

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

DEC 14 2005

STATE OF ILLINOIS
Pollution Control Board

ELECTRIC ENERGY,)
INCORPORATED,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB 06-65
CAAPP Appeal

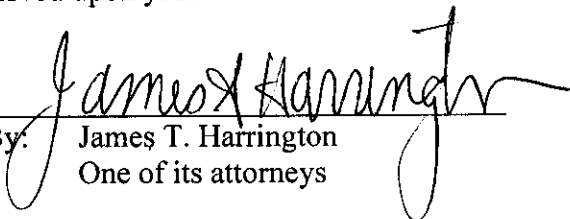
NOTICE OF FILING

To: Mr. Robb Layman
Ms. Sally Carter
Division of Legal Counsel
1021 North Grand Avenue
Post Office Box 19276
Springfield, IL 62794-9276

Ms. Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
1000 West Randolph Street
Suite 11-500
Chicago, IL 60601

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
1000 West Randolph Street, Suite 11-500
Chicago, IL 60601

Please take notice that on December 14, 2005, the undersigned caused to be filed with the Clerk of the Illinois Pollution Control Board the Time Certain Waiver of Decision Date, copies of which are herewith served upon you.

By: 
James T. Harrington
One of its attorneys

James T. Harrington
David L. Rieser
McGuireWoods LLP
77 West Wacker, Suite 4100
Chicago, IL 60601
Telephone: 312/849-8100

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STATE OF ILLINOIS
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ELECTRIC ENERGY,)
 INCORPORATED,)
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 Petitioner,)
 v.)
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 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

PCB – 06-065
(Air – 180 Day Extension)

TIME CERTAIN WAIVER OF DECISION DATE

NOW COMES Petitioner, Electric Energy, Incorporated, Joppa Power Station, (“Electric Energy” or “Petitioner”), by and through one of its attorneys, James T. Harrington of McGuireWoods LLP, pursuant to 35 Ill.Adm.Code §101.308(c), and hereby waives the Illinois Pollution Control Board’s (the “Board”) decision deadline applicable to the petition for review of the Clean Air Act Permit Program (“CAAPP”) permit issued to Petitioner for the Joppa Power Station on September 29, 2005, for a period of approximately one hundred and eighty days, until a time certain of September 07, 2006. In support of this waiver, the Petitioner states as follows:

1. On September 29, 2005, the Illinois Environmental Protection Agency (the “Agency”) issued to the Petitioner a CAAPP operating permit for Electric Energy’s Joppa Power Station. On November 3, 2005, Petitioner filed a petition for review of this permit, PCB 06-065.

2. Pursuant to Section 40.2(c) of the Environmental Protection Act (“Act”) (415 ILCS 5/40.2(c)) and 35 Ill.Adm.Code §101.308(a), the Board must render decisions

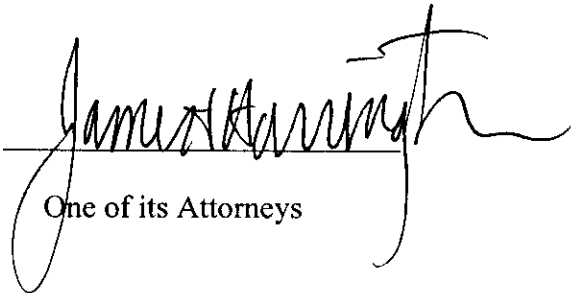
on permit appeals within 120 days following the filing of petition, the decision in this matter being scheduled for no later than March 06, 2006.

WHEREFORE, for reasons set forth above, the Petitioner respectfully waives the deadline for the Board's determination on this appeal for a period of approximately one hundred and eighty (180) days to a date certain of September 07, 2006.

Respectfully submitted,

ELECTRIC ENERGY,
INCORPORATED

By: _____

A handwritten signature in black ink, appearing to read "James T. Harrington", written over a horizontal line. The signature is cursive and extends above and below the line.

One of its Attorneys

Dated: December 14, 2005

James T. Harrington, Esq.
McGuireWoods LLP
77 West Wacker Drive
Suite 4100
Chicago, IL 60601
Telephone: 312/849-8100

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ELECTRIC ENERGY,)
INCORPORATED,)
)
Petitioner,)
v.) PCB – 06-065
) (Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Time Certain Waiver of Decision Date upon the following person, by first class mail, postage affixed:

Illinois Environmental Protection Agency, Division of Legal Counsel

Respectfully submitted,

ELECTRIC ENERGY,
INCORPORATED

By: 

One of the Attorneys for the Petitioner

Dated: December 14, 2005

James T. Harrington, Esq.
McGuireWoods LLP
77 West Wacker Drive
Suite 4100
Chicago, IL 60601
Telephone: 312/849-8100