

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	R06-25
PROPOSED NEW 35 ILL. ADM. CODE 225)	(Rulemaking – Air)
CONTROL OF EMISSIONS FROM)	
LARGE COMBUSTION SOURCES(MERCURY))	

NOTICE

TO: Dorothy Gunn
 Clerk
 Illinois Pollution Control Board
 James R. Thompson Center
 100 West Randolph St., Suite 11-500
 Chicago, IL 60601-3218

SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the MOTION FOR EXPEDITED REVIEW, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
 PROTECTION AGENCY

By: _____
 Gina Roccaforte
 Assistant Counsel
 Division of Legal Counsel

DATED: May 2, 2006

1021 North Grand Avenue East
 P. O. Box 19276
 Springfield, IL 62794-9276
 217/782-5544

**THIS FILING IS SUBMITTED
 ON RECYCLED PAPER**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
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CONTROL OF EMISSIONS FROM) (Rulemaking – Air)
LARGE COMBUSTION SOURCES(MERCURY))

MOTION FOR EXPEDITED REVIEW

NOW COMES Proponent, the Illinois Environmental Protection Agency (“Illinois EPA”), by its attorney, and pursuant to 35 Ill. Adm. Code 101.512, respectfully submits this Motion for Expedited Review (“Motion”). In support of its Motion, the Illinois EPA states as follows:

1. On May 1, 2006, the Circuit Court for the Seventh Judicial Circuit of Sangamon County, Illinois, entered an Order granting the Plaintiffs' Dynegy Midwest Generation, Inc., Kincaid Generation, LLC, and Midwest Generation, LLC Motion for Preliminary Injunction.

2. Under the Circuit Court Order, the Illinois Pollution Control Board (Board) is enjoined from holding the scheduled hearings on May 8, June 5, and June 19, 2006, as set forth in the Hearing Officer's Order dated March 16, 2006.

3. Illinois is still obligated to file a State plan to control mercury emissions from coal-fired electric generating units with the United States Environmental Protection Agency (USEPA) by November 17, 2006.

4. For the reasons stated above, and due to the impending deadline of November 17, 2006, for the submission of a State plan to the USEPA, the regulations need to be adopted in an expedited manner.

5. In light of the foregoing, it is necessary to expedite review in this matter.

6. The Illinois EPA also requests that the hearing scheduled for June 5, 2006, be noticed as the requisite hearing in accordance with Section 102.410 of the Board's procedural rules.

7. As required by 35 Ill. Adm. Code Section 101.512, this Motion is accompanied by an Affirmation attesting that the facts cited herein are true.

WHEREFORE, for the reasons set forth above, the Illinois EPA respectfully requests that the Board grant this Motion and expedite review in this matter. Further, the Illinois EPA requests that the Board consider and act upon this Motion at its meeting scheduled for May 4, 2006.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: _____
Gina Roccaforte
Assistant Counsel
Division of Legal Counsel

DATED: May 2, 2006

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AFFIRMATION

I, Gina Roccaforte, under oath, hereby state and affirm that I am an Assistant Counsel for the Illinois EPA and the facts cited in the foregoing Motion for Expedited Review are true and correct to the best of my information and belief.

Gina Roccaforte
Assistant Counsel
Division of Legal Counsel

SUBSCRIBED AND SWORN TO BEFORE ME

This __day of _____, 2006

Notary Public

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON) SS
)

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served electronically the attached MOTION FOR EXPEDITED REVIEW, upon the following person:

Dorothy Gunn
Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601-3218

and mailing it by first-class mail from Springfield, Illinois, with sufficient postage affixed to the following persons:

SEE ATTACHED SERVICE LIST

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Gina Roccaforte
Assistant Counsel
Division of Legal Counsel

Dated: May 2, 2006

1021 North Grand Avenue East
Springfield, Illinois 62794-9276
(217) 782-5544

SERVICE LIST 06-25

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