

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FLINT HILLS RESOURCES	)	
JOLIET, LLC,	)	
	)	PCB 2016-024
	)	
Petitioner,	)	(Variance -Water)
	)	
v.	)	
	)	
ILLINOIS ENVIRONMENTAL PROTECTION	)	
AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To:	John Therriault, Assistant Clerk	Brad Halloran, Hearing Officer
	Illinois Pollution Control Board	Illinois Pollution Control Board
	James R. Thompson Center	1021 North Grand Avenue East
	100 West Randolph, Suite 11-500	Post Office Box 19274
	Chicago, Illinois 60601	Springfield, IL 62794

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the MOTION FOR AN EXTENSION OF TIME TO FILE THE AGENCY’S RECOMMENDATION for the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: /s/Sara G. Terranova  
Sara G. Terranova  
Assistant Counsel  
Division of Legal Counsel

DATED: October 30, 2015

1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FLINT HILLS RESOURCES	)	
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ILLINOIS ENVIRONMENTAL PROTECTION	)	
AGENCY,	)	
	)	
Respondent.	)	

**MOTION FOR AN EXTENSION OF TIME TO FILE THE AGENCY'S  
RECOMMENDATION**

The Illinois Environmental Protection Agency ("Illinois EPA" or "Agency"), by and through its attorney, hereby submits its Motion for an Extension of Time to File the Agency's Recommendation with respect to the Variance Petition filed by Flint Hills Resources Joliet, LLC ("Petitioner"). In support thereof, the Illinois EPA states as follows:

1. On July 21, 2015, the Petitioner filed its Variance Petition from the thermal water quality standards recently adopted in R08-09.
2. Pursuant to 415 ILCS 5/37(a), "[T]he Agency shall make a recommendation to the Illinois Pollution Control Board ("Board") as to the disposition of the petition." 415 ILCS 5/37(a). The recommendation must be filed with the Board within 45 days after the filing of the petition. 35. Il Adm. Code 104.216(b).
3. Pursuant to the hearing officer Order issued on August 6, 2015, the Agency was to file its recommendation with the respect to the Variance Petition on September 4, 2015.

4. On August 20, 2015, the Agency filed a Motion for an Extension of Time to File the Agency's Recommendation requesting the Board grant the Agency an additional 60 days from the original September 4, 2015 deadline to file its recommendation with the Board.

5. Pursuant to the hearing officer Order issued on September 3, 2015, the Agency is to file its recommendation with respect to the Variance Petition on November 3, 2015.

6. On July 21, 2015, Midwest Generation, LLC ("Midwest Generation") filed a Variance Petition from the thermal water quality standards recently adopted by the Board in R08-09. On October 7, 2015, pursuant to 35 Ill. Adm. Code 106.1120, Midwest Generation submitted a "Conceptual Study Plan to Support Alternative Limits" ("Study Plan") to the Agency for its review. Illinois EPA is currently reviewing the Study Plan to determine what, if any, impact the Midwest Generation discharge will have on downstream point sources, including the Petitioner, located on the Lower Des Plaines River. Thus, the Agency is seeking additional time to make this determination.

7. The Agency has reached out to the Petitioner and they have advised Illinois EPA that they have no objection to the requested extension of time to file the Agency's recommendation. The Petitioner has also indicated that it is willing to file additional waivers of the statutory decision deadline as needed to accommodate the requested extension of time.

8. The requested extension should not prejudice or harm any interested party. WHEREFORE, the Illinois EPA respectfully requests the Illinois Pollution Control Board grant it's Motion for an Extension of Time for the Agency's Recommendation and grant the Agency an additional 180 days from the November 3, 2015 deadline to file its recommendation with the Board. Therefore, the Agency's recommendation would be due on May 2, 2016 (as May 1, 2016 is a Sunday).

Respectfully submitted,

Date: October 30, 2015

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

By: /s/Sara G. Terranova  
Sara G. Terranova  
Assistant Counsel  
Division of Legal Counsel

**CERTIFICATE OF SERVICE**

I, the undersigned, an attorney, state that I have served the attached the NOTICE OF FILING and MOTION FOR AN EXTENSION OF TIME TO FILE THE AGENCY'S RECOMMENDATION for the Illinois Environmental Protection Agency upon the person to whom it is directed, by mailing it by first-class mail from Springfield, Illinois, with sufficient postage affixed, to the following persons:

John Therriault, Assistant Clerk  
Brad Halloran, Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601-3218

Katherine D. Hodge  
Matthew C. Read  
Hodge Dwyer and Driver  
3150 Roland Avenue  
P.O. Box 5776  
Springfield, Illinois 62705

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: /s/ Sara Terranova  
Sara Terranova  
Assistant Counsel  
Division of Legal Counsel

DATED: October 30, 2015

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