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

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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

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

Robert Kaplan Regional Counsel Office of Regional Counsel U.S. Environmental Protection Agency, Region 5 77 W. Jackson Boulevard Chicago, Illinois 60604-3507 John J. Kim Chief Legal Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue East Springfield, Illinois 62794-9276

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

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

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

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Patriçia F. Sharkey Bv:

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

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IN THE MATTER OF:	
POWER HOLDINGS OF ILLINOIS, LLC	

PSD APPEAL NO. 09-04

Permittee's Notice That Petitioner Does Not Object to Request for Leave for Possible Sur-Reply

Power Holdings of Illinois, LLC ("Permittee") is hereby notifying the Board

that Petitioner does not object Permittee's request for possible Sur-Reply in this

proceeding.

Permittee further explains:

1. On Monday March 15, 2010, at approximately 3:30 pm (CDT),

Permittee filed with the Board electronically Permittee's Response to Petitioner's

Motion for Leave to Reply.

2. That Response objects to the granting of the Petitioner's Request

for Leave to Reply, but also states:

"If the Board does allow Petitioner to file a Reply, Permittee requests, for the sake of expediency, that the Board in the same order allow Permittee to file a Sur-Reply, as it has allowed in other cases.... In such case, Permittee requests that it be allowed 10 business days after the Reply is posted on the Board's online docket to file its Sur-reply. Counsel for Respondent has stated that it does not object to Permittee being allowed to Sur-Reply. Permittee has contacted, but been unable to reach counsel for Petitioner." 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

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