

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>ILLINOIS POWER GENERATING</b>	)	
<b>COMPANY (NEWTON POWER STATION),</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>PCB 16-060</b>
	)	<b>(NPDES Permit Appeal)</b>
	)	
<b>ILLINOIS ENVIRONMENTAL</b>	)	
<b>PROTECTION AGENCY,</b>	)	
	)	
<b>Respondent.</b>	)	

**MOTION FOR EXTENSION OF TIME TO FILE ADMINISTRATIVE RECORD**

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by and through its attorney LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to 35 Ill. Adm. Code 105.116, hereby moves for an extension of time to file the Administrative Record in this cause. In support of this Motion, the Respondent states as follows:

1. On September 30, 2015, the Illinois EPA issued an NPDES permit to the Petitioner for Petitioner's coal-fired steam electric generating plant located at 6725 500<sup>th</sup> Street, Newton Illinois, effective October 1, 2015.
2. On November 5, 2015, Petitioner filed a Petition for Review of IEPA NPDES Permit Decision and Partial Stay. In accordance with the Board's procedural requirements set forth in 35 Ill. Adm. Code 105.116, the Illinois EPA's administrative record of the permit application is to be filed with the Board within 30 days after filing of the petition for appeal. In the present case, the Illinois EPA's filing of the administrative record is due on Monday, December 7, 2015.

3. Section 105.116(a) of this Board's rules provides, in pertinent part, that "[i]f the State agency wishes to seek additional time to file the record, it must file a request for extension before the date on which the record is due to be filed." 35 Ill. Adm. Code 105.116(a).

4. Due to the press of other business matters, the task of preparing the administrative record of Petitioner's 2015 NPDES permit cannot be completed in advance of the filing date.

5. At this juncture, the undersigned attorney believes that an additional 30 days will be adequate to allow for the necessary preparation and copying of the administrative record in this cause. An extension of the filing period by this additional time will run the Illinois EPA's filing date to January 4, 2016.

6. Respondent does not believe Petitioner will suffer any hardship or prejudice by the granting of this Motion.

WHEREFORE, for the reasons stated above, the Respondent requests that the Board grant this request for extension of the filing deadline.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS, ex rel. LISA  
MADIGAN, Attorney General,  
State of Illinois

MATTHEW J. DUNN, Chief,  
Environmental Enforcement/Asbestos  
Litigation Division

BY: s/Elizabeth Dubats  
Elizabeth Dubats, # 6308913  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

Elizabeth Dubats, Assistant Attorney General, hereby certifies that she has served a copy of the foregoing Motion for Extension of Time to File Administrative Record upon:

Joshua R. More  
Amy C. Antonioli  
Schiff Hardin LLP  
233 S. Wacker Drive, Suite 6600  
Chicago, IL 60606

by depositing a copy of same in a correctly addressed, prepaid envelope and depositing same in the United States Mail in Springfield, Illinois, on December 4, 2015.

s/Elizabeth Dubats  
ELIZABETH DUBATS  
Assistant Attorney General

ELIZABETH DUBATS  
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