

Illinois Supreme Court Rules

Article III – Civil Appeals Rules

Rule 335. Direct Review of Administrative Orders by the Appellate Court

A. The Petition for Review

IN THE APPELLATE COURT OF ILLINOIS
FOR THE Second  DISTRICT

Midwest Generation, LLC

[Name of Petitioner],
Petitioner,

V.

Illinois Pollution Control Board
Illinois Environmental Protection Agency
[Names of Agency and Other Parties of
Record],
Respondent,

Petition for Review of Order of the
Illinois Pollution Control Board
[Name of Agency]

PCB AS21-3

Docket Number

[Name of Petitioner] Midwest Generation, LLC

_____ hereby petitions the court for review of the order [or part of
the order] Opinion and Order of the [name of agency] Illinois Pollution Control
Board which [describe the order or part as
to which review is sought]
held that a field on its property fell within the definition of "Coal Combustion Residual
Surface Impoundment" as that term is defined in Section 3.143 of the Illinois Environmental
Protection Act. 415 ILCS 5/3.143.

entered on March 20, 2025.

Kristen L. Gale, Nijman Franzetti, LLP
10 S. La Salle St., Ste 3400
Chicago, IL 60603

Attorney for Petitioner Address

**IN THE APPELLATE COURT OF ILLINOIS
FOR THE SECOND DISTRICT**

MIDWEST GENERATION, LLC,)	Petition for Review of a
)	Final Order of the
Petitioner)	Illinois Pollution
)	Control Board in its
v.)	Docket No. PCB AS21-3
)	
ILLINOIS POLLUTION CONTROL BOARD,)	
and, ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING OF PETITION FOR REVIEW

TO:

Illinois Pollution Control Board
Clerk of the Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
don.brown@illinois.gov
PCB.Clerks@illinois.gov

Stefanie N. Diers
Sara Terranova
Rebecca Strauss
Division of Legal Counsel
Illinois Environmental Protection Agency
2520 W. Iles Ave.
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Please take notice that on April 23, 2025 Midwest Generation, LLC electronically filed in the Appellate Court of Illinois, Second District, its Petition for Review the Illinois Pollution Control Board's March 20, 2025 Final Opinion and Order, a copy of which is served upon you.

/s/ Kristen L. Gale

Kristen L. Gale

Attorney for Petitioner

Kristen L. Gale, ARDC #6283338
Susan M. Franzetti, ARDC # 3125061
Genevieve Essig, ARDC # 6299737
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PROOF OF SERVICE

The undersigned certifies that on this 23th day of April 23, I served the enclosed Petition for Review and this Notice of Filing and Certificate of Service upon the Illinois Pollution Control Board and the Illinois Environmental Protection Agency at the email addresses and address listed in the Notice of Filing by depositing these materials, properly addressed and first class postage prepaid, before 5:00pm, in the U.S. Mail and via email.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ Kristen L. Gale
Kristen L. Gale
Attorney for Petitioner

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Genevieve Essig, ARDC # 6299737
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ILLINOIS APPELLATE COURT SECOND DISTRICT

55 SYMPHONY WAY
ELGIN, IL 60120
(847) 695-3750

April 23, 2025

Kristen Carol Laughridge Gale
Nijman Franzetti LLP
10 S. LaSalle St., Suite. 3400
Chicago, IL 60603

RE: Midwest Generation, LLC v. Illinois Pollution Control Board, et al.
Appeal No.: 2-25-0166
Agency: Illinois Pollution Control Board
Agency No.: PCB AS 2021-003

A petition for administrative review pursuant to Illinois Supreme Court Rule 335 has been filed in the above cause. This appeal has been docketed as No. 2-25-0166.

Pursuant to Illinois Supreme Court Rule 312, an appellant must file a complete docketing statement, together with proof of service, within 14 days of the filing of the petition for administrative review.

Generally, when filing the docketing statement, an appellant must pay a \$50 filing fee. However, if you are indigent and unable to pay the filing fee, you may file an application to waive the filing fee. A form for the application is available at http://illinoiscourts.gov/Forms/approved/appellate/fee_waiver.asp.

Jeffrey H. Kaplan
Clerk of the Court

cc: Genevieve Jie-Ying Essig
Illinois Pollution Control Board
Rebecca Yuht Wah Strauss
Sara Gianna Terranova
Stefanie Nicole Diers
Susan Mary Franzetti