

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF:	)	
	)	AS 2021-001
Petition of Midwest Generation	)	
for an Adjusted Standard from 845.740(a)	)	
and Finding of Inapplicability of Part 845	)	(Adjusted Standard)
(Joliet 29 Station)	)	

To: See attached service list.

**NOTICE OF ELECTRONIC FILING**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Illinois Environmental Protection Agency's Motion for Extension of Time, a copy of which is herewith served upon you.

Respectfully submitted,

Dated: September 22, 2021

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Christine Zeivel, #6298033  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
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[Christine.Zeivel@Illinois.Gov](mailto:Christine.Zeivel@Illinois.Gov)

Respondent,

BY: /s/Christine Zeivel  
Christine Zeivel

**THIS FILING IS SUBMITTED ELECTRONICALLY**

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ILLINOIS POLLUTION CONTROL BOARD

Bradley Halloran, Hearing Officer

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**MOTION FOR EXTENSION OF TIME**

The Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by and through its attorney, hereby submits its Motion for Extension of Time and requests a 60-day extension of time, up to and including November 22, 2021, to file its recommendation concerning Midwest Generation LLC’s request for an Adjusted Standard from 35 Ill. Adm. Code 845.740(a) stating as follows:

1. On May 11, 2021, Midwest Generation, LLC (“MWG” or “Petitioner”) filed its Petition for an Adjusted Standard from 845.740(a) and Finding of Inapplicability of Part 845.
2. Illinois EPA’s recommendation must be filed with the Illinois Pollution Control Board (“Board”) within 45 days after the filing of the petition, *i.e.*, by June 25, 2021. 35 Ill. Adm. Code. 104.416.
3. On May 11, 2021, eight petitions for adjusted standards and three petitions for variances were filed with the Board concerning Part 845. Many of these petitions seek adjusted standards or variances for multiple coal combustion residual (“CCR”) surface impoundments.
4. On June 16, 2021, the Board granted Illinois EPA’s motion for extension of time to file the Agency’s recommendation on the Petition and ordered Illinois EPA’s recommendation due on September 23, 2021.

5. The Petition contains requests specific to three CCR surface impoundments located at the Joliet 29 station: Pond 1, Pond 2, and Pond 3. For Pond 2, Petitioner requests that the Board grant it an adjusted standard to the liner requirements specific to closure by removal contained in 35 Ill. Adm. Code 845.740(a). For Pond 1 and Pond 3, Petitioner requests that the Board find Part 845 inapplicable because Pond 1 and Pond 3 do not meet the definition of CCR surface impoundments.

6. Illinois EPA has been working diligently to evaluate and complete its recommendations for all the Part 845 petitions, including Petitioner's requests as contained in the Petition.

7. Illinois EPA has timely filed its recommendation specific to Pond 1 and Pond 3. However, the Agency requires more time to formulate its recommendation specific to the request for adjusted standard for Pond 2.

8. Illinois EPA requests the Board extend the deadline to file its recommendation concerning MWG's request for an adjusted standard from 35 Ill. Admin. Code 845.740(a) to November 22, 2021.

9. Counsel for the Agency contacted Petitioner's counsel, who indicated they have no objection to the requested extension of time.

WHEREFORE, Illinois EPA requests the Board grant its Motion for Extension of Time and grant the Agency an additional sixty (60) days, up to and including November 22, 2021, to file with the Board its recommendation specific to Pond 2.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent,

/s/ Christine Zeivel

Christine Zeivel, #6298033

Division of Legal Counsel

Illinois Environmental Protection Agency

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**THIS FILING IS SUBMITTED ELECTRONICALLY**

**CERTIFICATE OF SERVICE**

I, the undersigned, on affirmation certify the following:

That I have served the attached **MOTION FOR EXTENSION OF TIME** by e-mail upon the following:

Susan M. Franzetti	<a href="mailto:sf@nijmanfranzetti.com">sf@nijmanfranzetti.com</a>
Kristen Laughridge Gale	<a href="mailto:kg@nijmanfranzetti.com">kg@nijmanfranzetti.com</a>
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Don Brown	<a href="mailto:Don.Brown@illinois.gov">Don.Brown@illinois.gov</a>

That I have served the attached **MOTION FOR EXTENSION OF TIME** upon any other persons, if any, listed on the Service List, by placing a true copy in an envelope duly address bearing proper first-class postage in the United States mail at Springfield, Illinois on September 22, 2021.

That my e-mail address is [Christine.Zeivel@Illinois.gov](mailto:Christine.Zeivel@Illinois.gov).

That the number of pages in the e-mail transmission is six (6).

That the e-mail transmission took place before 4:30 p.m. on the date of September 22, 2021.

/s/Christine Zeivel  
September 22, 2021