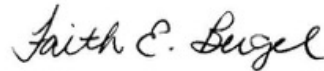


BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

In the Matter of:)
)
SIERRA CLUB, ENVIRONMENTAL)
LAW AND POLICY CENTER,)
PRAIRIE RIVERS NETWORK, and)
CITIZENS AGAINST RUINING THE)
ENVIRONMENT)
) PCB No-2013-015
Complainants,) (Enforcement – Water)
)
v.)
)
MIDWEST GENERATION, LLC,)
)
Respondents)

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that I have filed the following Agreed Motion to Extend the Deadline to Appeal the Hearing Officer's Orders in the above-captioned case today, copies of which are hereby served upon you.



Faith E. Bugel
Attorney at Law
1004 Mohawk Rd.
Wilmette, IL 60091
Ph. (312) 282-9119
ARDC No: 6255685

Dated: May 24, 2023

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|------------------------------|---|-----------------------|
| In the Matter of: |) | |
| |) | |
| SIERRA CLUB, ENVIRONMENTAL |) | |
| LAW AND POLICY CENTER, |) | |
| PRAIRIE RIVERS NETWORK, and |) | |
| CITIZENS AGAINST RUINING THE |) | |
| ENVIRONMENT |) | |
| |) | PCB No-2013-015 |
| Complainants, |) | (Enforcement – Water) |
| |) | |
| v. |) | |
| |) | |
| MIDWEST GENERATION, LLC, |) | |
| |) | |
| Respondents |) | |

**AGREED MOTION TO EXTEND THE DEADLINE TO
APPEAL THE HEARING OFFICER'S ORDERS**

Pursuant to 35 Ill. Admin. Code § 101.518, the Sierra Club, Environmental Law & Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment (“Complainants”) and Midwest Generation, LLC, (“Respondent”) request that that the Hearing Officer enter an Order granting their Motion to Extend the Deadline to Appeal the Hearing Officer’s Orders because the current deadlines overlap and conflict with the next hearing scheduled in this matter for June 12-16, 2023. Extending the deadline will not prejudice either of the Complainants or Respondent (collectively, the “Parties”). Extending the deadline will also not inconvenience or burden the Board. In support of their motion, the Parties state as follows:

1. The first set of hearings on remedy in this matter took place on May 15 through 19, 2023. The second set of hearings on remedy are scheduled for June 12 through 16, 2023.

2. PCB Rule § 101.518 provides that “if the hearing officer makes the ruling on the record at hearing, any motion for interlocutory appeal must be filed within 14 days after the Board receives the hearing transcript.” 35 Ill. Admin. Code § 101.518 (*in part*)

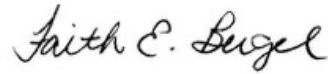
3. Depending upon when transcripts are completed, it is likely that motions for interlocutory appeals of Hearing Officer Halloran’s rulings that were rendered on the record at the hearings on May 15-19, 2023 will be due during the time-period when the second set of hearings on remedy are taking place on June 12-16, 2023. Further, the co-occurrence of hearing and motions for interlocutory appeals would eat into the time that the non-moving party would have to respond.

4. Neither party is prejudiced by this motion because both the movant and the non-movant will benefit from the additional time to file motions for interlocutory appeal and/or responses to motions for interlocutory appeal. Both parties will also benefit from focusing their undivided attention on the June 12th-16th hearing.

5. The Parties have agreed to extending the deadline for interlocutory appeals to 21 days after the Board receives the last hearing transcript from the second set of hearings scheduled for June 12-16.

WHEREFORE, the Parties respectfully request that the Hearing Officer grant the Parties' Agreed Motion to Extend the Deadline to Appeal the Hearing Officer's Order.

Respectfully submitted,



Faith E. Bugel
1004 Mohawk Rd.
Wilmette, IL 60091
fbugel@gmail.com
Attorney for Sierra Club

Keith Harley
Chicago Legal Clinic, Inc.
211 W. Wacker, Suite 750
Chicago, IL 60606
KHarley@kentlaw.iit.edu

Attorney for CARE

Albert Ettinger
Law Firm of Albert Ettinger
7100 N. Greenview
Chicago, IL 60606
ettinger.albert@gmail.com

Attorney for ELPC

Gregory E. Wannier
Megan Wachspress
2101 Webster St., Ste. 1300
Oakland, CA 94612
Greg.Wannier@sierraclub.org
megan.wachspress@sierraclub.org

Attorneys for Sierra Club

Abel Russ Attorney
Environmental Integrity Project
1000 Vermont Avenue NW
Washington, DC 20005
Aruss@environmentalintegrity.org

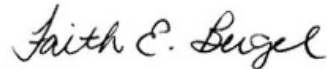
Attorney for Prairie Rivers Network

Dated: May 24, 2023

CERTIFICATE OF SERVICE

The undersigned, Faith E. Bugel, an attorney, certifies that I have served electronically upon the Clerk and by email upon the individuals named on the attached Service List a true and correct copy of the **AGREED MOTION TO EXTEND THE DEADLINE TO APPEAL THE HEARING OFFICER'S ORDERS** before 5 p.m. Central Time on May 24, 2023, to the email addresses of the parties on the attached Service List. The entire filing package, including exhibits, is 6 pages.

Respectfully submitted,



Faith E. Bugel
1004 Mohawk
Wilmette, IL 60091
fbugel@gmail.com

PCB 2013-015 SERVICE LIST:

Cantrell Jones
Environmental Law and Policy Center
35 E. Wacker Dr., Suite 1600
Chicago, IL 60601
(312) 673-6500
cjones@elpc.org

Keith I. Harley
Greater Chicago Legal Clinic, Inc.
211 West Wacker Drive, Suite 750
Chicago, IL 60606
(312) 726-2938
kharley@kentlaw.edu

Abel Russ
Environmental Integrity Project
1000 Vermont Ave. NW, Suite 1100
Washington, DC 20005
(202) 263-4453
aruss@environmentalintegrity.org

Jennifer T. Nijman
Kristen Laughridge Gale
Nijman Franzetti LLP
10 South LaSalle St., Suite 3400
Chicago, IL 60603
(312) 251-5250
jn@nijmanfranzetti.com
kg@nijmanfranzetti.com

James M. Morphew
Sorling Northrup
1 North Old State Capitol Plaza, Suite 200
P.O. Box 5131
Springfield, IL 62705
(217) 544-1144
jmmorphew@sorlinglaw.com

Don Brown – Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601k
(312) 814-3620
Don.brown@illinois.gov

Electronic Filing: Received, Clerk's Office 05/24/2023

Brad Halloran, Hearing Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601k
(312) 814-3620
Brad.halloran@illinois.gov

Albert Ettinger
Law Firm of Albert Ettinger
7100 N. Greenview
Chicago, IL 60606
(773) 818-4825
Ettinger.albert@gmail.com

Melissa S. Brown
Hepler Broom LLC
4340 Acer Grove Drive
Springfield, IL 62711
(217) 523-4900
Melissa.brown@heplerbroom.com

Gregory E. Wannier
Megan Wachspress
2101 Webster St., Ste. 1300
Oakland, CA 94612
(415) 977-5646
Greg.Wannier@sierraclub.org
megan.wachspress@sierraclub.org

May 24, 2023