

ILLINOIS POLLUTION CONTROL BOARD  
September 5, 2013

NATURAL RESOURCES DEFENSE	)	
COUNCIL, PRAIRIE RIVERS NETWORK	)	
and SIERRA CLUB,	)	
	)	
Petitioners,	)	
	)	
v.	)	PCB 13-17
	)	(Third-Party NPDES Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY and DYNEGY	)	
MIDWEST GENERATION, INC.,	)	
	)	
Respondents.	)	

ORDER OF THE BOARD (by D. Glosser):

On October 18, 2012, Natural Resources Defense Council, Prairie Rivers Network and Sierra Club (petitioners) timely filed a petition asking the Board to review a September 14, 2012 determination of the Illinois Environmental Protection Agency. *See* 415 ILCS 5/40(e)(1) (2010); 35 Ill. Adm. Code 101.300(b), 105.204(b). The Agency granted a National Pollutant Discharge Elimination System permit to Dynegy Midwest Generation, Inc. for its Havana Power Station located at 15260 North State Rte. 78, Havana, Mason County.

On May 15, 2013, petitioners filed a motion seeking to consolidate this case with a newly filed enforcement in Natural Resources Defense Council, Prairie Rivers Network And Sierra Club v. IEPA and Dynegy Midwest Generation, Inc., PCB 13-65. The Board had reserved ruling on the motion to consolidate pending briefing on a motion to dismiss PCB 13-65. By an order entered today, the Board dismisses PCB 13-65; therefore the motion to consolidate is moot.

IT IS SO ORDERED.

Board Member J. A. Burke abstains.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 5, 2013, by a vote of 3-0.



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John T. Therriault, Clerk  
Illinois Pollution Control Board