

(Objection No. 2), are not currently operating;

WHEREAS, the Department has not issued TVOP renewals for the Elrama and Armstrong power plants;

WHEREAS, the Department agrees, within 20 days of receipt of any maintenance plan regarding either the Elrama or the Armstrong power plant, to provide Appellants with a copy of said maintenance plan;

WHEREAS, the Department further agrees to provide a written statement to Appellants within 10 days after November 30, 2013, stating whether any maintenance plans have been received regarding the Elrama or the Armstrong plants;

WHEREAS; Appellants agree not to pursue objections to the non-issuance of TVOP renewals for these two inoperative power plants in this proceeding, but wish to preserve the factual and legal issues raised in this appeal;

WHEREAS, the Department does not object to preserving the issues raised in this appeal regarding the two inoperative plants;

WHEREAS, under 25 Pa. Code § 1021.141(a)(2), an appeal may be terminated prior to adjudication.

NOW, THEREFORE, the parties stipulate to the entry of an Order, if acceptable to the Board, resolving this appeal as follows:

1. Appellants' appeal as to the claims for the following power plants is withdrawn: AES Beaver Valley, Hatfield's Ferry, Homer City, Mitchell, Montour, Sunbury, and Bruce Mansfield.

2. Appellants' appeal as to the claims for the Elrama and Armstrong TVOP renewals is hereby dismissed without prejudice to the right of Appellants to raise in any

proceeding any and all factual or legal issues raised in the appeal docketed at EHB
Docket No. 2012-067-L.

3. Within 20 days of receipt of any maintenance plans regarding either the Elrama or the Armstrong power plant, the Department shall provide Appellants with a copy of said maintenance plan.

4. Within 10 days after November 30, 2013, the Department shall provide Appellants with a written statement stating whether any maintenance plans have been received regarding the Elrama or the Armstrong plants.

Respectfully submitted,

s/ Charles McPhedran

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FOR SIERRA CLUB, CLEAN AIR COUNCIL
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FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION

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