

CERTIFICATE OF SERVICE

I hereby certify that I did on May 3, 2013, 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 AMENDED JOINT MOTION TO LIFT STAY OF UNCONTESTED CAAPP PERMIT CONDITIONS AND REQUEST FOR REMAND TO RESPONDENT TO REVISE PERMIT'S TERM OF DURATION upon the persons listed on the Service List.



JANE E. McBRIDE
Sr. Assistant Attorney General

This filing is submitted on recycled paper.

SERVICE LIST

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

THE CITY OF SPRINGFIELD,)
a municipal corporation)

Petitioner)

v.)

PCB 2006-75
(CAAPP Permit Appeal)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)

Respondent)

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

NOW COMES, Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, *ex rel* Lisa Madigan, Attorney General of the State of Illinois, and Petitioner, THE CITY OF SPRINGFIELD, by its attorney, Christine G. Zeman, and move the 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. 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. expiration date) may be revised.

1. 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. While the parties on November 26, 2012, filed a Joint Motion to Lift Stay of Uncontested Conditions, legal issues arose thereafter, leading the parties to file with the Board an emergency joint motion on December 5, 2012, to hold the motion as it appeared on the Board's December 6, 2012, meeting agenda and to withdraw the motion. In the December 5,

2012, emergency joint motion, the parties stated that they would re-file the Joint Motion to Lift Stay at a later date, which is this Amended Joint Motion to Lift Stay of Uncontested CAAPP Permit Conditions. (The Board granted the parties' motion to withdraw the November 26, 2012, joint motion on December 20, 2012.)

2. 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.

3. In order to implement this approach, the parties hereby request the Board to lift the stay as to the conditions not contested by Petitioner, and to remand the permit back to the Respondent. Once it receives the permit on remand from the Board, the Respondent will establish a new effective date and an expiration date reflecting the five-year tenure of the permit, thereby establishing a valid and effective Title V permit for the THE CITY OF SPRINGFIELD (with some conditions yet stayed).

4. In the Board's September 20, 2012 order in the matter of Ameren Energy Generating Company, *Coffeen Power Station v. Illinois Environmental Protection Agency*, PCB 06-64 (CAAPP Permit Appeal - Air), the Board discussed and specifically set forth its authority to take the actions requested by the parties in this joint motion.

5. The Respondent will 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.

6. 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.

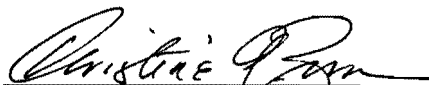
7. Once these procedures for minor and significant modifications are executed and completed, it is the parties' expectation that the various permitting revisions described above will be issued and the permit will be amended with the negotiated conditions. Once the agreed permit is in final form, after 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 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.

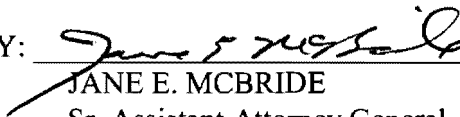
Respectfully submitted,

THE CITY OF SPRINGFIELD

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