

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

IN THE MATTER OF:)
) PSD APPEAL NO. 09-04
POWER HOLDINGS OF ILLINOIS, LLC)

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

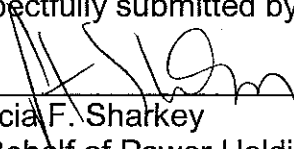
David C. Bender
McGillivray Westerberg & Bender LLC
305 S. Paterson Street
Madison, Wisconsin 53703

Matthew Dunn
Chief, Environmental Enforcement
Division
Office of the Attorney General
100 West Randolph Street
12th 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

PLEASE TAKE NOTICE that I have today filed with the Clerk of the Environmental Appeals Board an original (1) and five (5) copies of an **APPEARANCE** and **PERMITTEE'S REQUEST TO PARTICIPATE** on behalf of the Permittee, POWER HOLDINGS OF ILLINOIS, LLC, a copy of which is herewith served upon you.

Respectfully submitted by,



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

Dated: December 29, 2009

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

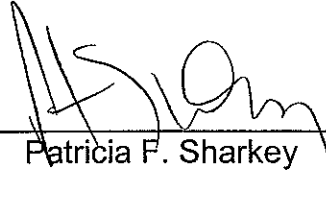
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

IN THE MATTER OF:)
) PSD APPEAL NO. 09-04
POWER HOLDINGS OF ILLINOIS, LLC)

APPEARANCE

NOW COMES Patricia F. Sharkey and enters her appearance on behalf of the Permittee, POWER HOLDINGS OF ILLINOIS, LLC, in the above-captioned matter.

Respectfully submitted ,


By: Patricia F. Sharkey

Dated: December 29, 2009

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

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

In the Matter of:)
) **PSD Appeal No. 09-04**
Power Holdings of Illinois, LLC)

Permittee's Request to Participate

Power Holdings of Illinois, LLC ("Power Holdings"), the Permittee in this matter, requests leave to participate in the above-captioned proceeding pursuant to the Environmental Appeals Board ("EAB") Practice Manual, Section III.D.4.

In support thereof, Power Holdings states:

1. Power Holdings, as the Permittee, is the real party in interest in this proceeding with a direct interest in the permit in question and the expeditious conclusion of this appeal.

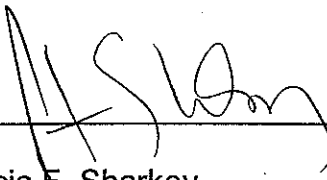
2. Power Holdings' active participation in this proceeding will materially assist the EAB by providing legal analysis and highlighting documentation in the record which is directly relevant to understanding the permit provisions and responding to issues raised in the Petition in a timely manner.

3. Power Holdings participation will not delay this appeal. On the contrary, Power Holdings has a vital interest in ensuring that review of this Petition proceeds as expeditiously as possible and in accordance with the standard procedures and deadlines prescribed by 40 C.F.R. 124 and by the EAB in its Orders and Practice Manual.

4. As the Permit at issue is for a new facility, prompt review of this Petition is essential to the timely commencement of construction. Power Holdings is concerned that unwarranted delay may occur in this proceeding absent Power Holdings' active participation. Such delay would be prejudicial to Power Holdings' interest in the timely commencement of construction of this new facility.

WHEREFORE, Power Holdings respectfully requests leave to participate in this proceeding as a full participant.

Respectfully submitted,



Patricia F. Sharkey

On Behalf of Power Holdings of Illinois, LLC

Dated: December 29, 2009

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 29th day of December, 2009, I did send, by Federal Express for next-day delivery, one (1) original and five (5) copies of the following instruments entitled **APPEARANCE** and **PERMITTEE'S REQUEST TO PARTICIPATE** to:

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

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:

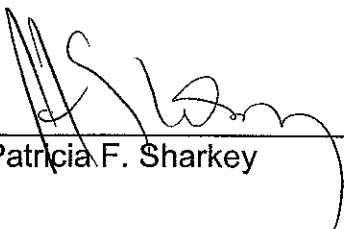
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