

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	AS 2021-001
Petition of Midwest Generation LLC)	
for Adjusted Standards From)	
35 Ill. Admin. Code, Part 845)	(Adjusted Standard)
(Joliet 29))	

To: See attached service list.

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Illinois Environmental Protection Agency’s Motion for Extension of Time, a copy of which is herewith served upon you.

Respectfully submitted,

Dated: May 21, 2021

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Clayton J. Ankney, #6320224
Division of Legal Counsel
Illinois Environmental Protection Agency
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Respondent,

BY: /s/Clayton J. Ankney
Clayton J. Ankney

THIS FILING IS SUBMITTED ELECTRONICALLY

SERVICE LIST

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ILLINOIS POLLUTION CONTROL BOARD
Don Brown, Clerk
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) AS 2021-001
Petition of Midwest Generation LLC)
for Adjusted Standards From)
35 Ill. Admin. Code, Part 845) (Adjusted Standard)
(Joliet 29))

MOTION FOR EXTENSION OF TIME

The Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by and through its attorney, hereby submits its Motion for Extension of Time and requests a 90-day extension of time, up to and including Thursday, September 23, 2021, to file its recommendation concerning the Petition of Midwest Generation LLC for Adjusted Standards From 35 Ill. Admin. Code, Part 845 (Joliet 29), stating as follows:

1. On May 11, 2021, Petitioner filed its Petition for Adjusted Standards from 35 Ill. Admin. Code, Part 845.
2. The Agency’s recommendation must be filed with the Board within 45 days after the filing of the petition, *i.e.*, by June 25, 2021. 35 Ill. Admin. Code. 104.416 Agency Recommendation and Petitioner Response.
3. On May 11, 2021, eight petitions for adjusted standards and three petitions for variances were filed with the Board concerning Part 845. Many of these petitions seek adjusted standards or variances for multiple CCR surface impoundments.
4. The Agency is currently reviewing these petitions, but, due to the number of petitions received and number of CCR surface impoundments at issue, the Agency anticipates it will need additional time to review and develop recommendations.

5. The Agency has conducted an initial review and, based on certain factors, including timing and potential threat to the environment, has determined which petitions it believes should be addressed first.

6. Based on the Agency's review and the number of recommendations the Agency must complete, the Agency requests the Board extend the deadline to file its recommendation concerning the Petition of Midwest Generation LLC for Adjusted Standards from 35 Ill. Admin. Code, Part 845 (Joliet 29), to September 23, 2021.

7. Counsel for the Agency contacted counsel for Midwest Generation LLC, who indicated they have no objection to the requested extension of time.

WHEREFORE, the Agency requests the Illinois Pollution Control Board grant its Motion for Extension of Time and grant the Agency an additional 90 days, up to and including September 23, 2021, to file its recommendation with the Board.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent,

/s/ Clayton Ankney
Clayton Ankney, #6320224
Division of Legal Counsel
Illinois Environmental Protection Agency
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CERTIFICATE OF SERVICE

I, the undersigned, on affirmation certify the following:

That I have served the attached **MOTION FOR EXTENSION OF TIME** by e-mail upon the following:

Susan M. Franzetti	sf@nijmanfranzetti.com
Kristen Laughridge Gale	kg@nijmanfranzetti.com
Molly H. Snittner	ms@nijmanfranzetti.com
Don Brown	Don.Brown@illinois.gov

That I have served the attached **MOTION FOR EXTENSION OF TIME** upon any other persons, if any, listed on the Service List, by placing a true copy in an envelope duly address bearing proper first-class postage in the United States mail at Springfield, Illinois on May 21, 2021.

That my e-mail address is Clayton.Ankney@Illinois.gov.

That the number of pages in the e-mail transmission is five (5).

That the e-mail transmission took place before 4:30 p.m. on the date of May 21, 2021.

/s/Clayton J. Ankney
May 21, 2021