

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|---------------------------------|---|---------------------|
| MIDWEST GENERATION, LLC, |) | |
| |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | |
| |) | PCB 2025-003 |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| 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 AN 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
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Dated: February 3, 2025

SERVICE LIST

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 3, 2025, before 5:00 PM, he caused to be served by electronic mail, a true and correct copy of the following instruments entitled Notice of Filing and Motion for An Extension of Time to File the Record to:

Susan M. Franzetti
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Attorneys for Petitioner

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Hearing Officer
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This email transmission contains 5 pages.

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

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 AN EXTENSION OF TIME
TO FILE THE RECORD

1. On November 6, 2024, Midwest Generation, LLC (“Petitioner”) filed a Appeal of CCR Surface Impoundment Retrofit Construction Permit and Request for Partial Stay, challenging the conditions of a permit that Illinois EPA (“Respondent”) issued to Petitioner on July 3, 2024.

2. Pursuant to Section 105.116(a) of the Board Regulations, 35 Ill. Adm. Code 105.116(a), and the Hearing Officer Order of November 26, 2024, Respondent must file the administrative record by February 6, 2025.

3. Respondent’s 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.

4. Respondent respectfully requests additional time until April 8, 2025 in order to file the record.

5. 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 April 8, 2025 to file the administrative record.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Samuel Henderson
Samuel Henderson, #6336028
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