

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MIDWEST GENERATION, LLC )  
Petitioner, )  
 ) PCB 18-58 (Thermal Demonstration)  
v. )  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY )  
Respondent. )

**NOTICE OF FILING**

To:

Don Brown, Clerk of the Board Illinois Pollution Control Board James R. Thompson Center, Suite 11-500 100 W. Randolph Street Chicago, IL 60601 <a href="mailto:don.brown@illinois.gov">don.brown@illinois.gov</a>	Stephanie Diers Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276 <a href="mailto:Stefanie.diers@illinois.gov">Stefanie.diers@illinois.gov</a>
Renee Snow Virginia Yang Illinois Department of Natural Resources One Natural Resources Way Springfield, IL 62702-1271 <a href="mailto:Renee.snow@illinois.gov">Renee.snow@illinois.gov</a> <a href="mailto:Virginia.Yang@illinois.gov">Virginia.Yang@illinois.gov</a>	Stacy Meyers Senior Counsel Openlands 25 E. Washington Street, Suite 1650 Chicago, IL 60602 <a href="mailto:smeyers@openlands.org">smeyers@openlands.org</a>

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board Midwest Generation, LLC's Motion for an Extension of Time to Respond to Board's Questions, a copy of which is herewith served upon you.

Dated: December 18, 2018

MIDWEST GENERATION, LLC

By: /s/ Susan M. Franzetti

Susan M. Franzetti  
Vincent R. Angermeier  
NIJMAN FRANZETTI LLP  
10 South LaSalle Street Suite 3600  
Chicago, IL 60603  
(312) 251-5590

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that a true copy of the foregoing Midwest Generation, LLC's Notice of Filing and Motion for an Extension of Time to Respond to Board's Questions was electronically filed on December 18, 2018 with the following:

Don Brown, Clerk of the Board  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 W. Randolph Street  
Chicago, IL 60601  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

and that were sent electronically on December 18, 2018 to the parties listed above.

Dated: December 18, 2018

/s/ Susan M. Franzetti

Susan M. Franzetti  
Vincent R. Angermeier  
Nijman Franzetti LLP  
10 S. LaSalle Street, Suite 3600  
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Petitioner,	)	
v.	)	PCB 18-58
ILLINOIS ENVIRONMENTAL	)	(Thermal Demonstration)
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**MOTION FOR AN EXTENSION OF TIME TO RESPOND TO BOARD'S QUESTIONS**

Midwest Generation, LLC, ("MWGen"), by and through its attorneys, hereby submits its Motion for an Extension of Time to respond to the written questions from the Illinois Pollution Control Board (the "Board") with respect to the above-captioned matter.

1. On January 26, 2018, the Petitioner filed its Petition for an Alternative Effluent Limit, pursuant to 35 Ill. Adm. Code Section 304.141(c), 35 Ill. Adm. Code Part 106, Subpart K, and Section 316(a) of the Clean Water Act ("CWA"), 33 U.S.C. § 1326(a) (the "MWGen Petition").

2. On November 21, 2018, the Hearing Officer directed MWGen to respond to a series of written questions issued by the Board (the "Board's Questions") by not later than December 21, 2018. The Board's Questions primarily address technical data and modeling information presented in the MWGen Petition.

3. Immediately after receiving the Board's Questions, MWGen began coordinating with its environmental consultant, EA Engineering Science, and Technology, Inc. ("EA"), to prepare responses. The technical nature of most of the Board's Questions require review and information that can only be obtained from or prepared by EA because it is the consultant who prepared the information contained in the Demonstration Study Report which was submitted in support of the

MWGen Petition that is referenced in the Board's Questions. To prepare the technical information necessary to provide complete and accurate responses to all of the Board's Questions, EA will need additional time to evaluate the questions and to conduct additional technical work to prepare and present its analysis of the issues they raise. The request for additional time is also necessary due to the intervening Thanksgiving holiday since receiving the Board's Questions, pre-existing work commitments by EA personnel involved in the preparation of the responses, and planned EA personal time for the end of the year holidays.

4. MWGen has filed no prior motions for extensions of this time in this proceeding. The current motion is not intended to produce undue delay.

5. In an effort to assist and inform the Hearing Officer's consideration of this extension request, MWGen has conducted outreach to the Illinois Environmental Protection Agency (IEPA). The IEPA has advised MWGen's counsel that it has no objection to the requested extension of the comments deadline to January 11, 2019.

6. Therefore, MWGen is asking that the Hearing Officer grant this Motion for an Extension of Time to Respond to the Board's Questions until January 11, 2019.

WHEREFORE, Midwest Generation, LLC, respectfully requests that the Hearing Officer in the above-captioned matter grant its Motion for an Extension of Time to Respond to the Board's questions until January 11, 2019.

Respectfully submitted,

Midwest Generation, LLC

By: /s/Susan M. Franzetti  
Susan M. Franzetti

Dated: December 18, 2018

Of Counsel:

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