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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

August 1, 2008

IN THE MATTER OF:)
)
WATER QUALITY STANDARDS AND) R08-9
EFFLUENT LIMITATIONS FOR THE) (Rulemaking - Water)
CHICAGO AREA WATERWAY SYSTEM)
AND LOWER DES PLAINES RIVER)
PROPOSED AMENDMENTS TO 35 ILL.)
ADM. CODE 301, 302, 303, and 304)

HEARING OFFICER ORDER

This hearing officer order will deal first with the motion for extension of time and then set a prehearing conference pursuant to 35 Ill. Adm. Code 102.404.

Motion

On July 25, 2008, Midwest Generation, LLC (Midwest Generation) filed a motion for extension of time to file prefiled testimony of two witnesses. On July 25, 2008, by hearing officer order all responses to the motion were to be filed by July 31, 2008. The Board received one response from the Environmental Groups (Friends of the Chicago River, Openlands, Sierra Club, Prairie Rivers Network, Natural Resources Defense Council, Southeast Environmental Task Force, and the Environmental Law and Policy Center).

Midwest Generation seeks additional time to file testimony by two witnesses. Midwest Generation asks that it be given until September 8, 2008 to file the testimony as additional time is needed to validate and analyze data collected in the Upper Dresden Island Pool.

The Environmental Groups do not object, "insofar as those witnesses intend to testify regarding sediment and habitat conditions in the Upper Dresden Island Pool." The Environmental Groups ask that scheduling accommodations be made to address the fact that important testimony will not be available until September.

The motion is granted and Midwest Generation is given until September 8, 2008 to file the testimony. The hearing officer will address the scheduling concerns raised by the Environmental Groups in the prehearing conference scheduled below.

Prehearing Conference

All participants interested, may attend a prehearing conference on August 26, 2008 at 10 a.m. The details on the phone number and place for the prehearing conference will be set forth in a future hearing officer order. **Please notify the hearing officer by Friday August 22, 2008, if you plan to call in so that sufficient phone lines can be made available.**

The prehearing conference will be used to establish the order in which participants will present witnesses at the hearings scheduled to begin on September 8, 2008. The prehearing conference will also be used to discuss scheduling of additional hearings and deadlines for the pre-filing of questions and additional testimony.

IT IS SO ORDERED.



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