

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

SIERRA CLUB)
)
 Complainant,)
)
 v.)
)
 ILLINOIS POWER GENERATING)
 COMPANY, ILLINOIS POWER)
 RESOURCES GENERATING, LLC,)
 ELECTRIC ENERGY, INC.,)
 and VISTRA ENERGY CORP.)
)
 Respondents.)

**PCB No. 19-78
(Enforcement – Water)**

NOTICE OF FILING

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board the attached **COMPLAINANT’S UNOPPOSED MOTION TO VOLUNTARILY DISMISS CASE WITH PREJUDICE**, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

/s/ Gregory E. Wannier
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Attorneys for Sierra Club

Dated: May 5, 2021

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

SIERRA CLUB)	
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Complainant,)	
)	
v.)	
)	PCB No. 19-78
ILLINOIS POWER GENERATING)	(Enforcement – Water)
COMPANY, ILLINOIS POWER)	
RESOURCES GENERATING, LLC,)	
ELECTRIC ENERGY, INC.,)	
and VISTRA ENERGY CORP.)	
)	
Respondents.)	

**COMPLAINANT’S UNOPPOSED MOTION TO VOLUNTARILY DISMISS CASE
WITH PREJUDICE**

Complainant Sierra Club hereby move this Board to voluntarily dismiss with prejudice the above-captioned matter, which is now pending against Respondents Illinois Power Generating Company, Illinois Power Resources Generating, LLC, Electric Energy, Inc., and Vistra Energy Corp.¹ (collectively, “Respondents”). This Motion is directed to the Board. In support of this Motion, Complainants state as follows:

1. The formal Complaint in this case was filed on December 18, 2018.
2. Complainant and Respondents have settled all matters between them regarding the formal Complaint, and in reliance upon that settlement Complainant now desires to voluntarily dismiss this matter with prejudice.
3. Respondents have represented to Complainant that they agree with this Motion and, therefore, will file no response thereto.

¹ n/k/a Vistra Corp.

4. Complainant has attached to this filing a Proposed Order addressing the requests made herein.

Wherefore, Complainant respectfully requests that this Board grant their Motion for Unopposed Voluntary Dismissal with Prejudice and enter an order dismissing this action with prejudice.

Dated: May 5, 2021

Respectfully submitted,

By: /s/Gregory E. Wannier
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Attorneys for Sierra Club

CERTIFICATE OF SERVICE

The undersigned, Gregory E. Wannier, an attorney, certifies that I have served electronically upon the Clerk and by email upon the individuals named on the attached Service List a true and correct copy of **SIERRA CLUB'S UNOPPOSED MOTION TO VOLUNTARILY DISMISS CASE WITH PREJUDICE** before 5 p.m. Central Time on May 5, 2021 to the email addresses of the parties on the attached Service List. The entire filing package, including the attached Proposed Order, is 6 pages.

Respectfully submitted,

/s/ Gregory E. Wannier

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PCB 2019-078 SERVICE LIST:

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[PROPOSED] ORDER

On December 18, 2018, Complainant Sierra Club filed a formal complaint against Respondents Illinois Power Generating Company, Illinois Power Resources Generating, LLC, Electric Energy, Inc., and Vistra Energy Corp.¹ (collectively, “Respondents”). The complaint concerns alleged groundwater contamination at the Coffeen, Edwards, and Joppa power plant sites. The complaint alleges that Respondents violated sections 12(a) and (d) of the Illinois Environmental Protection Act (415 ILCS 5/12(a) and (d)) and Title 35, sections 620.115, 620.301(a), and 620.405 of the Illinois Administrative Code (35 Ill. Admin. Code §§ 620.115, 620.301(a), and 620.405).

On May 5, 2021, Sierra Club filed an Unopposed Motion to Voluntarily Dismiss the Case with Prejudice. In the motion, Complainant states that they and Respondents have “settled all matters between them” regarding the formal complaint. *Mot.* at 1. Respondents agree with the motion and have agreed not to file a response to the motion. *Id.* The Board grants the motion, dismisses the case with prejudice, and closes the docket.

¹ n/k/a Vistra Corp.

IT IS SO ORDERED

Dated: May __, 2021

BY: _____