

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MIDWEST GENERATION, LLC,)	
POWERTON GENERATING STATION,)	
)	
Petitioner,)	
)	PCB 06-59
v.)	(Permit Appeal – Air)
)	
ILLINOIS ENVIROMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

To:

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

Ryan G. Rudich
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Mr. Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
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PLEASE TAKE NOTICE that we have today filed with the Office of the Clerk of the Pollution Control Board the attached **JOINT MOTION TO PARTIALLY LIFT STAY OF CAAPP PERMIT AND REQUEST FOR REMAND OF PERMIT TO RESPONDENT** copies of which are herewith served upon you.

/s/ Bina Joshi
Bina Joshi

Dated: October 1, 2015

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

Respondent, ILLINOIS ENVIRONMNETAL PROTECTION AGENCY, *ex rel.* Lisa Madigan, Attorney General of the State of Illinois, and Petitioner, MIDWEST GENERATION, LLC, POWERTON GENERATING STATION, 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 (“Powerton Permit”). Further, the parties request that the Board, while maintaining the stay of the remaining conditions and its jurisdiction over them, remand the Powerton 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 Powerton 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 Powerton Permit and resolve the appeal, the parties request that the Board lift the stay as to the conditions not contested by Petitioner and to remand the permit back to the respondent. On the same day the Powerton 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 Powerton Permit incorporating the negotiated changes.

5. Once the modified version of the Powerton 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 Powerton Permit and remand the permit back to the Respondent.

Respectfully Submitted,

MIDWEST GENERATION, LLC,
POWERTON GENERATING STATION,

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: /s/ Bina Joshi
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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 1st day of October, 2015, 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
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I further certify that my email address is bjoshi@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/ Bina Joshi

Bina Joshi

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