

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|---|---|--------------------|
| IN THE MATTER OF: |) | |
| |) | |
| PROPOSED NEW CLEAN AIR |) | |
| INTERSTATE RULES (CAIR) SO ₂ , NO _x |) | R06-26 |
| ANNUAL AND NO _x OZONE SEASON |) | (Rulemaking – Air) |
| TRADING PROGRAMS, 35 ILL. ADM. |) | |
| CODE 225, SUBPARTS A, C, D and E |) | |
| IN THE MATTER OF: |) | |

NOTICE

TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601-3218

SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board a MOTION FOR EXTENSION OF TIME TO FILE RESPONSE, MOTION FOR EXTENSION OF TIME TO FILE REPLY, and MOTION FOR EXTENSION OF TIME TO FILE WRITTEN COMMENTS, copies of which are herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: _____
John J. Kim
Managing Attorney
Air Regulatory Unit
Division of Legal Counsel

DATED: December 18, 2006

1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217.782.5544
217.782.9143 (TDD)

**THIS FILING IS SUBMITTED
ON RECYCLED PAPER**

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MOTION FOR EXTENSION OF TIME TO FILE RESPONSE

NOW COMES the Proponent, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (Illinois EPA), by its attorneys, and pursuant to 35 Ill. Adm. Code 101.500 and 101.522, and 102.402, moves that the Illinois Pollution Control Board (Board) extend the time by which a response is due to the Motion to Dismiss (Motion) filed by Participants Dynegy Midwest Generation, Inc., Midwest Generation, LLC, and Southern Illinois Power Cooperative (Participants, collectively). In support of its Motion, the Illinois EPA states as follows:

On December 4, 2006, the Illinois EPA received service of the Motion filed by the Participants. Pursuant to Section 101.500 of the Board's procedural rules, a response to the Motion is due on or before December 18, 2006.

Due to the nature of the arguments raised in the Motion, as well as the large amount of time spent recently by attorneys for the Illinois EPA on other matters directly related to this rulemaking, the Illinois EPA is seeking additional time by which its response to the Motion is due. Specifically, the Illinois EPA seeks a short extension of time up to December 22, 2006, by which it must file a response. This short period of time will not adversely prejudice the Petitioners nor impede the progress of the underlying rulemaking. The undersigned attorney has contacted counsel for the Participants, and they have no objection to this short extension of time.

WHEREFORE, for the reasons set forth above, the Illinois EPA respectfully moves that the Board grant an extension of time such that the Illinois EPA's response to the Motion filed by the Participants is due on or before December 22, 2006.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: _____
John J. Kim
Managing Attorney
Air Regulatory Unit
Division of Legal Counsel

DATED: December 18, 2006

1021 North Grand Avenue, East
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MOTION FOR EXTENSION OF TIME TO FILE REPLY

NOW COMES the Proponent, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (Illinois EPA), by its attorneys, and pursuant to 35 Ill. Adm. Code 101.500 and 101.522, and 102.402, moves that the Illinois Pollution Control Board (Board) extend the time by which a reply is due to the Response to the Motion to Amend Rulemaking Proposal (Response) filed by Participants Dynegy Midwest Generation, Inc., Midwest Generation, LLC, and Southern Illinois Power Cooperative (Petitioners, collectively). In support of this request, the Illinois EPA states as follows:

On December 11, 2006, the Illinois EPA received service of the Response filed by the Participants. The Illinois EPA had previously conveyed to the Hearing Officer that it would file its reply to the Response by no later than December 18, 2006, based upon the Hearing Officer's prior approval of the filing of such reply.

Due to the nature of the arguments raised in the Response, as well as continuing discussions concerning the content of the Response with counsel for the Participants, the Illinois EPA is seeking additional time by which its reply the Response is due. Specifically, the Illinois EPA seeks a short extension of time up to December 22, 2006, by which it must file a reply. This short period of time will not adversely prejudice the Petitioners nor impede the progress of the underlying rulemaking.

WHEREFORE, for the reasons set forth above, the Illinois EPA respectfully moves that the Board grant an extension of time such that the Illinois EPA's reply to the Response filed by the Petitioners is due on or before December 22, 2006.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: _____
John J. Kim
Managing Attorney
Air Regulatory Unit
Division of Legal Counsel

DATED: December 18, 2006

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MOTION FOR EXTENSION OF TIME TO WRITTEN COMMENTS

NOW COMES the Proponent, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (Illinois EPA), by its attorneys, and pursuant to 35 Ill. Adm. Code 101.500 and 101.522, and 102.402, moves that the Illinois Pollution Control Board (Board) extend the time by which Written Comments are due in this proceeding. In support of this request, the Illinois EPA states as follows:

On November 29, 2006, at the conclusion of the hearing held in this proceeding in Chicago, Illinois, the Board Hearing Officer ordered that Written Comments were due by December 22, 2006. This date was reached after off the record discussions between the Hearing Officer and the parties. It should be noted that counsel for several of the utility companies participating in this proceeding advocated for a later due date for the written comments.

Since that time, several factors have contributed to the Illinois EPA seeking this extension of time. Specifically, the Illinois EPA has received information from the United States Environmental Protection Agency related to this pending rulemaking that should be taken into consideration in the Written Comments, and the Illinois EPA recently completed successful discussions with one utility that may require additional review of the existing proposed rule language and more extensive comments than previously anticipated. For these reasons, the Illinois EPA is asking that the Board extend the time by which the Written Comments are due

until January 5, 2007. Although the Illinois EPA has not reached out to all participants in this rulemaking, presumably this request would apply to any party seeking to file a written or public comment with the Board. The undersigned counsel has discussed this request with counsel for Dynegy Midwest Generation, Inc., Midwest Generation LLC, and Southern Illinois Power Cooperative, and that counsel has indicated they have no objection to the request.

Given the overall benefit that should hopefully accrue from additional time to better prepare Written Comments for the Board's consideration, this relatively short period of time will not adversely prejudice any participants to the proceeding nor unduly impede the progress of the underlying rulemaking.

WHEREFORE, for the reasons set forth above, the Illinois EPA respectfully moves that the Board grant an extension of time such that Written Comments are due on or before January 5, 2007.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: _____
John J. Kim
Managing Attorney
Air Regulatory Unit
Division of Legal Counsel

DATED: December 18, 2006

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P.O. Box 19276
Springfield, Illinois 62794-9276
217.782.5544
217.782.9807 (Fax)

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)
)

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served electronically the attached MOTION FOR EXTENSION OF TIME TO FILE RESPONSE, MOTION FOR EXTENSION OF TIME TO FILE REPLY, and MOTION FOR EXTENSION OF TIME TO FILE WRITTEN COMMENTS, upon the following person:

Dorothy Gunn
Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

and mailing by first-class mail from Springfield, Illinois, with sufficient postage affixed to the following persons:

SEE ATTACHED SERVICE LIST

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

John J. Kim
Managing Attorney
Air Regulatory Unit
Division of Legal Counsel

Dated: December 18, 2006

Illinois Environmental Protection Agency
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217.782.5544
217.782.9807 (Fax)

SERVICE LIST
R06-26

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|---|---|
| <p>John Knittle, Hearing Officer Illinois Pollution Control Board James R. Thompson Center 100 West Randolph St., Suite 11-500 Chicago, IL 60601-3218</p> | <p>Matthew J. Dunn, Division Chief Office of Attorney General Environmental Bureau 188 W. Randolph, 20th Floor Chicago, IL 60601</p> |
| <p>Virginia Yang, Deputy Legal Counsel Illinois Dept. of Natural Resources One Natural Resources Way Springfield, IL 62702-1271</p> | <p>Keith I. Harley Chicago Legal Clinic 205 West Monroe Street, 4th Floor Chicago, IL 60606</p> |
| <p>James T. Harrington David L. Rieser Jeremy R. Hojnicky McGuire Woods LLP 77 West Wacker, Suite 4100 Chicago, IL 60601</p> | <p>William A. Murray Special Assistant Corporation Counsel Office of Public Utilities 800 East Monroe Springfield, IL 62757</p> |
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| <p>Daniel McDevitt Midwest Generation 440 S. LaSalle St., Suite 3500 Chicago, IL 60605</p> | <p>Bill S. Forcade Katherine M. Rahill JENNER & BLOCK, LLP One IBM Plaza Chicago, IL 60611</p> |

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| <p>James H. Russell Winston & Strawn, LLP 35 W. Wacker Drive, 40th Floor Chicago, IL 60601</p> | |
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