

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
PETITION OF MIDWEST GENERATION, LLC,)	AS 07-03
WAUKEGAN GENERATING STATION)	(Adjusted Standard – Air)
FOR AN ADJUSTED STANDARD FROM)	
35 ILL.ADM.CODE 225.230.)	

NOTICE OF FILING

To:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

Persons included on the
ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that we have today electronically filed with the Office of the Clerk of the Pollution Control Board **MOTION TO STAY PROCEEDINGS**, copies of which are herewith electronically served upon you.



 Kathleen C. Bassi

Dated: March 1, 2007

Sheldon A. Zabel
Kathleen C. Bassi
Stephen J. Bonebrake
SCHIFF HARDIN, LLP
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
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PETITION OF MIDWEST GENERATION, LLC,) **AS 07-03**
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MOTION TO STAY PROCEEDINGS

NOW COMES Petitioner, MIDWEST GENERATION, LLC, WAUKEGAN GENERATING STATION, by and through its attorneys, SCHIFF HARDIN LLP, and, pursuant to 35 Ill.Adm.Code § 101.500, moves the Board to stay these proceedings until after the Board takes final action on proposed 35 Ill.Adm.Code Part 225, Subpart F, currently pending before the Board in R06-26. In support of its motion, Petitioner states as follows:

1. On January 10, 2007, Petitioner filed a Petition for Adjusted Standard from the requirements of 35 Ill.Adm.Code Part 225, Subpart B, pursuant to Section 28.1 generally and Section 28.1(f) of the Environmental Protection Act (“Act”), 415 ILCS 5/28.1, 28.1(f).
2. Midwest Generation filed its Petition for Adjusted Standard within 20 days following the Board’s adoption in R06-25 of the rules addressing coal-fired power plant mercury emissions, 35 Ill.Adm.Code Part 225, Subpart B, in order to preserve its statutory rights under Section 28.1(f) of the Act.
3. Petitioner filed Proof of Publication, as required by 35 Ill.Adm.Code § 104.408, on January 25, 2007. Notice of the Petition was published in the *News Sun*, a newspaper of general circulation in the vicinity of the Waukegan Generating Station, on January 19, 2007. The Board accepted the Petition for hearing on February 15, 2007.

4. On January 5, 2007, the Illinois Environmental Protection Agency (“Agency”) and Midwest Generation jointly filed a Comment in R06-26, in which they requested the Board “to consider and include with the above-referenced [proposed Clean Air Interstate Rule (CAIR)] regulations a new [subpart], 35 Ill. Adm. Code Section [Part] 225, Titled Subpart F, Combined Pollutant Standards, 35 Ill. Adm. Code Section 225.600 *et[] seq.*”¹

5. The Agency and Midwest Generation’s proposed Subpart F addresses issues that are the substance of the Petition for Adjusted Standard for the Waukegan Generating Station’s hot-side electrostatic precipitators (“HS ESPs”). If the Board adopts Subpart F substantially as submitted, the need for Midwest Generation to proceed with its request for adjusted standards for the HS ESPs could be allayed.

6. It is in the best interests of Petitioner Midwest Generation to avoid the time and expense of actively pursuing the Petition for Adjusted Standard if it is not necessary, and it is in the best interests of the Board to avoid the administrative inefficiencies of addressing the same issues multiple times whenever possible.

7. Midwest Generation has consulted with the Agency regarding this Motion for Stay, and the Agency has stated that it is in agreement with the Board’s granting such a Stay. Further, the Agency has represented that it will not file a response to this Motion.


¹ Joint Comment of Midwest Generation, LLC, and the Illinois Environmental Protection Agency, R06-26 PC #9 (January 5, 2007), p. 2. This submittal was subsequently corrected on January 11, 2007, at PC # 11, but the corrections do not affect this Motion.

WHEREFORE, for the reasons set forth above, Petitioner Midwest Generation, LLC, Waukegan Generating Station, requests that the Board stay these proceedings until after the Board has taken final action on Midwest Generation and the Agency's joint request for consideration and adoption of Part 225, Subpart F.

Respectfully submitted,

MIDWEST GENERATION, LLC,
WAUKEGAN GENERATING STATION

by:



One of Its Attorneys

Dated: March 1, 2007

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 1st day of March, 2007, I have served electronically the attached **MOTION TO STAY PROCEEDINGS**, upon the following persons:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

and by first class mail, postage affixed, to the persons listed on the **ATTACHED SERVICE LIST**.


Kathleen C. Bassi

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SERVICE LIST

(AS 07-03)

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