

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) AS 2024-006
PETITION OF MIDWEST GENERATION)
FOR AN ADJUSTED STANDARD FROM) (Adjusted Standard – Air)
35 Ill. Admin. Code Parts 201 and 212)

NOTICE OF FILING

To:

Don Brown
Carol Webb
Pollution Control Board
100 West Randolph Street
James R. Thompson Center
Suite 11-500
Chicago, Illinois 60601-3218

Dana Vetterhoffer
Samuel A. Torrence
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

PLEASE TAKE NOTICE that on this day, the 23rd day of April, 2025, I caused to be filed with the Clerk of the Illinois Pollution Control Board **MIDWEST GENERATION'S STATUS REPORT AND MOTION TO EXTEND STAY OF PROCEEDINGS**, copies of which are herewith served upon you.

Dated: April 23, 2025

Respectfully submitted,

Midwest Generation, LLC

/s/ Samuel A. Rasche
One of its Attorneys

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 23rd Day of April, 2025: I have electronically served a true and correct copy of Midwest Generation’s Status Report and Motion to Extend Stay of Proceedings by electronically filing with the Clerk of the Illinois Pollution Control Board and by e-mail upon the following persons:

Don Brown
Carol Webb
Pollution Control Board
100 West Randolph Street
James R. Thompson Center
Suite 11-500
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Dana Vetterhoffer
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My e-mail address is Sam.Rasche@afslaw.com.

The number of pages in the e-mail transmission is 7.

The e-mail transmission took place before 5:00 p.m.

 /s/ *Samuel A. Rasche*

Attorney for Midwest Generation

Dated: April 23, 2025

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**MIDWEST GENERATION’S STATUS REPORT AND
MOTION TO EXTEND STAY OF PROCEEDINGS**

NOW COMES Midwest Generation, LLC (“Midwest Generation”), by and through its attorneys, ArentFox Schiff LLP, and, pursuant to 35 Ill. Adm. Code § 101.502 and 101.514, provides this Status Report and Motion to Extend Stay of Proceedings. Midwest Generation requests that the Hearing Officer extend the stay in this proceeding until the United States Environmental Protection Agency (“USEPA”) approves the amendments to 35 Ill. Adm. Code Section 212.214 adopted by the Illinois Pollution Control Board (“Board”) in the rulemaking proceeding in Docket No. R 23-18(A) as a revision to the Illinois State Implementation Plan (“SIP”).

Status Report

1. On October 31, 2024, Midwest Generation filed a Status Report and Motion to Extend Stay of Proceedings in this matter pending USEPA’s approval of the amendments adopted in rulemaking docket R23-18(A). *Midwest Generation’s Status Report and Motion to Extend Stay of Proceedings*, AS 24-06 (Oct. 31, 2024). In that Motion, Midwest Generation explained that while Midwest Generation anticipates that USEPA will ultimately approve the rule amendments adopted by the Board in R23-18(A), keeping this proceeding open and stayed would allow Midwest Generation to retain the ability to pursue its Petition for Adjusted Standard if USEPA ultimately disapproves the rule amendments that are applicable to Midwest Generation’s Powerton Generating Station as a revision to the Illinois SIP. *Id.* at 2.

2. The Illinois Environmental Protection Agency (“IEPA” or the “Agency”) did not object to the stay, and the Hearing Officer granted a stay of proceedings until April 30, 2025. *Hearing Officer Order*, AS 24-06 (Nov. 4, 2024).

3. To date, USEPA has not approved the rule amendments adopted by the Board in R23-18(A). Counsel for IEPA has informed Midwest Generation that IEPA is still in the process of preparing a SIP submittal relating to those rule amendments for public notice, and that, once the public and notice period ends, IEPA will send a SIP submittal to USEPA for approval.

Request to Extend Stay

4. Midwest Generation requests that the Hearing Officer extend the stay in this proceeding for an additional six months. While IEPA is progressing towards requesting USEPA approval of the rule amendments, circumstances have not meaningfully changed since the Board granted a stay in November 2024.

5. Once USEPA formally approves or disapproves the amendments adopted by the Board in R23-18(A), Midwest Generation will have clarity on whether the relief sought in this proceeding is necessary. However, the timeline for USEPA’s decision making is unknown. Recognizing the Board’s preference against indefinite stays, Midwest Generation requests that the Hearing Officer stay proceedings for an additional six months, at the end of which Midwest Generation will provide an update on the SIP approval process and request further stay if necessary.

6. Counsel for Midwest Generation has consulted with counsel for the Agency, and the Agency does not object to an extension of the stay.

WHEREFORE, for the reasons set forth above, Midwest Generation respectfully requests that the Hearing Officer grant this Motion to Extend Stay of Proceedings for six months.

Respectfully submitted,

Midwest Generation, LLC

By: /s/ Samuel A. Rasche

One of its Attorneys

Dated: April 23, 2025

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