

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|-----------------------------------|---|-------------------|
| MIDWEST GENERATION LLC, |) | |
| |) | PCB 2016-019 |
| |) | |
| Petitioner, |) | (Variance -Water) |
| |) | |
| v. |) | |
| |) | |
| ILLINOIS ENVIRONMENTAL PROTECTION |) | |
| AGENCY, |) | |
| |) | |
| Respondent. | | |

NOTICE OF FILING

To: John Therriault, Assistant Clerk
 Illinois Pollution Control Board
 James R. Thompson Center
 100 West Randolph, Suite 11-500
 Chicago, Illinois 60601

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

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board a MOTION FOR EXTENSION OF TIME for the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Stefanie Diers
 Stefanie Diers
 Assistant Counsel
 Division of Legal Counsel

DATED: December 3, 2015

1021 N. Grand Ave. East
 P.O. Box 19276
 Springfield, IL 62794-9276
 (217) 782-5544

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| Respondent. | | |

**MOTION FOR AN EXTENSION OF TIME TO FILE THE AGENCY'S
RECOMMENDATION**

The Illinois Environmental Protection Agency ("Illinois EPA" or "Agency"), by and through its attorney, hereby submits its Motion for an Extension of Time to file the Agency's Recommendation with respect to the Variance Petition filed by the Petitioner. In support thereof, the Illinois EPA states as follows:

1. On July 21, 2015, the Petitioner filed its Variance Petition from the temperature water quality standards recently adopted in R08-09.
2. Pursuant to the hearing officer Order issued on August 6, 2015, the Agency was to file its recommendation with respect to the variance petition on September 4, 2015.
3. On August 31, 2015, the Agency filed an extension of time to file its recommendation, therefore, making its recommendation due on December 3, 2015.
4. On September 1, 2015, the Board granted the extension of time and granted the Agency until December 3, 2015 to file its recommendation.

5. Illinois EPA is still reviewing the variance petition and intends to have future discussions with the Petitioner and USEPA. Illinois EPA would like to complete those discussions before filing a recommendation in this matter.

6. The Agency has reached out to the Petitioner and they have advised Illinois EPA that they have no objection to the requested extension of time to file the Agency's recommendation.

7. The requested extension should not prejudice or harm any interested party.

8. The Petitioner has already filed an extension of decision deadline until April 7, 2016 and has indicated willingness to file a waiver of the Board's decision deadline to accommodate this extension.

9. Therefore, the Agency is asking that its Motion for Extension Time to file a recommendation in this matter be granted until March 1, 2016.

WHEREFORE, the Illinois EPA respectfully requests the Illinois Pollution Control Board grant its Motion for an Extension of Time to file the Agency's recommendation and grant the Agency until March 1, 2016 to file its recommendation with the Board.

Respectfully submitted,

By: /s/Stefanie N. Diers
Stefanie N. Diers
Assistant Counsel
Division of Legal Counsel

Date: December 3, 2015

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served the attached the NOTICE OF FILING and MOTION FOR AN EXTENSION OF TIME for the Illinois Environmental Protection Agency upon the person to whom it is directed, by mailing it by first-class mail from Springfield, Illinois, with sufficient postage affixed, to the following persons:

John Therriault, Assistant Clerk
Brad Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601-3218

Susan M. Franzetti
Nijman Franzetti LLP
10 South LaSalle Street Suite 3600
Chicago, IL 60603

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Stefanie Diers
Stefanie Diers
Assistant Counsel
Division of Legal Counsel

DATED: December 3, 2015

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