

**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

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

PLEASE TAKE NOTICE that I have today, March 16, 2010, filed with the Clerk of the Environmental Appeals Board on behalf of the Permittee, POWER HOLDINGS OF ILLINOIS, LLC, **Permittee's Notice That Petitioner Does Not Object to Request for Leave for Possible 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 16th day of March 2010, I did send, the attached **Permittee's Notice That Petitioner Does Not Object to Request for Leave for Possible 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

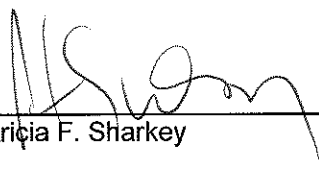
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Gerald Karr, Assistant Attorney General
Office of the Illinois Attorney General
69 W. Washington – 18th Floor
Chicago, Illinois 60602


By: Patricia F. Sharkey

Dated: March 16, 2010

Patricia F. Sharkey
McGuireWoods LLP
77 West Wacker Drive

Suite 4100
Chicago, Illinois 60601-1818
(312) 750-8601
Illinois Attorney No. 6181113

3. Several hours after Permittee's counsel filed that Response with the Board electronically, Permittee's counsel, Patricia F. Sharkey, received a return phone call from Petitioner's counsel, David C. Bender, who stated that Petitioner has no objection to the granting of Permittee's request for leave to file a possible Sur-reply.

Respectfully submitted by,



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

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