

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
)	
SIERRA CLUB, ENVIRONMENTAL)	
LAW AND POLICY CENTER,)	
PRAIRIE RIVERS NETWORK, and)	
CITIZENS AGAINST RUINING THE)	
ENVIRONMENT)	
)	PCB No-2013-015
Complainants,)	(Enforcement – Water)
)	
v.)	
)	
MIDWEST GENERATION, LLC,)	
)	
Respondents)	

NOTICE OF FILING

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board the attached **COMPLAINANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO RESPONDENT'S MOTION TO RECONSIDER AND CLARIFY THE INTERIM ORDER AND REQUEST FOR EXPEDITED DECISION**, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,



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*Attorney for ELPC, Sierra Club and
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Dated: September 12, 2019

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)	
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SIERRA CLUB, ENVIRONMENTAL)	
LAW AND POLICY CENTER,)	
PRAIRIE RIVERS NETWORK, and)	
CITIZENS AGAINST RUINING THE)	
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)	(Enforcement – Water)
MIDWEST GENERATION, LLC,)	
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Respondent.)	

COMPLAINANTS’ UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO RESPONDENT’S MOTION TO RECONSIDER AND CLARIFY THE INTERIM ORDER AND REQUEST FOR EXPEDITED DECISION

Complainants Sierra Club, Environmental Law & Policy Center (“ELPC”), Prairie Rivers Network, and Citizens Against Ruining the Environment (“CARE”), by their undersigned counsel, hereby requests that the Hearing Officer enter an order granting Complainants’ request to extend the time to file their Response to Respondent Midwest Generation’s Motion to Reconsider and Clarify the Interim Order by 21 days and also requests an expedited decision.

In support of their Motion, Complainants state as follows:

1. On June 20, 2019, the Illinois Pollution Control Board’s (“Board”) issued its Interim Order and Opinion (“Interim Order”) in the liability phase of this lawsuit.
2. On July 17, 2019, Respondent filed a Motion for Extension of Time (“Extension Motion”) to File Motion for Reconsideration and/or Clarification of the Interim Order and Opinion. Respondent requested an additional 45 days to file its Motion.
3. On July 23, 2019, Hearing Officer Bradley P. Halloran granted Respondent’s Extension

Motion setting the deadline for Respondent's Motion for Reconsideration and/or Clarification of the Interim Order as September 9, 2019 and the deadline for Complainants' Response to that Motion as September 23, 2019.

4. On September 9, 2019, Respondent filed their Motion to Reconsider and Clarify the Interim Order ("Reconsideration Motion"). The Memorandum in support of MWG's Motion to Reconsider is 45 pages in length and raises dozens of issues over which Respondent requests reconsideration or clarification of the Board's Interim Order. Due to the length and complexity of Respondent's Reconsideration Motion, Complainants cannot realistically respond in 14 days. Complainants need additional time to address the volume and complexity of issues presented in the Reconsideration Motion.

5. Respondents had 35 days originally under Rule 101.520 and received a 45-day extension for a total of eighty days to prepare the Reconsideration Motion. In order to achieve something closer to parity, Complainants request a 21-day extension for a total of 35 days to prepare their Response.

6. Due to the two-week deadline to file a Response to the Reconsideration Motion, Complainants request that the Hearing Officer consider an expedited decision.

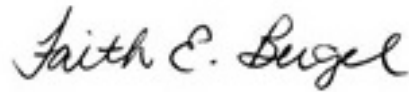
7. There is no schedule yet for the remedy phase of this proceeding and the extension is short, so granting the extension does not prejudice any party.

8. On September 10, 2019, Respondent's counsel informed Complainants that Respondent does not object to Complainants' request for a 21-day extension

WHEREFORE, Complainants respectfully request an extension of time allowing them an additional 21 days, or until October 14, 2019, to file their Response to the Reconsideration Motion and respectfully request an expedited decision.

Dated: September 12, 2019

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **COMPLAINANTS' MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO RESPONDENT'S MOTION TO RECONSIDER AND CLARIFY THE INTERIM ORDER AND REQUEST FOR EXPEDITED DECISION** were served electronically to all parties of record listed below, on September 12, 2019.

Respectfully submitted,

/s/ Jeffrey Hammons
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