

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AMEREN ENERGY GENERATING)	
COMPANY, NEWTON POWER STATION,)	
)	
Petitioner,)	
)	PCB 06-068
v.)	(Permit Appeal – Air)
)	
ILLINOIS ENVIROMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	
)	
)	
)	

NOTICE OF FILING

To:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

Ryan G. Rudich
Assistant Attorney General
Environmental Bureau
69 West Washington Street, 18th Floor
Chicago, Illinois 60602
RRudich@atg.state.il.us

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: November 5, 2015

SCHIFF HARDIN LLP

Attorneys for Illinois Power Generating Company

Kathleen C. Bassi

Stephen J. Bonebrake

Bina Joshi

233 South Wacker Drive, Suite 6600

Chicago, Illinois 60606

Phone: 312-258-5605

Andrew N. Sawula

One Westminster Place

Suite 200

Lake Forest, IL 60045

847-295-4336

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v.)	PCB 06-068
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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, ILLINOIS POWER GENERATING COMPANY (as successor to Ameren Energy Generating Company), 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 (“Newton Permit”). Further, the parties request that the Board, while maintaining the stay of the remaining conditions and its jurisdiction over them, remand the Newton 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 Newton 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 Newton 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 Newton 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 Newton Permit incorporating the negotiated changes.

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

Respectfully Submitted,

ILLINOIS POWER GENERATING
COMPANY

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 N. Sawula
ANDREW N. SAWULA
Schiff Hardin LLP
Attorney for Petitioner
One Westminster Place, Suite 200
Lake Forest, IL 60045
(847) 295-4336

BY: /s/ Ryan G. Rudich
RYAN G. RUDICH
Assistant Attorney General
69 W. Washington Street, 18th Floor
Chicago, Illinois 60602
(312) 814-1511

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 5 day of November, 2015, 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
Assistant Attorney General
Environmental Bureau
69 West Washington Street, 18th Floor
Chicago, Illinois 60602
RRudich@atg.state.il.us

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

Bina Joshi

SCHIFF HARDIN LLP
Attorneys for Illinois Power Generating Company
Stephen J. Bonebrake
Kathleen C. Bassi
Bina Joshi
233 South Wacker Drive, Suite 6600
Chicago, Illinois 60606
Phone: 312-258-5605
Fax: 312-258-5600

Andrew N. Sawula
One Westminster Place
Suite 200
Lake Forest, IL 60045
847-295-4336