

JUN 23 2004

STATE OF ILLINOIS  
Pollution Control Board  
PCB 04-185  
Trade Secret Appeal

LISA MADIGAN, Attorney General of the  
State of Illinois

MATTHEW DUNN, Chief, Environmental Enforcement/  
Asbestos Litigation Division

BY: 

Ann Alexander, Assistant Attorney General and  
Environmental Counsel

Paula Becker Wheeler, Assistant Attorney General

188 West Randolph Street, Suite 2000

Chicago, Illinois 60601

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JUN 23 2004

Midwest Generation EME, LLC  
Petitioner

v.

Illinois Environmental Protection Agency,  
Respondent

STATE OF ILLINOIS  
Pollution Control Board  
PCB 04-185  
Trade Secret Appeal

NOTICE OF APPEARANCE

The undersigned attorneys hereby file their appearance on behalf of Respondent


Illinois Environmental Protection Agency.

Dated: Chicago, Illinois  
June 23, 2004

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State of Illinois

MATTHEW DUNN, Chief, Environmental Enforcement/  
Asbestos Litigation Division

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STIPULATION WITHDRAWING RESPONDENT'S  
OBJECTION TO INTERVENTION BY SIERRA CLUB

Respondent Illinois Environmental Protection Agency and movant for  
intervention Sierra Club, by their attorneys, stipulate and agree as follows:

1. Respondent's opposition to the motion for intervention in this matter filed  
by Sierra Club, set forth in its Objection to Sierra Club's Motion for Intervention and  
Appearance dated June 15, 2004, is hereby withdrawn. In light of the conditions agreed  
to in paragraph 2 herein, Respondent now supports intervention by Sierra Club.

2. Sierra Club, in the event it is granted intervention in this proceeding,  
agrees to abide by the limitations on its participation recommended in Respondent's  
previously-filed Response to Sierra Club's Motion for Intervention and allowed under 35  
Ill. Adm. Code 101.402(e), which are that Sierra Club shall (1) not be allowed to control  
any decision deadline; (2) be barred from serving discovery, interrogatories, and requests  
to admit; (3) be barred from conducting any depositions; (4) be bound by all Board and  
hearing officer orders issued to date; (5) not be allowed to raise any issues that were  
raised and decided, or might have been raised, earlier in this proceeding; and (6) not be  
provided, in connection with this proceeding, with the subject documents for which trade  
secret protection is claimed, until and unless those claims are finally resolved against  
petitioner Midwest Generation EME, LLC.

Dated: Chicago, Illinois  
June 23, 2004

LISA MADIGAN, Attorney General of  
the State of Illinois

MATTHEW DUNN, Chief, Environmental Enforcement/  
Asbestos Litigation Division

on behalf of ILLINOIS  
ENVIRONMENTAL PROTECTION  
AGENCY, Respondent

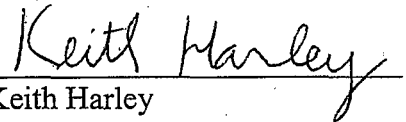
SIERRA CLUB, Movant for  
Intervention

BY:



Ann Alexander, Assistant Attorney  
General, Environmental Counsel  
Paula Becker Wheeler, Assistant Attorney  
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BY:



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Annie Pike  
Chicago Legal Clinic  
205 West Monroe St., 4<sup>th</sup> floor  
Chicago, Illinois 60606  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**Midwest Generation EME, LLC,**  
**Petitioner**

**v.**

**Illinois Environmental Protection Agency,**  
**Respondent**

)  
) **PCB 04-185**  
) **Trade Secret Appeal**  
)  
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)

**CERTIFICATE OF SERVICE**

I hereby certify that I did on the 23<sup>rd</sup> Day of June 2004 send by First Class Mail, with postage thereon fully paid and deposited into the possession of the United States Postal Service, one (1) original and nine (9) copies of the following instruments entitled Notice of Appearance, Notice of Filing, and Stipulation Withdrawing Respondent's Objection to Intervention by Sierra Club, to

To: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
100 West Randolph  
Suite 11-500  
Chicago, Illinois 60601

and a true and correct copy of the same foregoing instruments, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, to:

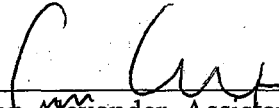
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Chicago, Illinois 60606

Dated: Chicago, Illinois  
June 23, 2004

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