

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

NRG WHOLESale GENERATION LP)	
)	
Petitioner,)	
)	
v.)	PCB NO. 15-087
)	(CAAPP Permit Appeal – Air)
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

TO: John T. Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
john.therriault@illinois.gov

Bradley P. Halloran, Hearing Officer
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NRG Wholesale Generation LP
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Andrew N. Sawula
SCHIFF HARDIN LLP
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asawula@schiffhardin.com

PLEASE TAKE NOTICE that today, on behalf of proposed petitioner Shelby County Energy Center LLC, a **Joint Motion for Substitution of Petitioner**, an **Appearance of Byron F. Taylor** and an **Appearance of Katharine Newman**, were electronically filed with the Office of the Clerk of the Illinois Pollution Control Board.

Dated: April 26, 2016

Respectfully submitted,
Shelby County Energy Center LLC

/s/ Katharine F. Newman
Byron F. Taylor
Katharine F. Newman
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, Illinois 60603

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JOINT MOTION FOR SUBSTITUTION OF PETITIONER

Petitioner, NRG WHOLESale GENERATION LP (“NRG”) and proposed petitioner, SHELBY COUNTY ENERGY CENTER, LLC (“SCEC”), move this Board to allow the substitution of SCEC as the petitioner, in place of NRG. In support of this motion, NRG and SCEC state as follows:

1. NRG filed the original petition for review of the CAAPP Permit for Shelby County Generating Station on October 29, 2014, requesting review of a permit issued to NRG on September 26, 2014 (I.D. No. 173801AAA), for the operation of the Shelby County Generating Station.
2. On March 1, 2016, Shelby County Generating Station was acquired by proposed petitioner SCEC, an affiliate of Rockland Capital, LLC, at which time ownership and operation of the station by NRG ceased.
3. On March 15, 2016, SCEC requested an administrative amendment to CAAPP Permit No. 02020093 from the Illinois Environmental Protection Agency (“IEPA”) to transfer the permit to SCEC. IEPA acknowledged the name and ownership change on March 23, 2016. *See* Ex. A (March 23, 2016 IEPA Acknowledgment of Name/Ownership Change – CAAPP Permit), attached.

WHEREFORE, petitioner, NRG WHOLESale GENERATION LP and proposed petitioner, SHELBY COUNTY ENERGY CENTER, LLC, respectfully request that the Board dismiss NRG WHOLESale GENERATION LP as a party in this matter and substitute as the petitioner, SHELBY COUNTY ENERGY CENTER, LLC.

Respectfully submitted,

NRG Wholesale Generation LP
Petitioner

Shelby County Energy Center LLC
Proposed Petitioner

By: /s/ Andrew N. Sawula

By: /s/ Katharine F. Newman

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Dated: April 26, 2016

EXHIBIT A

IEPA Acknowledgement of Ownership Change



Electronic Filing - Received Clerk's Office: 04/26/2016
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

BRUCE RAUNER, GOVERNOR

LISA BONNETT, DIRECTOR

217/785-1705

CERTIFIED MAIL

7099 3400 0014 9523 6998

ACKNOWLEDGMENT OF NAME/OWNERSHIP CHANGE - CAAPP PERMIT

March 23, 2016

Shelby County Energy Center
Attn: Gil Smith, O & M Manger
3575 E 400 North Road
Neoga, IL 62447-4039

Application No.: 02020093
I.D. No.: 173801AAA
Date Received: March 22, 2016
Type of Source: Electric Generation Facility
Source Location: 3575 E 400 North Road, Neoga, IL 62447

The Illinois EPA acknowledges your request for a name, an ownership, an operator, a responsible official, and a source environmental contact change to the CAAPP Permit. The Illinois EPA has appropriately updated its CAAPP records accordingly, and is treating this request as an application for an administrative amendment. The following updates to our records are as follows:

Current Permit Shows:	Pending Permit to be Issued will Show:	Change Type
NRG Wholesale Generation, LP	Shelby County Energy Center	Source
NRG Wholesale Generation, LP	Shelby County Energy Center, LLC	Owner
NRG Wholesale Generation, LP	ProEnergy Services	Operator
James D. Brown	Gil Smith	Responsible Official
John P. Shimshock	Wayne Whitehead	Source Environmental Contact

The above referenced CAAPP Permit application is currently pending a permit appeal, therefore, your request has been forwarded to the engineer assigned to the pending application. The requested changes will be reflected in the issued CAAPP Permit; however until then please attach a copy of this letter to the front of the most recently issued CAAPP Permit.

Of note, your request only addresses the CAAPP Permit and the underlying permits that have been incorporated into it to date. Construction permits that have not yet been incorporated into the CAAPP permit must be requested under a separate name/ownership submittal.

This letter does not constitute any final action taken on the pending CAAPP Permit application.

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If you have any questions regarding this matter, please contact Jim Scott at 217/785-1705.

Raymond E. Pilapil /wom

Raymond E. Pilapil
Acting Manager, Permit Section
Division of Air Pollution Control

REP:jws

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APPEARANCE OF BYRON F. TAYLOR

I hereby file my appearance in this proceeding, on behalf of Shelby County Energy Center, LLC.

Dated: April 26, 2016

/s/ Byron F. Taylor

Byron F. Taylor
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APPEARANCE OF KATHARINE F. NEWMAN

I hereby file my appearance in this proceeding, on behalf of Shelby County Energy Center, LLC.

Dated: April 26, 2016

/s/ Katharine F. Newman

Katharine F. Newman
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Chicago, Illinois 60603
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knewman@sidley.com

CERTIFICATE OF SERVICE

I, the undersigned, certify that on April 26, 2016, I electronically served the attached **Joint Motion for Substitution of Petitioner, Appearance of Byron F. Taylor and Appearance of Katharine Newman** on the following persons:

John T. Therriault, Clerk
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/s/ Katharine F. Newman

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Dated: April 26, 2016