

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DYNEGY MIDWEST GENERATION, LLC,)	
(BALDWIN ENERGY COMPLEX))	
)	
Petitioner,)	
)	
v.)	PCB 06-63
)	(Permit Appeal – Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

PLEASE TAKE NOTICE that I have filed with the Illinois Pollution Control Board the Joint Motion to Partially Lift Stay of CAAPP Permit and Request for Remand of Permit to Respondent, a copy of which is hereby served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,

by LISA MADIGAN, Attorney
General of the State of Illinois

BY: /s/ Angad S. Nagra
ANGAD S. NAGRA
Assistant Attorney General
Illinois Attorney General's Office
69 West Washington St., 18th Floor
Chicago, IL 60602
(312)814-5361
anagra@atg.state.il.us

May 30, 2018

SERVICE LIST

Don Brown, Clerk
Illinois Pollution Control Board
James R. Thompson Center Suite 11-500
100 West Randolph St.
Chicago, IL 60601
don.brown@illinois.gov

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St.
Chicago, IL 60601
brad.halloran@illinois.gov

Andrew N. Sawula
Schiff Hardin, LLP
One Westminster Place, Suite 200
Lake Forest, IL 60045
asawula@schiffhardin.com

Stephen J. Bonebrake
Joshua R. More
Ryan C. Granholm
233 South Wacker Drive, Suite 6600
Chicago, IL 60606
sbonebrake@schiffhardin.com
jmore@schiffhardin.com
rgranholm@schiffhardin.com

CERTIFICATE OF SERVICE

I, ANGAD S. NAGRA, an attorney, do certify that I caused the JOINT MOTION TO PARTIALLY LIFT STAY OF CAAPP PERMIT AND REQUEST FOR REMAND OF PERMIT TO RESPONDENT in this matter to be served upon the persons listed in the attached Service List by email for those who have consented to email service and the U.S. Mail for all others.

/s/ Angad S. Nagra
ANGAD S. NAGRA

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DYNEGY MIDWEST GENERATION, LLC,)	
(BALDWIN ENERGY COMPLEX))	
)	
Petitioner,)	
)	
v.)	PCB 06-63
)	(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, by Lisa Madigan, Attorney General of the State of Illinois, and Petitioner, DYENGY 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 (“Baldwin Permit”). Further, the parties request that the Board, while maintaining the stay of the remaining conditions and its jurisdiction over them, remand the Baldwin 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 Baldwin 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 Baldwin Permit and resolve the appeal, the parties request that the Board lift the stay as to the conditions not contested by Petitioner and remand the permit back to the Respondent. On the same day the Baldwin 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 Baldwin Permit incorporating the negotiated changes.

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

Respectfully Submitted,

Dynegy Midwest Generation, LLC

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY, by

LISA MADIGAN, Attorney General
of the State of Illinois,

MATTHEW J. DUNN, Chief
Environmental Enforcement Division

BY: /s/ Andrew N. Sawula
SCHIFF HARDIN LLP
Attorneys for Petitioners

BY: /s/ Angad S. Nagra
ANGAD S. NAGRA
Assistant Attorney General
69 W. Washington Street, 18th Floor
Chicago, IL 60602
(312)814-5361
anagra@atg.state.il.us

Andrew N. Sawula
One Westminster Place, Suite 200
Lake Forest, IL 60045
(847)295-4336
asawula@schiffhardin.com

Stephen J. Bonebrake
Joshua R. More
Ryan C. Granholm
233 S. Wacker Dr., Suite 660
Chicago, IL 60606
(312)258-5500
sbonebrake@schiffhardin.com
jmore@schiffhardin.com
rgranholm@schiffhardin.com