

BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.

IN THE MATTER OF:

POWER HOLDINGS OF ILLINOIS, LLC

)  
)  
)

PSD APPEAL NO. 09-04

NOTICE

To:

Eurika Durr,  
Clerk of the Board  
Environmental Appeals Board  
U.S. Environmental Protection Agency  
1341 G Street, N.W. Suite 600  
Washington, D.C. 20005

John J. Kim  
Chief Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276

David C. Bender  
McGillivray Westerberg & Bender LLC  
305 S. Paterson Street  
Madison, Wisconsin 53703

Matthew Dunn  
Chief, Environmental Enforcement Division  
Office of the Attorney General  
100 West Randolph Street  
12<sup>th</sup> Floor  
Chicago, Illinois 60601

Robert Kaplan  
Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency,  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604-3507

Susan Hedman, Environment & Energy  
Counsel  
Gerald Karr, Assistant Attorney General  
Office of the Illinois Attorney General  
69 W. Washington – 18<sup>th</sup> Floor  
Chicago, Illinois 60602

PLEASE TAKE NOTICE that I have today, April 20, 2010, filed with the Clerk of the Environmental Appeals Board on behalf of the Permittee, POWER HOLDINGS OF ILLINOIS, LLC, an **Errata Sheet to Permittee's Sur-Reply** by electronic filing, a copy of which is herewith served upon you.

Respectfully submitted by,

  
\_\_\_\_\_  
Patricia F. Sharkey  
On Behalf of Power Holdings of Illinois, LLC

Patricia F. Sharkey  
McGuireWoods LLP  
77 West Wacker Drive  
Suite 4100  
Chicago, Illinois 60601-1818  
(312) 750-8601  
Illinois Attorney No. 6181113

Certificate of Service

I hereby certify that on the 20th day of April 2010, I did send, the attached **Errata Sheet to Permittee's Sur-Reply**, to the following persons by U.S. Mail and, in addition, by electronic filing to the Clerk of the Board:

Eurika Durr, Clerk  
Environmental Appeals Board  
U.S. Environmental Protection Agency  
1341 G Street, N.W. Suite 600  
Washington, D.C. 20005

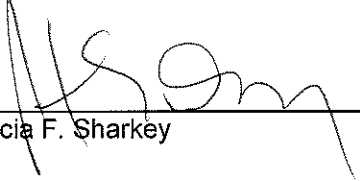
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Susan Hedman, Environment & Energy Counsel  
Gerald Karr, Assistant Attorney General  
Office of the Illinois Attorney General  
69 W. Washington – 18<sup>th</sup> Floor  
Chicago, Illinois 60602

  
By: Patricia F. Sharkey

Dated: April 20, 2010

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McGuireWoods LLP  
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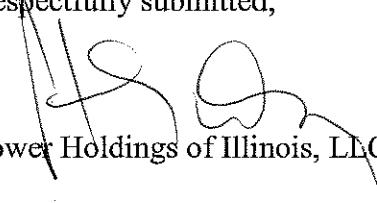
**ERRATA SHEET  
TO PERMITTEE'S SUR-REPLY**

Power Holdings of Illinois, LLC ("Permittee") respectfully submits the following correction to Permittee's Sur-Reply filed on April 19, 2010:

On page 10 of the Sur-Reply, the second full paragraph is corrected as shown by strike-through below:

"Opening a backdoor for state regulations to be given the force of federal law in an Illinois PSD permit, Petitioner's Section 165 argument would lead to the absurd consequence that despite EPA's express determination that Illinois' regulations are inadequate to prevent significant deterioration of air quality and the fact that Illinois has ~~not~~ been delegated PSD permitting authority, Illinois regulations are nonetheless federally required PSD requirements. This interpretation obliterates the distinction between states with fully authorized PSD permit programs and those with only EPA delegated permitting authority."

Respectfully submitted,

  
Power Holdings of Illinois, LLC

By One of Its Attorneys

Date: April 20, 2010

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