

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

KINCAID GENERATION, L.L.C.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 2006-062
	)	(CAAPP Permit Appeal – Air)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF ELECTRONIC FILING**

To: See attached Service List

PLEASE TAKE NOTICE that on the 26<sup>th</sup> day of January, 2015, the attached Joint Motion to Partially Lift Stay of CAAPP Permit and Request for Remand of Permit to Respondent was filed electronically with the Illinois Pollution Control Board, a true and correct copy of which is attached hereto and is hereby served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General  
State of Illinois

By:  \_\_\_\_\_  
 RYAN G. RUDICH  
 Assistant Attorney General  
 Environmental Bureau  
 69 W. Washington, 18<sup>th</sup> Floor  
 Chicago, Illinois 60602  
 (312) 814-1511

DATE: January 26, 2015

**SERVICE LIST**

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

John T. Therriault  
Clerk of the Board  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street, Suite 11-500  
Chicago, Illinois 60601

SCHIFF HARDIN LLP  
Bina Joshi  
Joshua R. More  
Kathleen C. Bassi  
Stephen J. Bonebrake  
233 South Wacker Drive, Suite 6600  
Chicago, Illinois 60606

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

KINCAID GENERATION, L.L.C.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 2006-062
	)	(CAAPP Permit Appeal - Air)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, *ex rel.* Lisa Madigan, Attorney General of the State of Illinois, and Petitioner, KINCAID GENERATION, L.L.C., 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 (“Kincaid Permit”). Further, the parties request that the Board, while maintaining the stay of the remaining conditions and its jurisdiction over them, remand the Kincaid 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 Kincaid Permit.
2. The agreement includes negotiated changes to the permit that were noticed for public comment and have undergone a 45-day review period by the U.S. Environmental Protection Agency.

3. In order to incorporate the negotiated changes into the Kincaid Permit and resolve the appeal, the parties request that the Board lift the stay as to conditions not contested by Petitioner and to remand the permit back to the Respondent. On the same day that the Kincaid 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 Kincaid Permit incorporating the negotiated changes.

4. Once the modified version of the Kincaid 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 Kincaid Permit and remand the permit back to the Respondent.

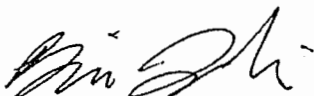
Respectfully submitted,

KINCAID GENERATION, L.L.C.,

PEOPLE OF THE STATE OF ILLINOIS  
*ex rel.* LISA MADIGAN, Attorney General  
of the State of Illinois,

MATTHEW J. DUNN, Chief  
Environmental Enforcement Division

BY:



\_\_\_\_\_  
BINA JOSHI  
Schiff Hardin LLP  
Attorney for Petitioner  
233 S Wacker Dr., Suite 6600  
Chicago, IL 60606  
(312) 258-5605

BY:



\_\_\_\_\_  
RYAN G. RUDICH  
Assistant Attorney General  
69 W. Washington Street, 18th Floor  
Chicago, Illinois 60602  
(312) 814-1511

**CERTIFICATE OF SERVICE**

I, RYAN G. RUDICH, an Assistant Attorney General, do certify that I caused to be served this 26<sup>th</sup> day of January, 2015, the attached Notice of Electronic Filing and Joint Motion to Partially Lift Stay of CAAPP Permit and Request for Remand of Permit to Respondent on the parties named on the attached service list by placing a true and correct copy in first class postage prepaid envelopes and depositing same with the United States Postal Service at 100 West Randolph Street, Chicago, Illinois, at or before the hour of 5:00 p.m.

  
\_\_\_\_\_  
RYAN G. RUDICH