

Dated: March 20, 2024

SERVICE LIST

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS POWER)	
GENERATING COMPANY,)	
)	
Petitioner,)	
)	
v.)	
)	PCB 2024-043
ILLINOIS ENVIRONMENTAL PROTECTION)	(Petition for review – Alternative
AGENCY,)	Source Determination)
)	
Respondent.)	

MOTION FOR AN EXTENSION OF TIME
TO FILE THE RECORD

NOW COMES Respondent, the Illinois Environmental Protection Agency, by and through its attorney, KWAME RAOUL, Attorney General of the State of Illinois, and hereby moves for an extension of time to file the administrative record in this matter pursuant to Sections 101.522 and 105.116 of the Board’s Procedural Rules, 35 Ill. Adm. Code 101.522 and 105.116. In support thereof, Respondent states as follows:

1. On December 15, 2023, Illinois Power Generating Company (“Petitioner”) filed a Petition for Review of Illinois Environmental Protection Agency’s Non-Concurrence with Alternative Source Demonstration Under 35 Ill. Adm. Code Part 845 and Motion for Stay, challenging a non-concurrence with an Alternative Source Determination issued by Illinois EPA to Petitioner on November 7, 2023.

2. Pursuant to Section 105.116(a) of the Board’s regulations, 35 Ill. Adm. Code 105.116(a), and the Board’s order of January 22, 2024, the IEPA must file the administrative record by March 21, 2024.

3. Illinois EPA and Illinois Attorney General personnel involved in preparing the record have been working diligently, but certain unexpected technical difficulties and personnel

availability have impacted the finalization of the record. Therefore, additional time is needed to file the administrative record.

4. Respondent respectfully requests additional time until March 28, 2024, in order to file the record.

5. Respondent's request for additional time is for good cause and will not prejudice Petitioner or unduly delay this matter.

WHEREFORE, for the reasons set forth above, Respondent Illinois EPA requests an extension of time until and including March 28, 2024, to file the administrative record.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By: /s/Samuel Henderson
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Dated: March 20, 2024

CERTIFICATE OF SERVICE

I hereby certify that I did on March 20, 2024, prior to 5:00 PM, cause to be served by electronic mail, a true and correct copy of the following instruments entitled NOTICE OF FILING and MOTION FOR AN EXTENSION OF TIME TO FILE THE RECORD, containing 5 pages, to:

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s/ Samuel Henderson
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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 Certificate of Service 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/ Samuel Henderson
Assistant Attorney General
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