

JAN 14 2004

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MIDWEST GENERATION, LLC –	)	
COLLINS GENERATING STATION,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 04-108
	)	(Permit Appeal – Air)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**OPEN WAIVER OF DECISION DATE**

NOW COMES Petitioner, MIDWEST GENERATION, LLC – COLLINS GENERATING STATION, by one of its attorneys, KATHLEEN C. BASSI of SONNENSCHN NATH & ROSENTHAL LLP, pursuant to 35 Ill.Adm.Code § 101.308(c) and waives the decision deadline applicable to the Appeal of CAAPP Permit filed in this matter for an indeterminate period of time. In support of its waiver, Petitioner states as follows:

1. On December 31, 2003, Petitioner filed an appeal of the Clean Air Act Permit Program (“CAAPP” or “Title V”) permit issued to it by the Illinois Environmental Protection Agency (“the Agency”) on November 25, 2003.
2. Pursuant to Section 40.2(c) of the Environmental Protection Act (“Act”) (415 ILCS 5/40.2(c)) and 35 Ill.Adm.Code § 101.308(a) (hereinafter cited only by section number), the Board must render its decisions on permit appeals within 120 days following the filing of a permit appeal.
3. However, a petitioner may waive the Board’s decision deadline, pursuant to § 101.308(c) for an indeterminate period of time subject to reinstatement by the petitioner or for a time certain.

4. Although there has not yet been contact with the Agency in this regard, Petitioner desires to discuss the issues raised on appeal with the Agency, with a goal of reaching an understanding or agreement with the Agency on as many of the issues as possible.

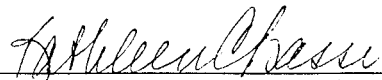
5. In order to facilitate these discussions with the Agency, Petitioner waives the Board's decision deadline for an indeterminate period of time.

WHEREFORE, for the reasons set forth above, Petitioner MIDWEST GENERATION, LLC – COLLINS GENERATING STATION hereby waives the Board's decision deadline in this matter for an indeterminate period of time.

Respectfully submitted,

**MIDWEST GENERATION, LLC –  
COLLINS GENERATING STATION**

by: \_\_\_\_\_



Kathleen C. Bassi  
One of Its Attorneys

DATED: January 13, 2004

SONNENSCHN NATH & ROSENTHAL, LLP  
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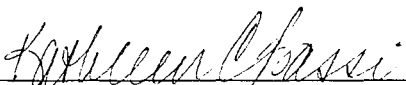
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(Permit Appeal – Air)

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Open Waiver of Decision Date upon the following person, by first class mail, postage affixed:

Illinois Environmental Protection Agency, Division of Legal Counsel

  
 \_\_\_\_\_  
 Kathleen C. Bassi  
 One of the Attorneys for Petitioner

DATE: January 13, 2004

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