

ILLINOIS POLLUTION CONTROL BOARD

October 14, 2009

| | | |
|----------------------------------|---|-----------------------|
| MIDWEST GENERATION, LLC, |) | |
| WAUKEGAN GENERATING STATION, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 08-20 |
| |) | (Permit Appeal – Air) |
| |) | |
| ILLINOIS ENVIROMENTAL PROTECTION |) | |
| AGENCY, |) | |
| |) | |
| Respondent. |) | |

HEARING OFFICER ORDER

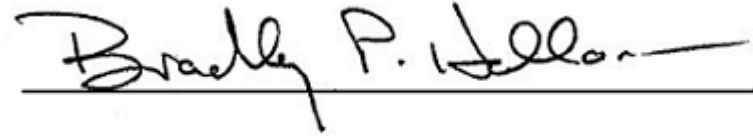
On October 13, 2009, all parties participated in a telephonic status conference with the hearing officer. The respondent's counsel, an attorney for the Illinois Environmental Protection Agency (Agency) stated that the Illinois Attorney General's Office (AGO) has instructed the Agency to have no communication with the petitioner at this time. Agency counsel stated that they will abide to the AGO's request.

The petitioner stated that it will file an additional waiver of the statutory decision deadline to and including May 20, 2010.

At the next telephonic status conference noted below, the hearing officer directs that a legal representative, either from the Agency or the AGO, to appear and participate on behalf of the respondent.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on December 17, 2009, at 1:30 p.m. The telephonic status conference must be initiated by the petitioner, but each party is nonetheless responsible for its own appearance. At the status conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

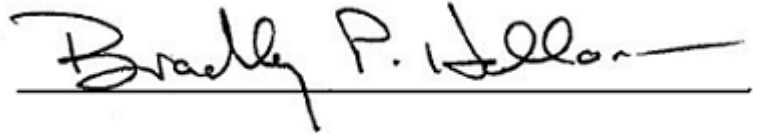
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on October 14, 2009, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on October 14, 2009:

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601

A handwritten signature in black ink that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312.814.8917

PCB 2008-020
*
IEPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

PCB 2008-020
Sally A. Carter
IEPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

PCB 2008-020
Stephen J. Bonebrake
Schiff Hardin, LLP
6600 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6473

PCB 2008-020
Kathleen C. Bassi
Schiff Hardin, LLP
6600 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6473