

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

MIDWEST GENERATION, LLC, )  
WILL COUNTY GENERATING STATION )  
 )  
Petitioner, )  
 )  
v. )  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

PCB No. 2006-156  
(Permit Appeal - Air)

RECEIVED  
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JUN 02 2006  
STATE OF ILLINOIS  
Pollution Control Board

**NOTICE**

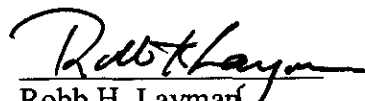
To: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Bradley P. Halloran  
Hearing Officer  
James R. Thompson Center,  
Suite 11-500  
100 West Randolph Street  
Chicago, Illinois 60601

Sheldon A. Zabel  
Kathleen C. Bassi  
Stephen J. Bonebrake  
Kavita M. Patel  
Schiff Hardin, LLP  
6600 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606

PLEASE TAKE NOTICE that I have today filed with the Hearing Officer the **MOTION FOR EXTENSION OF TIME TO FILE ADMINISTRATIVE RECORD** of the Respondent, Illinois Environmental Protection Agency, a copy of which is herewith served upon the Clerk of the Board and the attorneys for the Petitioner.

Respectfully submitted by,

  
Robb H. Layman  
Assistant Counsel

Dated: May 2, 2006  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 524-9137

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
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ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**MOTION FOR EXTENSION OF TIME TO FILE  
ADMINISTRATIVE RECORD**

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA” or “Respondent”), by and through its attorneys, and pursuant to 35 Ill. Adm. Code 105.116, files with the Hearing Officer this Motion for Extension of Time to File Administrative Record in this cause. In support of this Motion, the Respondent states as follows:

1. On March 3, 2006, the Illinois EPA granted a construction permit, Construction Permit No. 06020009, to the Petitioner, MIDWEST GENERATION, LLC, (hereinafter “Midwest Generation” or “Petitioner”) for the construction of new wet dust extractor control devices for the Unit 3 and Unit 4 coal bunkers at the Will County Generating Station located in Romeoville, Illinois.
2. On or about April 7, 2006, Petitioner filed a petition with the Pollution Control Board (“Board”) seeking an appeal of the Illinois EPA’s permitting decision. The Illinois EPA received an electronic version of the appeal on the same date. Formal notice of the appeal was served on the Illinois EPA on April 11, 2006.

3. In accordance with the Board's procedural requirements set forth in 35 Ill. Adm. Code 105.116, the Illinois EPA's administrative record of the permit application is to be filed with the Board within 30 days after filing of the petition for appeal. In the present case, the Illinois EPA's filing of the administrative record is due on Monday, May 8, 2006.

4. Due to the press of other matters and the undersigned attorney's compelled absence during much of the first week of May, the task of preparing the administrative record of permit application cannot be completed in advance of the filing date.

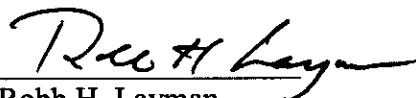
5. At this juncture, the undersigned attorney believes that an additional 14 days will be adequate to allow for the necessary preparation and copying of the administrative record in this cause. An extension of the filing period by this additional time will run the Illinois EPA's filing date to Monday, May 22, 2006.

6. Petitioner will not suffer any hardship or prejudice by the granting of this Motion.

**WHEREFORE**, the Illinois EPA requests that the Hearing Officer grant this Motion extending the time for the Illinois EPA to file the administrative record in this cause to Monday, May 22, 2006 or, in the alternative, order such other relief as is deemed just and appropriate.

Respectfully submitted by,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

  
Robb H. Layman  
Assistant Counsel

Dated: May 2, 2006  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 524-9137

**CERTIFICATE OF SERVICE**

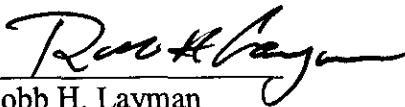
I hereby certify that on the 2<sup>nd</sup> day of May 2006, I did send, by both first class mail and facsimile, the following instrument entitled **MOTION FOR EXTENSION OF TIME TO FILE ADMINISTRATIVE RECORD** to:

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Bradley P. Halloran  
Hearing Officer  
James R. Thompson Center  
Suite 11-500  
100 West Randolph Street  
Chicago, Illinois 60601

and a true and correct copy of the same foregoing instrument, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, to:

Sheldon A. Zabel  
Kathleen C. Bassi  
Stephen J. Bonebrake  
Joshua R. More  
Kavita M. Patel  
Schiff Hardin, LLP  
6600 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606

  
Robb H. Layman  
Assistant Counsel