

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) AS 2024-006
PETITION OF MIDWEST GENERATION)
FOR AN ADJUSTED STANDARD FROM) (Adjusted Standard – Air)
35 Ill. Admin. Code Parts 201 and 212)

NOTICE OF FILING

To:

Don Brown
Carol Webb
Pollution Control Board
100 West Randolph Street
James R. Thompson Center
Suite 11-500
Chicago, Illinois 60601-3218

Dana Vetterhoffer
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

PLEASE TAKE NOTICE that on this day, the 24th day of April, 2024, I caused to be filed with the Clerk of the Illinois Pollution Control Board **MIDWEST GENERATION'S STATUS REPORT**, copies of which are herewith served upon you.

Dated: April 24, 2024

Respectfully submitted,

Midwest Generation, LLC

/s/ Samuel A. Rasche
One of its Attorneys

Joshua R. More
Amy Antonioli
Samuel A. Rasche
ARENTFOX SCHIFF LLP
233 South Wacker Drive, Suite 7100
Chicago, Illinois 60606
(312) 258-5500
Joshua.More@afslaw.com
Amy.Antonioli@afslaw.com
Sam.Rasche@afslaw.com

Andrew N. Sawula
ARENTFOX SCHIFF LLP
One Westminster Place, Suite 200
Lake Forest, Illinois 60065
(847) 295-4336
Andrew.Sawula@afslaw.com

Attorneys for Midwest Generation

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) AS 2024-006
PETITION OF MIDWEST GENERATION)
FOR AN ADJUSTED STANDARD FROM) (Adjusted Standard – Air)
35 Ill. Admin. Code Parts 201 and 212)

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 24th Day of April, 2024: I have electronically served a true and correct copy of Midwest Generation’s Status Report by electronically filing with the Clerk of the Illinois Pollution Control Board and by e-mail upon the following persons:

Don Brown
Carol Webb
Pollution Control Board
100 West Randolph Street
James R. Thompson Center
Suite 11-500
Chicago, Illinois 60601-3218

Dana Vetterhoffer
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

My e-mail address is Sam.Rasche@afslaw.com.

The number of pages in the e-mail transmission is 6.

The e-mail transmission took place before 5:00 p.m.

/s/ Samuel A. Rasche

Attorney for Midwest Generation

Dated: April 24, 2024

Joshua R. More
Amy Antonioli
Samuel A Rasche
ARENTFOX SCHIFF LLP
233 South Wacker Drive, Suite 7100
Chicago, Illinois 60606
(312) 258-5500
Joshua.More@afslaw.com
Amy.Antonioli@afslaw.com
Sam.Rasche@afslaw.com

Andrew N. Sawula
ARENTFOX SCHIFF LLP
One Westminster Place, Suite 200
Lake Forest, Illinois 60065
(847) 295-4336
Andrew.Sawula@afslaw.com

Attorneys for Midwest Generation

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) AS 2024-006
PETITION OF MIDWEST GENERATION)
FOR AN ADJUSTED STANDARD FROM) (Adjusted Standard – Air)
35 Ill. Admin. Code Parts 201 and 212)

STATUS REPORT

NOW COMES Midwest Generation, LLC (“Midwest Generation”) by and through its attorneys, ArentFox Schiff LLP, and pursuant to 35 Ill. Adm. Code § 101.502 and 101.514, provides this Status Report.

1. On September 5, 2023, the Illinois Environmental Protection Agency (“IEPA”) filed a *Motion for Stay of Proceedings, or in the Alternative, Motion for Extension of Time to File Recommendation* while the Board considers Midwest Generation’s substantively similar rulemaking proposal in R23-18(A). On September 21, 2023, the Board granted IEPA’s motion to stay the proceedings for 90 days, until December 21, 2023. *See, Order of the Board*, AS24-04 at

2. On January 4, 2024, the Board granted IEPA’s unopposed motion to extend the stay until April 19, 2024. *See, Hearing Officer Order*, AS 24-04. Pursuant to 35 Ill. Adm. Code § 101.514, the Board directed the parties to file a status report and any additional requests for stay of the proceedings at the close of stay. *Id.*

2. On April 16, 2024, IEPA filed a Status Report and Motion to Extend Stay of Proceedings (“IEPA Status Report”), fulfilling the parties’ obligations under 35 Ill. Adm. Code § 101.514(b). IEPA also requested that the Board extend the stay of proceedings “for 150 days up to and including September 16, 2024 (or a later date if deemed more appropriate by the Board).” IEPA Status Report at 5.

3. Midwest Generation has no additional updates beyond those provided by the IEPA Status Report, and Midwest Generation has no objection to IEPA's request to extend the stay of proceedings.

Respectfully submitted,

Midwest Generation, LLC

By: /s/ Samuel A. Rasche

One of its Attorneys

Dated: April 24, 2024

Joshua R. More
Amy Antonioli
Samuel A Rasche
ARENTFOX SCHIFF LLP
233 South Wacker Drive, Suite 7100
Chicago, Illinois 60606
(312) 258-5500
Joshua.More@afslaw.com
Amy.Antonioli@afslaw.com
Sam.Rasche@afslaw.com

Andrew N. Sawula
ARENTFOX SCHIFF LLP
One Westminster Place, Suite 200
Lake Forest, Illinois 60065
(847) 295-4336
Andrew.Sawula@afslaw.com

Attorneys for Midwest Generation, LLC