

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SHELBY COUNTY ENERGY CENTER, LLC)
)
 Petitioner,)
)
 v.) **PCB NO. 15-087**
) (CAAPP Permit Appeal – Air)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

NOTICE OF FILING

TO: Don Brown, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
don.brown@illinois.gov

Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
brad.halloran@illinois.gov

Jamie D. Getz
Assistant Attorney General
Environmental Bureau
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
jgetz@atg.state.il.us

PLEASE TAKE NOTICE that we have today electronically filed a **Motion for Voluntary Dismissal** with the Office of the Clerk of the Illinois Pollution Control Board.

Dated: January 16, 2019

Respectfully submitted,
Shelby County Energy Center, LLC

/s/ Katharine F. Newman

Byron F. Taylor
Katharine F. Newman
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, Illinois 60603

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SHELBY COUNTY ENERGY CENTER, LLC)	
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Petitioner,)	
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v.)	PCB NO. 15-087
)	(CAAPP Permit Appeal – Air)
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

MOTION FOR VOLUNTARY DISMISSAL

Petitioner, Shelby County Energy Center, LLC, by and through its attorneys, Sidley Austin LLP, hereby moves the Illinois Pollution Control Board (the Board) to dismiss this action. In support of its motion, Petitioner states as follows:

1. On October 29, 2014, Petitioner (through predecessor and former petitioner NRG Wholesale Generation LP) filed a Petition for Review of CAAPP Permit and Motion for Stay requesting review of the Clean Air Act Permit Program (“CAAPP”) permit I.D. No. 173801AAA issued by the Illinois Environmental Protection Agency (“Agency”) on September 26, 2014 (the “CAAPP Permit”).
2. On November 6, 2014 and November 20, 2014, the Board entered orders accepting the Petition for hearing and granting the Petitioner’s request for stay of the contested permit conditions, respectively.
3. Subsequently, SCEC and the Agency have engaged in negotiations regarding the CAAPP Permit and resolved the issues raised in the Petition. Pursuant to these negotiations, SCEC submitted an application to modify the CAAPP Permit and the Agency issued a revised permit to SCEC on September 20, 2018.

Electronic Filing: Received, Clerk's Office 1/16/2018

4. SCEC requests that the Board dismiss this matter and close the docket.
5. Counsel for the Agency does not object to this motion.

WHEREFORE, Petitioner, Shelby County Energy Center, LLC, requests that the Board dismiss this action and close the docket.

Dated: January 16, 2019

Respectfully submitted,
Shelby County Energy Center, LLC

/s/ Katharine F. Newman

Byron F. Taylor
Katharine F. Newman
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, Illinois 60603

CERTIFICATE OF SERVICE

I, the undersigned, certify that on January 16, 2019, I electronically served the attached **Motion for Voluntary Dismissal** on the following persons:

Don Brown, Clerk
Illinois Pollution Control Board
James R. Thompson Center
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Chicago, Illinois 60601
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