

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MIDWEST GENERATION, LLC,)	
)	PCB 25-4
Petitioner)	Permit Appeal (Land, CCR)
v.)	
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent)	

NOTICE OF FILING

To: See attached Service List

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board Petitioner Midwest Generation, LLC's Open Waiver of Decision Deadline, a copy of which is herewith served upon you.

Dated: February 11, 2025

MIDWEST GENERATION, LLC

By: /s/ Kristen L. Gale

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing and Petitioner Midwest Generation, LLC's Open Waiver of Decision Deadline was electronically filed on February 11, 2025 with the following:

Don Brown, Clerk of the Board
Illinois Pollution Control Board
60 E. Van Buren Street, Suite 630
Chicago, IL 60605
don.brown@illinois.gov

and that copies were sent via e-mail on February 11, 2025 to the parties on the service list.

Dated: February 11, 2025

/s/ Kristen L. Gale

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OPEN WAIVER OF DECISION DEADLINE

Petitioner, Midwest Generation, LLC, by and through its attorneys, Nijman Franzetti LLP, pursuant to 35 Ill. Admin. Code §101.308(c)(1), hereby agrees to an open waiver of the statutory 120-day decision deadline for final action by the Illinois Pollution Control Board (“Board”) in the above-referenced proceeding. In support, the Petitioner states as follows:

1. In a final decision on July 3, 2024, the Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”) issued to Petitioner Coal Combustion Residual (“CCR”) Surface Impoundment Operating Permit No. 2024-CO-100029 authorizing operation of the Ash Surge Basin (W1798010008-01), the Metal Cleaning Basin (W1798010008-03), the Ash Bypass Basin (W1798010008-04), and the Former Ash Basin (W1798010008-05) in accordance with 35 Illinois Administrative Code Part 845 (“Permit”).
2. On November 6, 2024, Petitioner filed an Appeal and Request for Partial Stay of certain conditions contained in the Permit.
3. On November 21, 2024, the Board accepted Petitioner’s Petition for hearing.
4. On November 26, 2024, Petitioner filed a Waiver of Decision Deadline (to June 4, 2025) and Second Waiver of Decision Deadline (to June 6, 2025).

5. On November 26, 2024, the Agency's deadline for filing the administrative record was extended to February 6, 2025.

6. On December 19, 2024, the Board granted Petitioner's Request for Partial Stay.

7. On February 6, 2025, the Agency was granted an additional extension of time, to April 8, 2025, to file the administrative record.

8. Petitioner and the Agency are currently involved in discussions which may lead to the resolution of this matter and also may need to conduct written and oral discovery.

9. To allow for time to conduct discovery and settlement discussions, Petitioner hereby voluntarily agrees to an open waiver of the statutory 120-day decision deadline.

WHEREFORE, Petitioner, Midwest Generation, LLC, requests that the Board accept this open waiver of the statutory 120-day decision deadline on Petitioner's Appeal of its CCR Surface Impoundment Operating Permit.

Dated: February 11, 2025

Respectfully submitted,
Midwest Generation, LLC

By: /s/ Kristen L. Gale
One of Its attorneys

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