

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

HOLLAND ENERGY, LLC,)	
)	
Petitioner,)	
)	
v.)	PCB No. 09-96
)	(CAAPP Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	
)	

NOTICE OF FILING AND SERVICE

To: ALL PERSONS ON THE ATTACHED CERTIFICATE OF SERVICE

Please take notice that today, December 5, 2019, I have filed with the Clerk of the Illinois Pollution Control Board the **JOINT MOTION TO PARTIALLY LIFT STAY OF CAAPP PERMIT AND REQUEST FOR REMAND OF PERMIT TO RESPONDENT**, and have served each person listed on the attached service list with a copy of the same.

Respectfully Submitted,

By: s/Nancy J. Tikalsky
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Date: 5 December 2019

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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CERTIFICATE OF SERVICE

I, NANCY J TIKALSKY, do hereby certify that, today, December 5, 2019, I caused to be served on the individuals listed below, by electronic mail, a true and correct copy of the **JOINT MOTION TO PARTIALLY LIFT STAY OF CAAPP PERMIT AND REQUEST FOR REMAND OF PERMIT TO RESPONDENT** on each of the parties listed on the attached service list:

By: s/Nancy J. Tikalsky
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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 Kwame Raoul, Attorney General of the State of Illinois, and Petitioner, HOLLAND ENERGY, 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 (“Holland Permit”). Further, the parties request that the Board, while maintaining the stay of the remaining conditions and its jurisdiction over them, remand the Holland 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 Holland Permit.
2. The agreement includes negotiated changes to the Holland permit that were noticed for public comment.
3. The U.S. Environmental Protection Agency has completed its review of the negotiated changes to the Holland permit.
4. In order to incorporate the negotiated changes into the Holland 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 Holland 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 Holland Permit incorporating the negotiated changes.

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

Respectfully Submitted,

HOLLAND ENERGY

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY, by

KWAME RAOUL, Attorney General
of the State of Illinois,

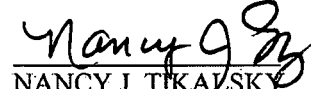
MATTHEW J. DUNN, Chief
Environmental Enforcement Division

BY:



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Dated: December 5, 2019