

ILLINOIS POLLUTION CONTROL BOARD
February 5, 2024

IN THE MATTER OF:)
)
PETITION OF MIDWEST GENERATION)
LLC FOR AN ADJUSTED STANDARD)
FROM 35 ILL. ADM. CODE 845.740(a) AND)
FINDING OF INAPPLICABILITY OF 35) AS 21-3
ILL. ADM. CODE 845) (Adjusted Standard – Land)

HEARING OFFICER ORDER

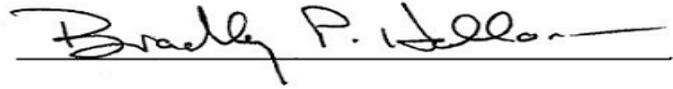
On February 5, 2024, all parties participated in a telephonic status. Petitioner reported that it will present 4 witnesses and that it may be calling IEPA personnel as witnesses. The parties stated that they will discuss who if any of IEPA’s witnesses will be called and who will need to be present at the hearing.

Petitioner posed a question of the possibility of recordings taken at the hearing and argued that the Board’s procedural rules only address informal recordings of Board meetings. *See* Section 101.111. However, Section 101.606 of the Board’s procedural rules allows informal recordings at Board proceedings if it does not interfere with the hearing, but a witness must not be compelled to testify under such circumstances. Any issues may be addressed at the hearing.

Petitioner stated that it intends to file a motion requesting an extension of time to file an interlocutory appeal of my order of February 5, 2024, addressing petitioner’s motions in *limine*.

Finally, the February 1, 2024, email of Faith Bugal, representing the Environmental Groups, was addressed. The Environmental Groups requested that blocks of time, 1:00 p.m. to 2:00 p.m., and again from 5:00 p.m. to 7:00 p.m., be reserved for Public Comment. I have notified Ms. Bugel that a block of time, from 1:00 p.m. to 2:00 p.m. will be dedicated to Public Comment and an interpreter will be present during that time if needed. The hearing will be adjourned at 5:00 p.m. It is noted that written public comments can be filed with the Board and the due date for such written comments will be addressed at the hearing. *See* Section 101.628(c) of the Board’s procedural rules.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Bradley P. Halloran", is written above a solid horizontal line.

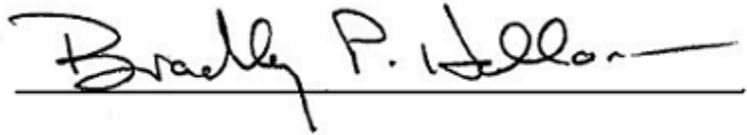
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
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Chicago, Illinois 60605
312.814.8917
Brad.Halloran@illinois.gov

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on February 5, 2024, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on February 5, 2024:

Don Brown
Illinois Pollution Control Board
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Suite 630
Chicago, Illinois 60605



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@ Consents to electronic service

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