

ILLINOIS POLLUTION CONTROL BOARD
January 22, 2004

MIDWEST GENERATION, LLC –)	
COLLINS GENERATING STATION,)	
)	
Petitioner,)	
)	
v.)	PCB 04-108
)	(CAAPP Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by A.S. Moore):

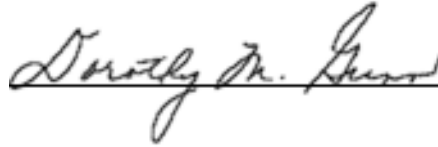
On January 8, 2004, the Board accepted the petition of Midwest Generation LLC (Midwest Generation) asking the Board to review a November 25, 2003 determination of the Illinois Environmental Protection Agency (Agency). The Agency issued a Clean Air Act Permit Program (CAAPP) permit to Midwest Generation with conditions the company opposes. The permit concerns Midwest Generation's Collins Generating Station, an electric generating station located at 4200 Pine Bluff Road in Morris, Grundy County. Today the Board rules on Midwest Generation's motion to stay the effectiveness of the CAAPP permit during this appeal.

Midwest Generation included the motion for stay in its petition for review, filed on December 31, 2003. Midwest Generation argues that during this appeal, it should not be subject to permit provisions that incorrectly apply legal requirements to its facility. Midwest Generation requests that the Board stay the effectiveness of the entire CAAPP permit because staying only the contested conditions, which are throughout the permit, would leave the remaining permit provisions virtually meaningless. According to Midwest Generation, it will continue to be subject to its State operating permit, which has applied to the company since it submitted the CAAPP permit application in 1995.

In the Board's January 8, 2004 order, the Board reserved ruling on Midwest Generation's motion for stay to allow the Agency time to respond to the motion. The Agency has not responded to the motion and therefore waives any objection to the Board granting the motion. *See* 35 Ill. Adm. Code 101.500(d). The Board grants Midwest Generation's motion to stay the effectiveness of the CAAPP permit until the Board's final action in this appeal or until the Board orders otherwise.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 22, 2004, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board