

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PRAIRIE RIVERS NETWORK,)	
)	
Complainant,)	
)	
v.)	PCB 2019-093
)	(Enforcement - Water)
DYNEGY MIDWEST GENERATION, LLC,)	
)	
Respondent.)	
)	

NOTICE OF ELECTRONIC FILING

To: Attached Service List

PLEASE TAKE NOTICE that on July 21, 2023, I electronically filed with the Clerk of the Illinois Pollution Control Board (“Board”) the attached COMPLAINANT’S UNOPPOSED MOTION TO VOLUNTARILY DISMISS THE CASE WITH PREJUDICE, copies of which are served on you along with this notice.

Dated: July 21, 2023

Respectfully Submitted,

/s/ Jennifer Cassel
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Counsel for Complainant Prairie Rivers Network

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

Complainant Prairie Rivers Network (“PRN”), by and through its counsel, hereby respectfully moves the Illinois Pollution Control Board (“Board”) to voluntarily dismiss with prejudice the above-captioned matter, which is pending against Respondent Dynegy Midwest Generation, LLC’s (“Dynegy”). This Motion is directed to the Board. In support of this request, PRN states as follows:

1. PRN filed its citizen complaint against Dynegy on May 29, 2019, alleging that Dynegy’s storage and disposal of coal ash at its Vermilion Power Station violated the Illinois Environmental Protection Act and Board regulations.

2. On June 22, 2021, the Illinois Attorney General and State’s Attorney of Vermilion County filed an enforcement action against Dynegy in *People of the State of Illinois v. Dynegy Midwest Generation, LLC*, Case No. 2021CH000024, in the Circuit Court of the Fifth Judicial District in Vermilion County. PRN moved to intervene in the action and the court granted it limited intervention on October 27, 2021.

3. On June 9, 2023, the Vermilion County court approved and entered a Consent Order agreed to by the Attorney General, Dynegy, and PRN. The Consent Order obligates Dynegy to close its coal ash ponds at Vermilion by removing the ash, to take measures to protect against continued releases of pollution into the Middle Fork, and to pay civil penalties, *inter alia*.

4. In light of the Consent Order in the Vermilion County case, PRN now believes it appropriate to voluntarily withdraw its complaint to the Board with prejudice.

5. Counsel for the parties have conferred, and counsel for Dynegy represents that it does not oppose this Motion.

WHEREFORE, PRN respectfully requests that this Board grant its Unopposed Motion for Voluntary Dismissal with Prejudice and enter an order dismissing this action.

Respectfully submitted the 21st of July, 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of July, 2023, I electronically served the foregoing Unopposed Motion to Voluntarily Dismiss the Case with Prejudice upon the parties of record at the email addresses indicated in the service list below.

I further certify that my email address is jcassel@earthjustice.org; the number of pages in the email transmission is 6; and the email transmission took place today before 5:00 p.m. CT.

Respectfully Submitted,

/s/ Jennifer Cassel
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