti.com