

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**AMEREN ENERGY GENERATING
COMPANY, COFFEEN POWER
STATION,**)

Petitioner,)

v.)

**ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,**)

Respondent.)

**PCB No. 06-64
(Permit Appeal/CAAPP)**

NOTICE OF ELECTRONIC FILING

To: See Attached Service List


PLEASE TAKE NOTICE that on September 14, 2012, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, c/o John T. Therriault, Assistant Clerk, James R. Thompson Center, 100 W. Randolph St., Ste. 11-500, Chicago, IL 60601, a JOINT MOTION TO LIFT STAY OF UNCONTESTED CAAPP PERMIT CONDITIONS AND REQUEST FOR REMAND TO RESPONDENT TO REVISE PERMIT'S TERM OF DURATION; REQUEST TO EXPEDITE RULING ON MOTION, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
JANE E. McBRIDE
Sr. Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: September 14, 2012

CERTIFICATE OF SERVICE

I hereby certify that I did on September 14, 2012, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING and JOINT MOTION TO LIFT STAY OF UNCONTESTED CAAPP PERMIT CONDITIONS AND REQUEST FOR REMAND TO RESPONDENT TO REVISE PERMIT'S TERM OF DURATION; REQUEST TO EXPEDITE RULING ON MOTION upon the persons listed on the Service List.


Jane E. McBride
Sr. Assistant Attorney General

This filing is submitted on recycled paper.

SERVICE LIST

Mr. Brad Halloran, Esq.
Hearing Officer
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AMEREN ENERGY)
GENERATION COMPANY,)
COFFEEN POWER STATION,)

Petitioner)

v.)

PCB 2006-64
(CAAPP Permit Appeal)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)

Respondent)

JOINT MOTION TO LIFT STAY OF UNCONTESTED CAAPP PERMIT CONDITIONS AND REQUEST FOR REMAND TO RESPONDENT TO REVISE PERMIT'S TERM OF DURATION; REQUEST TO EXPEDITE RULING ON MOTION

NOW COMES, Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, *ex rel* Lisa Madigan, Attorney General of the State of Illinois, and Petitioner AMEREN ENERGY GENERATION COMPANY, COFFEEN POWER STATION, by its attorneys, Much Shelist, P.C., and moves the Board to lift expeditiously the stay of the uncontested conditions of the Clean Air Act Permit Program ("CAAPP") permit that is the subject of this appeal. Further, the parties request that the Board, while maintaining the stay of the contested conditions and its jurisdiction over them, remand the CAAPP permit to the Respondent so that the permit's term of duration (*i.e.*, beginning and expiration dates) may be revised.

1. The Parties request the Board to act on this motion expeditiously and, if possible, to rule at its next meeting on September 20. The United States Environmental Protection Agency ("US EPA") issued a 90 day notice to Illinois EPA threatening to reopen the Title V permit for the Coffeen facility if the Illinois EPA fails to effectuate the current permit under

appeal here. September 25, 2012 is the deadline for the 90 day notice. In order to meet the requirements of the notice, the process described below needs to be initiated and that must start with the Board lifting the stay of the uncontested conditions. As a result, the parties request that the Board grant this joint motion at its next meeting so that the 90 day deadline can be met.

2. As represented to the Hearing Officer over the course of several scheduled status conferences, the parties have been negotiating an agreement concerning the contested conditions of the subject permit.

3. While the parties have reached substantial agreement as to all contested conditions, these conditions require differing procedures in order to revise the CAAPP permit and resolve the appeal. Several negotiated conditions may constitute "significant modifications" to the subject permit and therefore would be subject to all applicable public participation and US EPA review requirements for same. Other negotiated changes qualify for treatment as administrative amendments or minor modifications. As a result the Illinois EPA developed a multi-step process for incorporating all agreed conditions into the permit.

4. In order to implement this approach, the parties hereby request the Board to lift the stay as to the conditions not contested by Ameren in this appeal and to remand the permit back to the Respondent. Once it receives the permit on remand from the Board, the Respondent will establish new effective and expiration dates reflecting the five-year tenure of the permit, thereby establishing a valid and effective Title V permit for the COFFEEN POWER STATION.

5. The Respondent will submit the negotiated permit conditions that have been determined to be minor modifications to the US EPA for the requisite 45 day review period.

6. The Respondent will also notice for public comment the negotiated permit conditions that potentially constitute significant modifications in order to comply with all public participation and US EPA review requirements under the significant modification procedures.

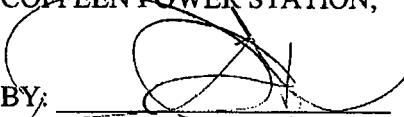
7. Once these procedures for minor and significant modifications are executed and completed, it is the parties' expectation that the various permitting revisions described above will be issued and the permit will be amended with the negotiated conditions. Once the agreed permit is in final form, after the requisite review and comment periods and procedures, the Petitioner will request appropriate Board action to bring this matter to resolution.

WHEREFORE, on the foregoing grounds, the parties jointly and respectfully request that the Board expeditiously lift the pending stay on the uncontested conditions of the subject permit and remand said permit to the Respondent for revision of dates signifying term of duration.

Respectfully submitted,

AMEREN ENERGY
GENERATION COMPANY,
COFFEEN POWER STATION,

BY:


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PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney General
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