#### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DYNEGY MIDWEST	)
GENERATION, LLC,	)
	)
	)
Petitioner,	)
	)
V.	)
	) PCB 2024-053
ILLINOIS ENVIRONMENTAL	) (Petition for Review – Alternative
PROTECTION AGENCY,	) Source Demonstration)
	)
Respondent.	)

## **NOTICE OF FILING**

To: See Attached Service List (Via Electronic Filing)

PLEASE TAKE NOTICE that the undersigned filed today with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following MOTION FOR EXTENSION OF TIME TO FILE THE RECORD, copies of which are attached hereto and hereby served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: /s/Samuel Henderson
Samuel Henderson, #6336028
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 720-9820
samuel.henderson@ilag.gov

Dated: February 16, 2024

### **SERVICE LIST**

Joshua R. More
Bina Joshi
Samuel A. Rasche
ARENTFOX SCHIFF LLP
233 South Wacker Drive, Suite 7100
Chicago, Illinois 60606
Joshua.More@afslaw.com
Bina.Joshi@afslaw.com
Sam.Rasche@afslaw.com

Carol Webb Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue East P.O. Box 19274 Springfield, IL 62794-9274 carol.webb@illinois.gov

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on February 16, 2024, before 5:00 PM, he caused to be served by electronic mail, a true and correct copy of the following instruments entitled <u>Notice of Filing and Motion for Extension of Time to File the Record</u> to:

Joshua R. More
Bina Joshi
Samuel A. Rasche
ARENTFOX SCHIFF LLP
233 South Wacker Drive, Suite 7100
Chicago, Illinois 60606
Joshua.More@afslaw.com
Bina.Joshi@afslaw.com
Sam.Rasche@afslaw.com

Carol Webb Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue East P.O. Box 19274 Springfield, IL 62794-9274 carol.webb@illinois.gov

This email transmission contains 5 pages.

/s/ Samuel Henderson
Samuel Henderson
Assistant Attorney General
Environmental Bureau
samuel.henderson@ilag.gov

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Certificate of Service are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/Samuel Henderson
Assistant Attorney General
Environmental Bureau

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#### MOTION FOR EXTENSION OF TIME TO FILE THE RECORD

NOW COMES Respondent, the Illinois Environmental Protection Agency, by and through its attorney, KWAME RAOUL, Attorney General of the State of Illinois, and hereby moves for an extension of time to file the administrative record in this matter pursuant to Sections 101.522 and 105.116 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.522 and 105.116. In support thereof, Respondent states as follows:

- 1. On February 2, 2024, Dynegy Midwest Generation, LLC ("Petitioner") filed a Petition for Review of Illinois Environmental Protection Agency's Non-Concurrence with Alternative Source Demonstration Under 35 Ill. Adm. Code Part 845 and Motion for Stay, challenging Respondent's non-concurrence with Petitioner's Alternative Source Determination, which Respondent issued to Petitioner on December 28, 2023.
  - 2. Respondent has no objection to Petitioner's requested stay.
- 3. Pursuant to Section 105.116(a) of the Board's regulations, 35 Ill. Adm. Code 105.116(a), and the Board's Order of February 15, 2024 in this case, Illinois EPA must file the administrative record by March 18, 2024.

4. Illinois EPA personnel involved in preparing the record have been working

diligently, but certain personnel changes have impacted the compiling of the record. Therefore,

additional time is needed to compile and file the administrative record.

5. Respondent respectfully requests additional time until May 8, 2024 in order to file

the record.

6. Counsel for Petitioner does not object to Respondent's request.

7. Respondent's request for additional time is for good cause and will not prejudice

Petitioner or unduly delay this matter.

WHEREFORE, for the reasons set forth above, Respondent Illinois EPA requests an

extension of time until and including May 8, 2024 to file the administrative record.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: /s/Samuel Henderson

Samuel Henderson, #6336028

Assistant Attorney General

Environmental Bureau

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Springfield, Illinois 62706

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Dated: February 16, 2024