

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: December 21, 2021

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Christine Zeivel, #6298033
Division of Legal Counsel
Illinois Environmental Protection Agency
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Respondent,

BY: /s/Christine Zeivel
Christine Zeivel

THIS FILING IS SUBMITTED ELECTRONICALLY

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ILLINOIS POLLUTION CONTROL BOARD

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| (Joliet 29 Station) |) | |

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 30-day extension of time, up to and including Friday, January 21, 2022, 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 (“Petitioner”) filed its Petition for an Adjusted Standard from Section 845.740(a) and Finding of Inapplicability of Part 845.
2. The Petition contains requests specific to three coal combustion residual (“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.
3. On June 3, 2021, the Board granted Illinois EPA’s extension of time to file the Agency’s Recommendation on the Petition and ordered the Agency Recommendation due on September 23, 2021.

4. On September 22, 2021, Illinois EPA filed its Recommendation to the Board regarding Petitioner's request to find Part 845 inapplicable to Pond 1 and Pond 3 at the Joliet 29 Station. Simultaneous with its Recommendation, Illinois EPA filed a Motion for Extension for its Recommendation regarding Petitioner's request for adjusted standard from 35 Ill. Adm. Code § 845.740(a) for Pond 2.

5. On September 30, 2021, the Board granted Illinois EPA's extension of time to file the Agency's Recommendation for Pond 2 and ordered the Agency Recommendation due on November 22, 2021. Upon Agency request and without objection, the Board again granted Illinois EPA an extension of time to file its Recommendation for Pond 2 until December 22, 2021.

6. Since that time, Illinois EPA and Petitioner have continued to meet and discuss the merits of the Petition, and Petitioner has provided the Agency several technical documents for further review and consideration.

7. Illinois EPA believes that the additional information obtained from ongoing discussions between Illinois EPA and Petitioner will result in a more robust and accurate Agency Recommendation to the Board.

8. To allow the Agency sufficient time to review the relevant facts and documents, Illinois EPA requests the Board extend the deadline to file its Recommendation concerning MWG's request for an adjusted standard from 35 Ill. Adm. Code § 845.740(a) to January 21, 2022.

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 thirty (30) days, up to and including January 21, 2022, 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 | sf@nijmanfranzetti.com |
| Kristen Laughridge Gale | kg@nijmanfranzetti.com |
| Molly H. Snittner | ms@nijmanfranzetti.com |
| Bradley Halloran | Brad.Halloran@illinois.gov |
| Don Brown | Don.Brown@illinois.gov |

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 December 21, 2021.

That my e-mail address is 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 4:30p.m. on the date of December 21, 2021.

/s/Christine Zeivel
December 21, 2021