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## ILLINOIS POLLUTION CONTROL BOARD

MAY 1 9 2004

|   | STATE OF ILLINOIS<br>Pollution Control Board |
|---|--|
| MIDWEST GENERATION EME, LLC Petitioner, )                   | )<br>) PCB 04-815<br>) (Trade Secret Appeal) |
| <b>v.</b>   |  |
|   |  |
| ILLINOIS ENVIRONMENTAL ) PROTECTION AGENCY, ) Respondent. ) |  |

## **NOTICE OF FILING**

To: Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Bradley P. Halloran Hearing Officer Illinois Pollution Control Board James R. Thompson Center, Suite 11-500 100 W. Randolph Street Chicago, IL 60601 (312) 814-8917

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

Mary Ann Mullin

Dated: May 19, 2004

Schiff Hardin LLP 6600 Sears Tower Chicago, IL 60606 (312) 258-5687

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#### ILLINOIS POLLUTION CONTROL BOARD

MAY 1 9 2004

|   | ) | STATE OF ILLINOIS Pollution Control Board |
|---|---|---|
| MIDWEST GENERATION EME, LLC Petitioner,               | ) | PCB 04-185<br>(Trade Secret Appeal)       |
| <b>v.</b>   | ) |   |
| ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent. |   |   |

# WAIVER OF DEADLINE FOR BOARD ACTION

In accordance with 35 Ill. Adm. Code 101.308(c)(2), Midwest Generation EME, LLC hereby waives the statutory deadline for Board action in the above-captioned matter from August 17, 2004 to October 21, 2004.

Respectfully submitted,

MIDWEST GENERATION EME, LLC

Sheldon A. Zabel

Mary A. Mullin

SCHIFF HARDIN LLP

6600 Sears Tower

Chicago, Illinois 60606

(312) 258-5540

Attorneys for

Midwest Generation EME, LLC

### **CERTIFICATE OF SERVICE**

I, the undersigned, certify that I have served the attached Waiver of Deadline for Board Action by U.S. Mail, upon the following persons:

Division of Legal Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

Bradley P. Halloran Hearing Officer Illinois Pollution Control Board James R. Thompson Center, Suite 11-500 100 W. Randolph Street Chicago, IL 60601 (312) 814-8917

Respectfully submitted,

MIDWEST GENERATION EME, LLC

By: Wary A. Mullin

Mary A. Mullin

SCHIFF HARDIN LLP 6600 Sears Tower Chicago, Illinois 60606 (312) 258-5687

One of the Attorneys for Midwest Generation EME, LLC

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