

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

MIDWEST GENERATION, LLC –	)	
WAUKEGAN GENERATING STATION,	)	
	)	
Petitioner,	)	
	)	PCB 06-146
v.	)	(Permit Appeal – Air)
	)	
ILLINOIS ENVIROMENTAL PROTECTION	)	
AGENCY,	)	
	)	
Respondent.	)	
	)	
	)	
	)	

**NOTICE OF FILING**

To:

Office of the Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601

Ryan G. Rudich  
James P. Gignac  
Assistant Attorneys General  
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69 West Washington Street, 18<sup>th</sup> Floor  
Chicago, Illinois 60602  
RRudich@atg.state.il.us  
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Bradley P. Halloran, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
brad.halloran@illinois.gov

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**, a copy of which is herewith served upon you.

\_\_\_\_\_  
/s/ Bina Joshi  
Bina Joshi

Dated: June 10, 2016

SCHIFF HARDIN LLP

Attorneys for Midwest Generation, LLC

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Respondent.	)	
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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, 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 (“Waukegan Permit”). Further, the parties request that the Board, while maintaining the stay of the remaining conditions and its jurisdiction over them, remand the Waukegan 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 Waukegan 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 Waukegan 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 Waukegan 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 Waukegan Permit incorporating the negotiated changes.

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

Respectfully Submitted,

MIDWEST GENERATION, LLC

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/ Andrew Sawula  
ANDREW N. SAWULA  
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BY: /s/ James P. Gignac  
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**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on this 10 day of June, 2016, 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 P. Halloran, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
brad.halloran@illinois.gov

Ryan G. Rudich  
James P. Gignac  
Assistant Attorneys General  
Environmental Bureau  
69 West Washington Street, 18<sup>th</sup> Floor  
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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

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Bina Joshi

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