

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) AS 2021-001
PETITION OF MIDWEST)
GENERATION, LLC FOR AN)
ADJUSTED STANDARD FROM) (Adjusted Standard)
845.740(a) AND FINDING OF)
INAPPLICABILITY OF PART 845)
(JOLIET 29 STATION))

NOTICE OF FILING

To: See attached Service List

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board Petitioner Midwest Generation, LLC's Motion for Extension of Time to File Motion for Reconsideration and/or Clarification of the Interim Order and Opinion and Request for Expedited Decision, a copy of which is herewith served upon you.

Dated: June 6, 2023

MIDWEST GENERATION, LLC

By: /s/Kristen L. Gale

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SERVICE LIST

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing, and Petitioner Midwest Generation, LLC's Motion for Extension of Time to File Motion for Reconsideration and/or Clarification of the Interim Order and Opinion and Request for Expedited Decision, was electronically filed on June 6, 2023 with the following:

Don Brown, Clerk of the Board
Illinois Pollution Control Board
60 E. Van Buren Street, Suite 630
Chicago, IL 60605
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and that copies were sent via e-mail on June 6, 2023 to the parties on the service list.

Dated: June 6, 2023

/s/Kristen L. Gale

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
Petition of Midwest Generation)
for an Adjusted Standard from 845.740(a))
and Finding of Inapplicability of Part 845) **AS 2021-001**
(Joliet 29))
)
)
)

**MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR RECONSIDERATION
AND/OR CLARIFICATION OF THE INTERIM ORDER AND OPINION AND
REQUEST FOR EXPEDITED DECISION**

Respondent, Midwest Generation, LLC, (“MWG”) by and through counsel, requests that the Hearing Officer enter an order granting MWG’s request to extend the time to file its Motion for Reconsideration and/or Clarification of the May 4, 2023 Order to July 13, 2023 and also requests an expedited decision. In support of its motion, MWG states the following:

1. On May 4, 2023, MWG received the Illinois Pollution Control Board’s (“Board”) Interim Order and Opinion (“Interim Order”) on the liability phase of this lawsuit.
2. Pursuant to Board Rule 101.520, a party must file a motion for reconsideration or modification within 35 days after receipt of the order, which in this case would be June 8, 2023. 35 Ill. Adm. Code 101.520. Additionally, pursuant to Board Rule 101.522, the Hearing Officer may extend the time for filing any document or doing any act required by the rules for good cause shown and after notice to the opposite party. 35 Ill. Adm. Code 101.522.
3. MWG requests an extension of 30 days to file a motion for reconsideration and/or clarification of the Interim Order. This extension is for good cause because MWG is investigating whether there are more accurate and scientific methods to analyze the soil in the berms and the poz-o-pac to address the concerns of the Illinois EPA related to the material in the berms and poz-

o-pac. Thus, MWG requires additional time to properly identify alternative sampling methods to discuss with the Illinois EPA and ultimately propose to the Illinois Pollution Control Board.

4. Due to the imminent deadline to file the motion to reconsider (June 8, 2023), MWG requests an expedited decision by the Hearing Officer. If the Hearing Officer seeks oral argument on the motion, MWG requests an immediate phone conference to discuss the motion. MWG's counsel is available this week for a phone conference.

5. There is no scheduled hearing date, so an extension for filing the motion does not prejudice any party.

6. MWG contacted Illinois EPA about the extension and Illinois EPA stated does not have a position.

WHEREFORE, MWG respectfully requests an extension of time allowing them an additional 30 days, or until July 13, 2023, to file its motion and requests an expedited decision.

MIDWEST GENERATION, LLC.

By /s/ Kristen L. Gale
One of Its Attorneys

Date: June 6, 2023

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