

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS POWER GENERATING COMPANY)
(COFFEEN POWER STATION),)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY)

PCB 18-082
(NPDES Permit Appeal)

Respondent.)

AGREED MOTION FOR AN EXTENSION OF TIME TO FILE THE RECORD

NOW COMES Respondent, the Illinois Environmental Protection Agency (the "Agency"), by and through its attorney, LISA MADIGAN, Attorney General of the State of Illinois, pursuant to Sections 101.522 and 105.116 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.522 and 105.116, hereby moves for an extension of time to file the administrative record in this matter, and in support thereof states as follows:

1. On June 13, 2018, Illinois Power Generating Company ("Petitioner") filed a Petition for Review of NPDES Permit Decision ("Petition") challenging a condition of its NPDES permit issued on May 10, 2018. In November of 2017, Petitioner sought modification by the Agency of the same NPDES permit condition.

2. On July 12, 2018, Respondent filed a Motion for Extension of Time to Respond to Petition for Review of IEPA NPDES Permit Decision and Response to Request to Operate under the 2018 Modified Permit ("July 12, 2018 Motion"), requesting an extension of time of 30 days, or until August 13, 2018, to respond to Petitioner's Petition.

3. Petitioner's November 2017 modification request is still under review by the Agency and, therefore, the Agency has not issued a final decision on Petitioner's modification request.

4. Once the Agency issues a final decision on Petitioner's November 2017 modification request addressing the challenged conditions to Petitioner's satisfaction, the parties expect Petitioner will voluntarily dismiss the Petition.

5. Therefore, good cause exists for extending the filing date of the administrative record. Both parties agree that the Agency's time and resources should be dedicated to reviewing Petitioner's November 2017 modification request.

6. Unless and until the Board grants Respondent's July 12, 2018 Motion, the deadline for Respondent to file the administrative record or otherwise respond was July 13, 2018.

7. The parties respectfully request an extension until November 12, 2018, to file the administrative record, if necessary.


8. Respondent's counsel has communicated this request for an extension of time to file the administrative record to the Petitioner's counsel and has been advised that Petitioner agrees to Respondent's request, as evidenced by the signature below, to extend the deadline for filing the administrative record in this matter to on or before November 12, 2018.

9. Petitioner filed a waiver of the decision deadline until January 17, 2019, and an extension of time to file the administrative record will not prejudice Petitioner or unduly delay this matter.

WHEREFORE, for the reasons set forth above, Respondent requests an extension of time until and including November 12, 2018 to file the administrative record.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

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Dated: July 24, 2018

CERTIFICATE OF SERVICE

I hereby certify that I did on July 24, 2018, caused to be served by electronic mail, a true and correct copy of the following instruments entitled NOTICE OF FILING and AGREED MOTION FOR AN EXTENSION OF TIME TO FILE THE RECORD upon the persons listed on the Service List.

s/ Lilia M. Brown
Lilia M. Brown
Administrative Clerk
Environmental Bureau

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Certificate of Service are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

s/ Lilia M. Brown
Lilia M. Brown
Administrative Clerk
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