

**ILLINOIS POLLUTION CONTROL BOARD**

**MIDWEST GENERATION EME, LLC**  
**Petitioner,**

**v.**

**ILLINOIS ENVIRONMENTAL**  
**PROTECTION AGENCY,**  
**Respondent.**

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**PCB 04-216**  
**(Trade Secret Appeal)**

**NOTICE OF FILING**

To: Illinois Pollution Control Board, Attn: Clerk  
100 West Randolph  
Suite 11-500  
Chicago, Illinois 60601  
  
Bradley Halloran  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph  
Suite 11-500  
Chicago, Illinois 60601

Paula Becker Wheeler  
Assistant Attorney General  
Office of the Attorney General  
69 West Washington  
Suite 1800  
Chicago, Illinois 60602

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board **Midwest Generation EME, LLC's Waiver of Deadline for Board Action**, a copy of which is herewith served upon you.

\_\_\_\_\_  
/s/ Bina Joshi  
Bina Joshi  
Schiff Hardin LLP  
6600 Sears Tower  
Chicago, IL 60606  
(312) 258-5500

Dated: May 22, 2009

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

Midwest Generation EME, LLC,	)	
	)	
Petitioner,	)	
	)	PCB No. 04-216
v.	)	(Trade Secret Appeal)
	)	
Illinois Environmental Protection Agency,	)	
	)	
Respondent.	)	

**MIDWEST GENERATION EME, LLC'S  
WAIVER OF DEADLINE FOR BOARD ACTION**

Pursuant to 35 Ill. Admin. Code §101.308(c)(2), Midwest Generation EME, LLC hereby waives the statutory decision deadline for Board action in the above-captioned matter from September 18, 2009 to March 19, 2010.

Respectfully submitted,

Midwest Generation EME, LLC

By: /s/ Bina Joshi

Mary A. Mullin  
Bina Joshi  
Schiff Hardin LLP  
6600 Sears Tower  
Chicago, IL 60606  
(312)258-5605

Attorneys for  
Midwest Generation EME, LLC

Dated: May 22, 2009

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that I have served the attached **Midwest Generation EME, LLC's Waiver of Deadline for Board Action**, by U.S. Mail, upon the following persons:

To: Illinois Pollution Control Board, attn: Clerk Paula Becker Wheeler  
100 West Randolph Assistant Attorney General  
Suite 11-500 Office of Attorney General  
Chicago, Illinois 60601 69 West Washington Street  
Suite 1800  
Brad Halloran Chicago, Illinois 60602  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph  
Suite 11-500  
Chicago, Illinois 60601

Dated: May 22, 2009

Respectfully submitted,

MIDWEST GENERATION EME, LLC

By: /s/ Bina Joshi

Bina Joshi  
SCHIFF HARDIN LLP  
6600 Sears Tower  
Chicago, Illinois 60606  
(312)258-5500

One of the Attorneys for  
Midwest Generation EME, LLC