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

ENVIR. APPEALS BOARD

IN THE MATTER OF: )  
CITY OF SPRINGFIELD )

APPEAL NUMBER: PSD 06-08  
APPLICATION NUMBER: 04110050  
PSD PERMIT NUMBER: 167120AAO

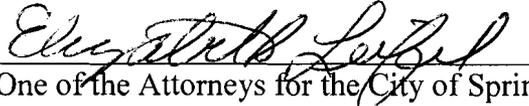
NOTICE

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

**SEE ATTACHED SERVICE LIST**

**PLEASE TAKE NOTICE** that the City of Springfield has today filed with the Clerk of the Environmental Appeals Board an original and five (5) copies of the **Objection to Motion for Leave to Intervene** of the City of Springfield, a copy of which is herewith served upon you.

Respectfully submitted,

By:   
One of the Attorneys for the City of Springfield, a  
municipal corporation

Renee Cipriano  
Elizabeth A. Leifel  
SONNENSCHN NATH & ROSENTHAL LLP  
7800 Sears Tower  
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Chicago, Illinois 60606  
(312) 876-8000

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<b>IN THE MATTER OF:</b>	)	<b>APPEAL NUMBER: PSD 06-08</b>
<b>CITY OF SPRINGFIELD</b>	)	<b>APPLICATION NUMBER: 04110050</b>
		<b>PSD PERMIT NUMBER: 167120AAO</b>

**OBJECTION TO MOTION FOR LEAVE TO INTERVENE**

The City of Springfield, a municipal corporation, was issued a construction permit by the Illinois Environmental Protection Agency (“IEPA”) under the Clean Air Act’s Prevention of Significant Deterioration program, 42 U.S.C. § 7601 et seq., on August 10, 2006. On September 8, 2006, David Maulding (“Maulding”) filed a Petition for Review, challenging IEPA’s authority to issue the permit including certain terms of an agreement (“Agreement”) entered into by the City and the Sierra Club. On September 12, 2006, the Sierra Club filed a Petition for Review in this docket. Maulding’s petition was dismissed by the Board on October 5, 2006. Maulding filed a Motion for Leave to Intervene in the Sierra Club’s Petition on October 10, 2006.

The City respectfully requests the Board to enter an order denying Maulding’s Motion for Leave to Intervene in this proceeding. In the alternative, the City requests that the Board limit Maulding’s participation in this docket to the issue of whether the Sierra Club’s Petition for Review was timely.

Maulding filed his own Petition for Review on September 8, 2006. In that petition, he raised three issues for review, all of which turned exclusively upon the incorporation of certain conditions from the Agreement in the final Permit.

The City filed a Response Seeking Summary Disposition and Motion for Summary Disposition on September 29, 2006, asserting that by virtue of Maulding’s appeal, the conditions

of the City's PSD permit he contested were null and void. The Board agreed with the City and disposed of Maulding's petition on October 5, 2006.

Because the Board disposed of the substantive issues Maulding raised, he has no cognizable remaining interest in the present proceeding. Maulding cannot, by virtue of intervening in the Sierra Club's Petition, receive a second opportunity to challenge the City's permit when the Board already disposed of his own petition.

Therefore, the City respectfully requests that the Board deny Maulding's request to intervene in the Sierra Club's petition.

Dated October 16, 2006

Respectfully submitted,

By:   
One of the Attorneys for the City of Springfield,  
Illinois, a municipal corporation.

Renee Cipriano  
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**CERTIFICATE OF SERVICE**

I the undersigned, an attorney, hereby certify that on the 16th day of October, 2006, service of a true and complete copy of the **City of Springfield's Objection to Motion For Leave To Intervene** was made upon the following parties:

Sally Carter, Esq.  
Office of General Counsel  
Illinois Environmental Protection Agency  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794

Bruce Nilles  
Sierra Club  
122 West Washington Ave., Suite 830  
Madison, WI 53703

Donald M. Craven, Esq.  
Counselors at Law  
1005 North Seventh Street  
Springfield, IL 62702

by depositing the same in the U.S. Mail.

