BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PRAIRIE STATE GENERATING COMPANY, LLC,)))
a Delaware Corporation,)
Petitioner,) PCB No. 25-11
v.) (Permit Appeal – Air)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)))
Respondent.)

NOTICE OF FILING

To:

Division of Legal Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276

Epa.dlc@illinois.gov

Kevin Bonin Assistant Attorney General Environmental Bureau Illinois Attorney General's Office 500 South 2nd Street Springfield, Illinois, 62701 kevin.bonin@ilag.gov Illinois Pollution Control Board, Attn: Clerk 60 East Van Buren Street, Ste. 630 Chicago, IL 60605 PCB.Clerks@illinois.gov

PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Pollution Control Board the attached PRAIRIE STATE GENERATING COMPANY, LLC'S REPLY IN SUPPORT OF ITS MOTION TO CLARIFY, copies of which are hereby served upon you.

Electronic Filing: Received, Clerk's Office 04/03/2025

Dated: April 3, 2025 Respectfully Submitted,

/s/ Robert A.H. Middleton

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a Delaware Corporation,)
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PROTECTION AGENCY,)
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PRAIRIE STATE GENERATING COMPANY, LLC'S REPLY IN SUPPORT OF ITS MOTION TO CLARIFY

Petitioner Prairie State Generating Company, LLC ("Prairie State") submits this Reply in Support of its Motion to Clarify (the "Motion").

As detailed in Illinois EPA's Response to the Motion, there is no dispute as to the mandate in the Board's December 5, 2024 Order: "[t]he Board's Opinion and Order ("Board Order") is premised on the finding that the Illinois EPA must act on the original 2011 CAAPP permit application within the Board's specified schedule, subject to a requirement that Prairie State update the application." Resp. at 1. The parties also agree that "[a]ny reading that the order compels Prairie State to submit an altogether new application is erroneous...." *Id.* Finally, Illinois EPA supports modification of the Board Order to clarify that Prairie State was not required by the Board to submit a new CAAPP permit application. *Id.* at 2.

The minimal daylight between the parties is the terminology each party requests that the Board use when replacing the erroneous references to a "new permit application" in the Board Order. Prairie State's Motion requests that the Board replace the erroneous term with "a further

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update to its 2011 CAAPP permit application" (Mot. at 4), whereas Illinois EPA requests that the Board replace the term with "an updated CAAPP permit application." Resp. at 2. Respectfully, Prairie State believes that its proposed clause better reflects the fact that the Board has ordered Illinois EPA to act on Prairie State's 2011 CAAPP permit application, which has now been updated, and eliminates any possibility that the Board Order could be misread.¹

Given that both parties support modification of the references to a "new permit application" in the Board Order, Prairie State respectfully requests that the Board modify the Board Order to clarify that it required Illinois EPA to act on an update to Prairie State's 2011 CAAPP permit application and that Prairie State was not ordered to submit an entirely "new" application.

Dated: April 3, 2025

Respectfully Submitted,

/s/ Robert A.H. Middleton

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¹ Prairie State sent its updated 2011 CAAPP Application to Illinois EPA on January 2, 2025. Mot. at ¶ 4. As indicated in Illinois EPA's Response, that updated application is "currently under Illinois EPA review." Response at 1.

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CERTIFICATE OF SERVICE

I, Robert Middleton, certify that on this 3rd Day of April, 2025:

I have electronically served a true and correct copy of Prairie State's REPLY IN SUPPORT OF ITS MOTION TO CLARIFY by electronically filing with the clerk of the Illinois Pollution Control Board and by e-mail upon the following persons.

Division of Legal Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276 Epa.dlc@illinois.gov Illinois Pollution Control Board, Attn: Clerk 60 East Van Buren Street, Ste. 630 Chicago, IL 60605 PCB.Clerks@illinois.gov

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My email address is Robert.Middleton@afslaw.com.

The number of pages in this transmission is 5.

This e-mail transmission took place before 5:00 pm.

/s/ Robert A.H. Middleton
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