BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS POWER GENERATING COMPANY (COFFEEN POWER STATION),)))
Petitioner,)
v.) PCB 18-82
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY	(NPDES Permit Appeal))
Respondent.))

NOTICE OF FILING

To: ALL PARTIES ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the attached **RESPONSE TO RESPONDENT'S**MOTION FOR EXTENSION OF TIME and WAIVER OF DECISION DEADLINE, copies of which are herewith served upon you.

Respectfully submitted,

/s/ Amy Antoniolli

Joshua R. More Amy Antoniolli SCHIFF HARDIN LLP 233 South Wacker Drive, Suite 7100 Chicago, Illinois 60606 312-258-5500 aantoniolli@schiffhardin.com

Dated: July 16, 2018

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS POWER GENERATING COMPANY (COFFEEN POWER STATION),)))
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY) PCB 18-82) (NPDES Permit Appeal)
Respondent.))

RESPONSE TO RESPONDENT'S MOTION FOR EXTENSION OF TIME

On June 13, 2018, Petitioner Illinois Power Generating Company ("IPGC") ("Petitioner"), pursuant to Section 40(a) of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/40(a)), and Section 105.200 *et seq.* of the Illinois Administrative Code (35 Ill. Adm. Code 105.200 *et seq.*), petitioned for review of Illinois Environmental Protection Agency's (IEPA) decision to reissue a National Pollutant Discharge Elimination System (NPDES) permit to Coffeen Power Station on May 10, 2018 (Permit No. IL0000108).

On July 12, 2018, respondent IEPA moved the Illinois Pollution Control Board (Board) for "an extension of time to respond to petition for review of IEPA NPDES permit decision" and indicated that it did not object to IPGC's request to operate under the 2018 modified permit. Petitioner IPGC responds as follows:

IPGC understands respondent's request as seeking an extension to file the record of decision and nothing else. Pursuant 35 Ill. Adm. Code 105.116 respondent has 30 days after the filing of the petition for review to file the record. The Illinois Administrative Code does not grant a right to file a "response" to a petition appealing an NPDES permit nor does it require such

"response" be served within 30 days of the filing of a petition. To the extent, respondent seeks the

right to respond to the petition, IPGC objects on the grounds that no such response is required.

Furthermore, to the extent respondent's motion is construed as seeking additional time to

respond to IPGC's request that the Board allow it to seek a discretionary stay of the challenged

permit condition at a later date, IPGC objects because it is well beyond the 14-day response period

provided by 35 Ill. Adm. Code 101.500(d). IEPA waived its right to obtain an extension to respond

to IPGC's motion that seeks to operate under the 2018 modified permit and preserves the ability

to request a discretionary stay of the challenged permit conditions at a later date.

IPGC does not object to respondent's request to extend the deadline to file the record of

decision.

Illinois Power Generating Company,

Respectfully submitted,

/s/ Amy Antoniolli

Amy Antoniolli

Dated: July 16, 2018

Amy Antoniolli

Joshua R. More

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS POWER GENERATING COMPANY (COFFEEN POWER STATION),	
Petitioner,	
v.	PCB 18-82
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY	(NPDES Permit Appeal)
Respondent.	

WAIVER OF DECISION DEADLINE

NOW COMES Petitioner Illinois Power Generating Company, by and through its attorneys, Schiff Hardin LLP, pursuant to 35 Ill. Adm. Code 101.308(c)(2), hereby agrees to a waiver of the decision deadline for final action by the Illinois Pollution Control Board ("Board") in this proceeding through January 17, 2019. In support of this waiver, Petitioner states as follows:

- On June 13, 2018, Petitioner filed a Petition for Review of IEPA NPDES Permit Decision and Motion to Stay.
- Illinois Power Generating Company challenges certain conditions of NPDES
 Permit No. IL0000108.
 - 3. The current deadline for this matter is October 11, 2018.
- 4. Petitioner hereby voluntarily agrees to a limited waiver of the decision deadline through January 17, 2019.

WHEREFORE, Petitioner Illinois Power Generating Company requests that the Illinois Pollution Control Board accept this waiver of the decision deadline for final action on the Petitioner's Petition for Review.

Respectfully submitted,

/s/ Amy Antoniolli

Illinois Power Generating Company Joshua R. More Amy Antoniolli SCHIFF HARDIN LLP 233 South Wacker Drive, Suite 7100 Chicago, Illinois 60606 312-258-5500 aantoniolli@schiffhardin.com

Dated: July 16, 2018

CERTIFICATE OF SERVICE

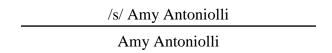
I, the undersigned, certify that on this 16th day of July, 2018:

I have electronically served a true and correct copy of the attached **RESPONSE TO RESPONDENT'S MOTION FOR EXTENSION OF TIME and WAIVER OF DECISION DEADLINE**, on behalf of Illinois Power Generating Company, upon the persons on the attached service list;

My e-mail address is aantoniolli@schiffhardin.com;

The number of pages in the e-mail transmission is 7.

The e-mail transmission took place before 5:00 p.m.



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