

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DYNEGY MIDWEST GENERATION, LLC.)	
(WOOD RIVER POWER STATION),)	
)	
Petitioner,)	
)	
v.)	PCB 13-013
)	(Permit Appeal – Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	
)	

NOTICE OF ELECTRONIC FILING

TO: Bradley Halloran, Hearing Officer
Illinois Pollution Control Board
100 W. Randolph Street, Ste. 11-500
Chicago, IL 60601

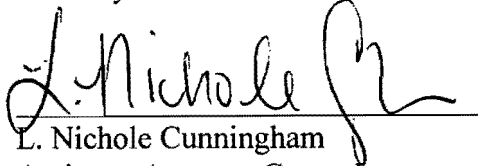
John T. Therriault, Clerk
Illinois Pollution Control Board
100 W. Randolph Street, Ste. 11-500
Chicago, IL 60601

Stephen J. Bonebrake
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233 South Wacker Drive
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Julie Armitage, Acting General Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, IL 62794

PLEASE TAKE NOTICE that on October 22, 2012, I electronically filed with the Illinois Pollution Control Board Respondent's RESPONSE TO PETITIONER'S REQUEST FOR PARTIAL STAY AND MOTION FOR EXTENSION OF TIME TO FILE RECORD, a true and correct copy of which is attached hereto.

Respectfully submitted,
LISA MADIGAN
Attorney General of the State of Illinois

By: 
 L. Nichole Cunningham
 Assistant Attorney General
 Environmental Bureau North
 69 West Washington Street, Suite 1800
 Chicago, Illinois 60602
 Tel: 312.814.3532

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**RESPONSE TO PETITIONER’S REQUEST FOR PARTIAL STAY AND MOTION FOR
EXTENSION OF TIME TO FILE RECORD**

NOW COMES Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA” or “Agency”), *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, and files with the ILLINOIS POLLUTION CONTROL BOARD (“Board”) its response to the Petitioner’s request for a partial stay and moves the Board for an extension of time to file the record.

Background

1. On September 21, 2012, Petitioner filed with the Board their Petition entitled “Appeal of Construction Permit for the Installation of a Sorbent Injection System at Wood River Power Station, Unit 4,” seeking a review of certain permit conditions contained within the construction permit issued by the Agency on August 24, 2012.
2. On October 4, 2012, the Board accepted the Petition for review, reserved its ruling on Petitioner’s request for a partial stay of the construction permit and ordered the Illinois EPA to file its entire record of decision by October 22, 2012.

Response to Request for Partial Stay

3. In its September 21, 2012 Petition, Petitioner requested “that the Board exercise its inherent discretionary authority to grant a partial stay of the construction permit, staying only those conditions indicated in Exhibit 2 [thereto] ...”.

4. Respondent does not oppose the request for partial stay of only those conditions or portions of conditions contested on appeal.

Request for Extension of Time to File Record

5. Pursuant to Board Procedural Rule 105.114, the Agency has 30 days after the filing of the Petition to file the entire record of its decision. Pursuant to the Board’s order of October 4, 2012, the Illinois EPA has until October 22, 2012 to file the record.

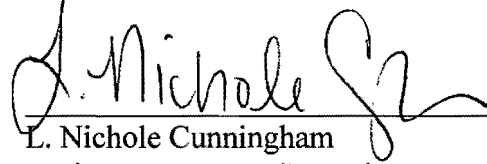
6. In the present matter, the parties are working together toward the resolution of numerous pending appeals that relate to permits issued by Illinois EPA for Dynegy Midwest Generation, LLC facilities in Illinois. The Petitioner has filed a waiver of the decision deadline to February 21, 2013. In order to conserve and direct the resources of the Agency in a manner that will result in the most expeditious resolution of all pending appeals between the parties, Respondent requests that the deadline for the filing of the record be extended to correspond with the extension of the decision deadline.

WHEREFORE, the Illinois EPA, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, respectfully waives any objection to the partial stay requested by Petitioner and moves the Board to grant Respondent’s request to extend the deadline for filing the record to a date consistent with any decisional deadline in this matter.

Respectfully submitted,

LISA MADIGAN
Attorney General of the State of Illinois

By:



L. Nichole Cunningham
Assistant Attorney General
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Dated: October 22, 2012

CERTIFICATE OF SERVICE

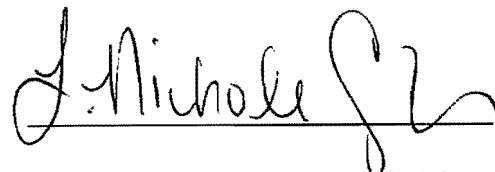
I, LORREN NICHOLE CUNNINGHAM, an Assistant Attorney General for the State of Illinois, certify that on the 22nd day of October, 2012, I caused to be served electronically the foregoing NOTICE OF FILING and RESPONSE TO PETITIONER'S REQUEST FOR PARTIAL STAY AND MOTION FOR EXTENSION OF TIME TO FILE RECORD to the following persons:

Bradley Halloran, Hearing Officer
Illinois Pollution Control Board
100 W. Randolph Street, Ste. 11-500
Chicago, IL 60601

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A handwritten signature in black ink, appearing to read "L. Nichole Cunningham", written over a horizontal line.

L. NICHOLE CUNNINGHAM