

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SOUTHERN ILLINOIS POWER,)	
COOPERATIVE,)	
)	AS 14-1
Petitioner,)	(Water)
)	
v.)	
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY)	
)	
Respondent.)	

NOTICE OF FILING

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board the Illinois Environmental Protection Agency's MOTION FOR EXTENSION OF TIME TO FILE A RESPONSIVE PLEADING, and APPEARANCE for the above-captioned proceeding, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/Joanne M. Olson
Joanne M. Olson
Assistant Counsel
Division of Legal Counsel

DATED: January 15, 2014

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

THIS FILING IS SUBMITTED ELECTRONICALLY AND SERVED ON RECYCLED PAPER.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SOUTHERN ILLINOIS POWER,)	
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ILLINOIS ENVIRONMENTAL)	
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MOTION FOR EXTENSION OF TIME TO FILE A RESPONSIVE PLEADING

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA" or "Agency"), by and through its counsel, and pursuant to 35 Ill. Adm. Code 101.522, hereby requests the Hearing Officer to grant the Illinois EPA 45 days from the Board's acceptance of the Petition to file a responsive pleading in the above captioned proceedings. In support therefore, the following statements are made:

1. Southern Illinois Power, Cooperative ("Petitioner" or "SIPC") filed a Petition for Alternative Thermal Effluent Standards ("Petition") on December 12, 2013. SIPC anticipated this case would have a PCB docket number. See 35 Ill. Adm. Code 101.ILLUSTRATION A.
2. The Illinois Pollution Control Board ("Board") received the Petition on December 12, 2013, and crossed out the "PCB" docket number and inserted an adjusted standard ("AS") docket number, AS 14-1. See 35 Ill. Adm. Code 101.ILLUSTRATION D.
3. On December 19, 2013, the Board included the Petition on its Agenda, but held the Petition without action.
4. On January 9, 2014, the Board included the Petition on its Agenda, but again held the Petition without action.

5. In a Board note to 35 Ill. Adm. Code 101.ILLUSTRATION D, the Board states: “The Board will also be designating its opinion and orders with the type of case and media involved in the matter.” The Board has not issued an order or opinion in the above captioned case.

6. The Agency is unsure whether this is an adjusted standard proceeding or an alternative thermal effluent limitation proceeding. Procedural rules for adjusted standards are found in Part 104, subpart D; procedural rules for alternative thermal effluent limitations have not yet been adopted. See R13-20.

7. The burden of proof to obtain an adjusted standard is different than the burden of proof to obtain an alternative thermal effluent limitation. See 35 Ill. Adm. Code 104.426; 33 U.S.C. §1326. The Agency cannot file a responsive pleading because the Petitioner’s burden of proof is unclear.

8. Additionally, the Agency is unsure whether the procedural requirements found in Part 104 are applicable to this proceeding. If yes, the petitioner is required to file a Notice of Publication pursuant to 35 Ill. Adm. Code 104.408, and the Agency is required to file a recommendation within 45 days of the date the petition was filed pursuant to 35 Ill. Adm. Code 104.416. If the procedural requirements in 35 Ill. Adm. Code 104.416 are applicable, the Illinois EPA’s recommendation is due on January 27, 2014.

10. The Illinois EPA would like 45 days from the date the Board accepts this Petition for hearing to file a responsive pleading.

11. The Petitioner has no objection to the Agency’s request.

WHEREFORE, for the reasons stated herein, Illinois EPA respectfully recommends that the Hearing Officer grant Illinois EPA's MOTION FOR EXTENSION OF TIME TO FILE A RESPONSIVE PLEADING.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/Joanne M. Olson
Joanne M. Olson
Assistant Counsel
Division of Legal Counsel

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APPEARANCE

The undersigned hereby enters her appearance as an attorney on behalf of the Illinois Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/Joanne M. Olson
Joanne M. Olson
Assistant Counsel
Division of Legal Counsel

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P.O. Box 19276
Springfield, IL 62794-9276
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CERTIFICATE OF SERVICE

Joanne M. Olson, Assistant Counsel for the Illinois EPA, herein certifies that she has served a copy of the foregoing NOTICE OF FILING, MOTION FOR EXTENSION OF TIME TO FILE A RESPONSIVE PLEADING, and APPEARANCE upon:

Amy Antonioli
6600 Willis Tower
233 South Wacker Drive
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Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

by mailing a true copy thereof in an envelope duly addressed bearing proper first class postage and deposited in the United States mail at Springfield, Illinois on January 14, 2014

By: /s/Joanne M. Olson
Joanne M. Olson