

**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

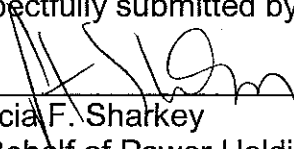
David C. Bender  
McGillivray Westerberg & Bender LLC  
305 S. Paterson Street  
Madison, Wisconsin 53703

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

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

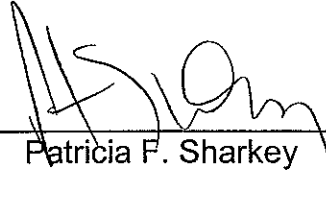
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WASHINGTON, D.C.

IN THE MATTER OF: )  
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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

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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** )

**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.

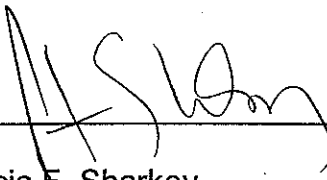
2. Power Holdings' active participation in this proceeding will materially assist the EAB by providing legal analysis and highlighting documentation in the record which is directly relevant to understanding the permit provisions and responding to issues raised in the Petition in a timely manner.

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,



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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:

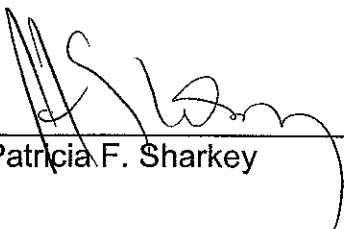
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By: Patricia F. Sharkey

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