

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MIDWEST GENERATION, LLC – FISK)	
GENERATING STATION,)	
)	
Petitioner,)	
)	
v.)	PCB 06-57
)	(CAAPP Permit Appeal—Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

To:

Don Brown, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 West Randolph
Chicago, Illinois 60601

Ellen F. O’Laughlin
Assistant Attorney General
Environmental Bureau
69 West Washington Street, 18th Floor
Chicago, Illinois 60602

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

NOTICE OF FILING

PLEASE TAKE NOTICE that I have filed with the Illinois Pollution Control Board the attached Joint Motion to Partially Lift Stay of CAAPP Permit and Request for Remand of Permit to Respondent, a copy of which is hereby served upon you.

/s/ Ryan C. Granholm
Ryan C. Granholm

Dated: April 28, 2020

SCHIFF HARDIN LLP

Attorneys for Midwest Generation, LLC

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**JOINT MOTION TO PARTIALLY LIFT STAY OF CAAPP PERMIT
AND REQUEST FOR REMAND OF PERMIT TO RESPONDENT**

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by Kwame Raoul, Attorney General of the State of Illinois, and Petitioner, by and through its attorneys, hereby move the Illinois Pollution Control Board (“Board”) to lift the stay of the uncontested conditions of the Clean Air Act Permit Program (“CAAPP”) permit that is the subject of this appeal (the “Fisk Permit”). Further, the parties request that the Board, while maintaining the stay of the remaining conditions and its jurisdiction over them, remand the Fisk Permit to the Respondent to allow the Respondent to revise the permit’s term of duration and incorporate permit modifications pursuant to the parties’ settlement negotiations. In support of their motion, the parties state as follows:

1. The parties have negotiated an agreement concerning the contested conditions of the Fisk Permit.
2. The agreement includes negotiated changes to the permit that were noticed for public comment.
3. The U.S. Environmental Protection Agency has completed its review of the negotiated changes to the permit.
4. In order to incorporate the negotiated changes into the Fisk Permit and resolve the appeal, the parties request that the Board lift the stay as to the conditions not contested by Petitioner and remand the permit back to the Respondent. On the same day the Fisk Permit is remanded by the

Board, the Illinois EPA will establish new effective and expiration dates reflecting the five-year tenure of the permit and will issue a modified version of the Fisk Permit incorporating the negotiated changes.

5. Once the modified version of the Fisk Permit incorporating the negotiated changes is issued, the Petitioner will file a motion to dismiss this matter.

WHEREFORE, the parties jointly and respectfully request that the Board lift the stay of the uncontested conditions of the Fisk Permit and remand the permit back to the Respondent.

Respectfully Submitted,

MIDWEST GENERATION, LLC

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY, by

KWAME RAOUL, Attorney General
of the State of Illinois,

MATTHEW J. DUNN, Chief
Environmental Enforcement Division

BY: /s/ Andrew N. Sawula
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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 28th day of April, 2020, I have served electronically the attached **Joint Motion to Partially Lift Stay of CAAPP Permit and Request for Remand of Permit to Respondent**, upon the following persons by e-mail at the email addresses indicated below:

Bradley Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
brad.halloran@illinois.gov

Ellen F. O'Laughlin
Assistant Attorney General
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(312) 814-3094
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I further certify that my email address is rgranholm@schiffhardin.com; the number of pages in the email transmission is 5; and the email transmission took place today before 5:00 p.m.

/s/ Ryan C. Granholm

Ryan C. Granholm

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