

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PRAIRIE RIVERS NETWORK,)	
)	
Complainant,)	
)	
v.)	PCB 2019-093
)	(Enforcement - Water)
DYNEGY MIDWEST GENERATION, LLC,)	
)	
Respondent.)	
)	

NOTICE OF ELECTRONIC FILING

To: Attached Service List

PLEASE TAKE NOTICE that on November 9, 2021, I electronically filed with the Clerk of the Illinois Pollution Control Board (“Board”) the attached JOINT MOTION FOR ADJOURNMENT, copies of which are served on you along with this notice.

Dated: November 9, 2021

Respectfully Submitted,

/s/ Thomas Cmar
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Counsel for Complainant Prairie Rivers Network

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PRAIRIE RIVERS NETWORK,)	
)	
Complainant,)	
)	
v.)	PCB 19-93
)	(Enforcement - Water)
DYNEGY MIDWEST GENERATION, LLC,)	
)	
Respondent.)	

JOINT MOTION FOR ADJOURNMENT

Complainant Prairie Rivers Network (“PRN”) and Respondent Dynegy Midwest Generation, LLC (“Dynegy”) (collectively, the “Parties”), by and through their attorneys, jointly move for an additional 60-day adjournment of upcoming deadlines. In support of this Motion, the Parties state:

1. On May 27, 2021, Hearing Officer Webb ordered the Parties to submit a proposed discovery schedule by August 13, 2021. Hearing Officer Webb further ordered the Parties to participate in a telephonic status conference on August 17, 2021.
2. On June 6, 2021, Hearing Officer Webb ordered PRN to respond to Dynegy’s affirmative defenses by August 13, 2021.
3. On August 12, 2021, the Parties requested a six-week adjournment of deadlines in the case, to allow for them to meet and confer further prior to further proceedings in this matter. Hearing Officer Webb ordered the adjournment of all case deadlines on August 16, 2021, with new deadlines to be set at the next status conference, and scheduled a status conference for September 28, 2021 at 10:00 a.m.

4. In August and September 2021, PRN reviewed certain information provided to it by Dynegy concerning its plans at the former Vermilion Power Station site. PRN also filed a petition for leave to intervene in litigation in the Circuit Court of the Fifth Judicial Circuit in Vermilion County, Illinois (*People of the State of Illinois v. Dynegy Midwest Generation, LLC*, Case No. 2021CH000024), which also concerns the former Vermilion Power Station site.
5. On September 27, 2021, the Parties requested an additional 6-week adjournment of deadlines in this case, to allow for them to meet and confer further prior to further proceedings in this matter. Hearing Officer Webb ordered the adjournment of all case deadlines on September 28, 2021, with new deadlines to be set at the next status conference, and scheduled a status conference for November 10, 2021 at 10:00 a.m.
6. Since September 28, 2021, PRN has continued to review information provided by Dynegy concerning its plans at the former Vermilion Power Station site. In addition, on October 27, 2021, the Fifth Judicial Circuit court granted PRN permissive intervention in *People v. Dynegy*.
7. The parties have met and conferred and agree that additional time for meeting and conferring concerning the issues in this case would be beneficial prior to further proceedings in this matter.
8. The Parties request an additional 60-day adjournment of the deadlines previously set by the May 27, 2021 Order and the June 6, 2021 Order.

WHEREFORE, the Parties respectfully request an Order as follows:

1. The Parties shall participate in a telephonic status conference with the hearing officer on a date acceptable to the Hearing Officer on or after January 10,

2022, during which conference dates will be set for the parties to submit a joint discovery schedule and for petitioners to respond to affirmative defenses.

Dated this 9th day of November, 2021.

/s/ Thomas Cmar

Thomas Cmar

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of November, 2021, I electronically served the foregoing Joint Motion for Adjournment upon the parties of record at the email addresses indicated in the service list below.

I further certify that my email address is tcmr@envirolaw.com; the number of pages in the email transmission is 6; and the email transmission took place today before 5 p.m. CT.

Respectfully Submitted,

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