

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

|                                  |   |                      |
|----------------------------------|---|----------------------|
| IN RE:                           | ) |                      |
|                                  | ) |                      |
| CHRISTIAN COUNTY GENERATION, LLC | ) | PSD APPEAL NO. 12-01 |
|                                  | ) |                      |
| PSD PERMIT NO. 02106ACB          | ) |                      |

**NOTIFICATION OF PERMIT WITHDRAWAL**

1. The State of Illinois, by and through Illinois Attorney General Lisa Madigan, on behalf of the Illinois Environmental Protection Agency ("Illinois EPA") and pursuant to §124.19(d), 40 CFR 124.19(d), hereby provides notification to the Environmental Appeals Board ("Board") and parties of record, that the Illinois EPA is withdrawing Christian County Generation, LLC final PSD permit No. 02106ACB, in its entirety, pursuant to the authority set forth in §124.19(d). (See Exhibit A attached hereto). This notification is submitted in lieu of a response to the petition for review.

2. Section 124.19(d) provides:

(d) The Regional Administrator, at any time prior to the rendering of a decision under paragraph (c) of this section to grant or deny review of a permit decision, may, upon notification to the Board and any interested parties, withdraw the permit and prepare a new draft permit under §124.6 addressing the portions so withdrawn. The new draft permit shall proceed through the same process of public comment and opportunity for a public hearing as would apply to any other draft permit subject to this part. Any portions of the permit which are not withdrawn and which are not stayed under §124.16(a) continue to apply.

3. The Board has not yet entered an order granting review of the permit in this proceeding. Further, the Illinois EPA administers the PSD program for the State of Illinois, pursuant to a delegation agreement with the USEPA/Region V. *See*, 46 Fed. Reg. 9,580 (January 29, 1981). For purposes related to this notification, Illinois EPA is a delegated state permitting authority that "stands in the shoes" of the Administrator of the USEPA when implementing the

federal PSD program. *See*, 46 Fed. Reg. 9,580 (January 29, 1981); *In re Zion Energy, LLC*, 9 E.A.D. 701, 701-702, fn.1 (EAB, 2001). Therefore Illinois EPA has the authority, granted pursuant to §124.19(d), to withdraw this final PSD permit.

4. This action will allow for further consideration of the permitting decision, including, but not limited to, elements of the Best Available Control Technology (BACT) analysis. The Illinois EPA plans to consult with both representatives of the USEPA and the Permittee during this reconsideration process. A reissuance of the permit will be subject to any applicable requirements for additional public comment and hearing.

WHEREFORE, Illinois EPA, pursuant to 40 CFR §124.19(d), hereby provides notification that it is withdrawing Christian County Generation, LLC, final PSD permit No. 02106ACB in its entirety.

Respectfully submitted,

LISA MADIGAN  
Illinois Attorney General

By: /s/  
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DATED: July 9, 2012

# **EXHIBIT A**



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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PAT QUINN, GOVERNOR

JOHN KIM, INTERIM DIRECTOR

217/785-1705

## NOTICE OF WITHDRAWAL OF PSD APPROVAL

July 6, 2012

### PERMITTEE

Christian County Generation, LLC  
Attn: Greg Kunkel  
1044 North 115th Street, Suite 400  
Omaha, Nebraska 68154

Application No.: 05040027 I.D. No.: 021060ACB  
Applicant's Designation: SNG PLANT  
Date Received: April 8, 2010 Date Issued: April 30, 2012  
Subject: Production of Substitute Natural Gas and Generation of Electricity  
Location: Taylorville Energy Center, 1630 North 1400 East Road, Taylorville

The Prevention of Significant Deterioration (PSD) Approval that was previously issued to the above-designated Permittee on April 30, 2012, to construct a plant to produce substitute natural gas (SNG) and generate electricity, including a gasification block with two coal gasifiers and a power block with two turbines, is hereby WITHDRAWN in its entirety. As the delegated authority of the federal PSD program, the Illinois EPA is taking this action in accordance with its Delegation of Authority from the United States Environmental Protection Agency (USEPA) and 40 C.F.R. §124.19(d). This action will allow for further consideration of the permitting decision, including, but not limited to, elements of the Best Available Control Technology (BACT) analysis. The Illinois EPA plans to consult with both representatives of the USEPA and the Permittee during this reconsideration process for the pending application. A reissuance of the permit will be subject to any applicable requirements for additional public comment and hearing.

If you have any questions on this permit, please call Bob Smet at 217/785-1705.

Edwin C. Bakowski, P.E. Date Signed: 7/6/12  
Manager, Permit Section  
Division of Air Pollution Control

ECB:RPS:psj

## CERTIFICATE OF SERVICE

I, hereby certify that I caused a copy of the attached **NOTICE OF WITHDRAWAL** to be served by electronic mail and first class mail, postage prepaid, upon the persons listed below.

Dated: July 9, 2012

/s/

Gerald T. Karr

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