

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

SOUTHERN ILLINOIS POWER	)	
COOPERATIVE,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 06-061
	)	(CAAPP Permit Appeal – Air)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To:

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

Ellen F. O’Laughlin  
Assistant Attorney General  
Environmental Bureau  
69 West Washington Street, 18<sup>th</sup> Floor  
Chicago, Illinois 60602

Bradley P. Halloran, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board a **JOINT MOTION TO PARTIALLY LIFT STAY OF CAAPP PERMIT AND REQUEST FOR REMAND OF PERMIT TO RESPONDENT**, copies of which are herewith served upon you.

*/s/ Sarah L. Lode*

\_\_\_\_\_  
Sarah L. Lode

Dated: January 10, 2022

SCHIFF HARDIN LLP

Attorneys for Southern Illinois Power Cooperative

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Petitioner,	)	
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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 Kwame Raoul, Attorney General of the State of Illinois, and Petitioner, 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. Further, the parties request that the Board, while maintaining the stay of the remaining conditions and its jurisdiction over them, remand the CAAPP permit subject to this appeal 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 CAAPP permit subject to this appeal.
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 CAAPP permit subject to this appeal 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 CAAPP permit subject to this appeal 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 permit incorporating the negotiated changes.

5. Once the modified version of the CAAPP permit subject to this appeal 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 CAAPP permit subject to this appeal and remand the permit back to the Respondent.

Respectfully Submitted,

Dated: January 10, 2022

SOUTHERN ILLINOIS POWER  
COOPERATIVE

PEOPLE OF THE STATE  
OF ILLINOIS, by

KWAME RAOUL, Attorney General  
Of the State of Illinois

By:         /s/ Andrew N. Sawula          
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**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on this 10th day of January, 2022, 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 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](mailto:brad.halloran@illinois.gov)

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I further certify that my email address is [slode@schiffhardin.com](mailto:slode@schiffhardin.com); the number of pages in the email transmission is 6; and the email transmissions took place today before 5:00 p.m.

*/s/ Sarah L. Lode*

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Sarah L. Lode

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