

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DYNEGY MIDWEST GENERATION, INC.)
(WOOD RIVER POWER STATION),)

Petitioner,)

v.)

PCB 10-053
(NPDES Permit Appeal – Water)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

NOTICE OF FILING

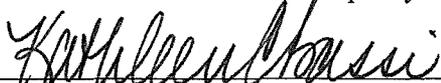
To:

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PLEASE TAKE NOTICE that we have today filed with the Office of the Clerk of the Pollution Control Board **MOTION TO WITHDRAW APPEAL OF NPDES PERMIT**, copies of which are herewith served upon you.



Kathleen C. Bassi

Dated: May 19, 2010

Kathleen C. Bassi
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DYNEGY MIDWEST GENERATION, INC.,)	
(WOOD RIVER POWER STATION),)	
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Petitioner,)	
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v.)	PCB 10-053
)	(NPDES Permit Appeal – Water)
ILLINOIS ENVIRONMENTAL)	
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MOTION TO WITHDRAW APPEAL OF NPDES PERMIT

NOW COMES Petitioner, DYNEGY MIDWEST GENERATION, INC. (WOOD RIVER POWER STATION) (“Petitioner” or “DMG”), pursuant to 35 Ill.Adm.Code § 101.500 and respectfully moves that the Board grant its Motion to Withdraw its Appeal of the NPDES Permit issued to the Wood River Power Station on December 9, 2009. In support of is Motion to Withdraw, Petitioner states as follows:

1. On December 9, 2009, the Illinois Environmental Protection Agency (“Agency”) issued an NPDES permit to DMG for the Wood River Power Station. The NPDES permit contained conditions establishing effluent limits for discharges of boron from Outfalls 002 and 005 that DMG believed were inconsistent with the applicable regulations and with which DMG was unable to comply by the effective date of the permit.

2. On January 12, 2010, DMG timely filed its Appeal of NPDES Permit Issued for the Wood River Power Station and Request for Partial Stay of the Permit. The Board accepted the Appeal for hearing on January 21, 2010, and granted the requested partial stay of the permit on February 4, 2010.

3. Since that time, DMG and the Agency have discussed the contested conditions and arrived at mutually-agreeable limitations for discharges of boron from Outfalls 002 and 005 that is more consistent with the applicable regulations. The Agency has drafted a revised NPDES permit for the Wood River Power Station reflecting these limitations and public noticed

the revised permit March 29 through April 28, 2010. DMG understands that the Agency is prepared to issue the revised NPDES permit at any time.

4. DMG believes it is in the best interests of all parties concerned for the Board to grant this Motion for Withdrawal of its Appeal of the NPDES Permit for the Wood River Power Station and for the Agency to issue the revised permit as soon as possible.

5. DMG understands that the Agency is in agreement with this Motion and will issue the revised NPDES permit on the same date that this Petition is filed.

WHEREFORE, for the reasons set forth above, Petitioner, DYNEGY MIDWEST GENERATION, INC. (WOOD RIVER POWER STATION), respectfully moves the Board to grant this Motion to Withdraw the Appeal of the NPDES Permit for the Wood River Power Station.

Respectfully submitted,

DYNEGY MIDWEST GENERATION, INC.
(WOOD RIVER POWER STATION)

by:



One of Its Attorneys

Dated: May 19, 2010

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 19th day of May, 2010, I have served electronically the attached **MOTION TO WITHDRAW APPEAL OF NPDES PERMIT**, upon the following persons:

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
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and by first-class mail with postage thereon fully prepaid and affixed to the following persons:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
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