

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

SIERRA CLUB, NATURAL )  
RESOURCES DEFENSE COUNCIL, )  
PRAIRIE RIVERS NETWORK, and )  
ENVIRONMENTAL LAW & POLICY )  
CENTER )

Petitioners, )

v. )

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY and )  
MIDWEST GENERATION, LLC )

Respondents. )

PCB 2015-189  
(Third Party NPDES Appeal)

**NOTICE OF ELECTRONIC FILING**

To: **Attached Service List**

PLEASE TAKE NOTICE that on October 6, 2015, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois *Motion for Extension of Time to File Dispositive Motion* on behalf of Sierra Club, Natural Resources Defense Council, Prairie Rivers Network, and Environmental Law & Policy Center, copies of which are served upon you along with this notice.

Respectfully Submitted,



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Jessica Dexter  
Staff Attorney  
Environmental Law and Policy Center  
35 East Wacker Drive, Ste. 1600  
Chicago, IL 60601  
312-795-3747

October 6, 2015

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

SIERRA CLUB, NATURAL	)	
RESOURCES DEFENSE COUNCIL,	)	
PRAIRIE RIVERS NETWORK, and	)	
ENVIRONMENTAL LAW & POLICY	)	
CENTER	)	
	)	
Petitioners,	)	
	)	
v.	)	PCB 2015-189
	)	(Third Party NPDES Appeal)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY and	)	
MIDWEST GENERATION, LLC	)	
	)	
Respondents.	)	
	)	

**MOTION FOR EXTENSION OF TIME TO FILE DISPOSITIVE MOTIONS**

Sierra Club, Natural Resources Defense Council, Prairie Rivers Network, and Environmental Law & Policy Center (collectively, “Petitioners”), pursuant to 35 Ill. Admin. Code §101.522, request the hearing officer to grant a two-week extension of time to file the initial dispositive motion in PCB2015-189. Respondents (Midwest Generation and Illinois Attorney General) do not oppose this extension and have agreed to the amended briefing schedule set forth below. If the hearing officer sees fit to grant this request, Midwest Generation has agreed to file a waiver extending the decision deadline to March 31, 2016.

The Illinois Pollution Control Board rules allow extensions of time to respond to motions for “good cause.” 35 Ill. Admin. Code §101.522. For the reasons stated below, there is good cause to extend the deadlines:

- 1) ELPC attorney Jessica Dexter participated in hearings in another forum over the course of the last two weeks that required substantially more time and active participation than

was anticipated, given her clients' ancillary interest in that case. Those hearings in addition to out-of-state meetings the previous week have resulted in nearly three solid weeks of business travel.

- 2) ELPC attorney Jessica Dexter must also by this Friday, October 9 respond to documents filed last Friday, October 2 in another Board proceeding, R14-10.
- 3) One of ELPC's legal assistants left unexpectedly on September 16, 2015 to take another position, leaving one legal assistant to cover all ELPC attorneys' administrative needs until another assistant is hired. Frankly, this means our attorneys are spending more time than usual handling administrative matters. This week, the remaining legal assistant is facing four filings, discovery responses and preparation of exhibits for an out-of-state hearing, leaving very limited resources available for finalizing the brief in this matter.
- 4) NRDC and Sierra Club attorneys are participating in an out-of-state meeting this week that prevents them from contributing resources to make up for the staffing shortfall.

Accordingly, Petitioners request a two-week extension to file the initial dispositive motion.

The remaining deadlines have been reviewed and adjusted by the parties to arrive at the following proposed schedule:

- October 22 – Petitioners' dispositive motion
- December 10 – Respondents' response to motion + cross motion
- January 21 – Petitioners' reply + response
- February 18 – Respondents' reply

Dated: October 5, 2015

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'JD', with a long horizontal flourish extending to the right.

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Jessica Dexter  
Staff Attorney  
Environmental Law and Policy Center  
35 East Wacker Drive, Ste. 1600  
Chicago, IL 60601  
312-795-3747

**CERTIFICATE OF SERVICE**

I, Jessica Dexter, hereby certify that I have filed the attached *Notice of Filing* and *Motion for Extension of Time to File Dispositive Motion* upon the service list below by depositing said documents in the United States Mail, postage prepaid in Chicago, Illinois on October 6, 2015.

Respectfully submitted,



Jessica Dexter  
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312-795-3747

October 6, 2015

**SERVICE LIST**

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