

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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FEB 14 2013
STATE OF ILLINOIS
Pollution Control Board

TILTON ENERGY LLC)
(TILTON ENERGY CENTER),)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB 09-92
(Permit Appeal – Air)

PETITIONER'S MOTION TO DISMISS

NOW COMES Petitioner, TILTON ENERGY LLC, by and through its attorneys, McDERMOTT WILL & EMERY LLP, and asks the Board, pursuant to Section 101.500 of the Board's Procedural Rules, to dismiss this Clean Air Act Permit Program ("CAAPP") permit appeal, stating as follows:

1. During the pendency of this CAAPP permit appeal, the Respondent issued the Petitioner a revised CAAPP permit.
2. As a result, the Petitioner no longer seeks to appeal the Respondent's CAAPP permit decision at issue in this proceeding.

WHEREFORE, the Petitioner prays for an order dismissing this appeal and closing the docket.

Dated: February 14th, 2013

McDERMOTT WILL & EMERY LLP

By: Mark A. Bilut

MARK A. BILUT

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Attorney for Petitioner

CERTIFICATE OF SERVICE

I, hereby certify that I caused a copy of the foregoing, **PETITIONER'S MOTION TO DISMISS**, and **NOTICE OF FILING** thereof to be filed by hand delivery on February 14th, 2013:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 West Randolph
Chicago, Illinois 60601

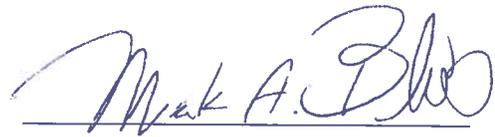
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and a true and correct copy of the same, **PETITIONER'S MOTION TO DISMISS** and **NOTICE OF FILING** thereof to be delivered by First Class U.S. Mail on February 14th, 2013 to the following:

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Ctr., Suite 11-500
100 West Randolph
Chicago, Illinois 60601

Sally Carter
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