

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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| ELECTRIC ENERGY, INCORPORATED |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 06-65 |
| |) | (Permit Appeal – Air) |
| ILLINOIS ENVIROMENTAL |) | |
| 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/ James P. Gignac
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Dated: May 19, 2017

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CERTIFICATE OF SERVICE

I, JAMES GIGNAC, 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 by U.S. Mail for all others.

/s/ James P. Gignac

JAMES P. GIGNAC

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

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

Respectfully Submitted,

ELECTRIC ENERGY, INCORPORATED

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
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Dated: May 19, 2017