

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**ILLINOIS POWER
GENERATING COMPANY,**

Petitioner,

v.

**ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,**

Respondent.

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**PCB 2024-055
(Petition for Review – Alternative
Source Demonstration)**

NOTICE OF FILING

To: See Attached Service List (Via Electronic Filing)

PLEASE TAKE NOTICE that the undersigned filed today with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following MOTION FOR EXTENSION OF TIME TO FILE THE RECORD, copies of which are attached hereto and hereby served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Mallory Meade
Mallory Meade, #6345981
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 299-8343
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Dated: July 24, 2024

SERVICE LIST

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 24, 2024, before 5:00 PM, she caused to be served by electronic mail, a true and correct copy of the following instruments entitled Notice of Filing and Motion for Extension of Time to File the Record to:

Joshua R. More
Bina Joshi
Samuel A. Rasche
ARENTFOX SCHIFF LLP
233 South Wacker Drive, Suite 7100
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Joshua.More@afslaw.com
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Carol Webb
Hearing Officer
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Springfield, IL 62794-9274
carol.webb@illinois.gov

This email transmission contains 6 pages.

/s/ Mallory Meade
mallory.meade@ilag.gov
Assistant Attorney General
Environmental Bureau

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/ Mallory Meade
Assistant Attorney General
Environmental Bureau

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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ILLINOIS ENVIRONMENTAL)	(Petition for Review – Alternative
PROTECTION AGENCY,)	Source Demonstration)
)	
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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 February 20, 2024, 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 Respondent’s non-concurrence with Petitioner’s Alternative Source Determination, which Respondent issued to Petitioner on January 11, 2024.
2. On April 18, 2024, Petitioner’s Motion for Partial Stay was granted.
3. On May 2, 2024, on joint motion of the parties, the Board stayed this case until July 31, 2024.

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4. On May 28, 2024, Illinois EPA filed an unopposed motion for extension of time to file the record in this matter, through July 26, 2024. On May 30, 2024, the Hearing Officer ruled that the motion was unnecessary due to the case being stayed through July 31.

5. Pursuant to Section 105.116(a) of the Board's regulations, 35 Ill. Adm. Code 105.116(a), and the Hearing Officer Order of May 30, 2024, Illinois EPA must file the administrative record by July 31, 2024.

6. Illinois EPA personnel involved in preparing the record have been working diligently, but certain personnel changes have impacted the compiling of the record. Therefore, additional time is needed to compile and file the administrative record.

7. Respondent respectfully requests additional time until September 24, 2024 in order to file the record.

8. Counsel for Petitioner does not object to Respondent's request.

9. 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 September 24, 2024 to file the administrative record.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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