

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

**ILLINOIS POWER GENERATING
COMPANY**

Petitioner

v.

**ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY**

Respondent.

PCB 2024-043

(Permit Appeal – Alternative
Source Demonstration)

NOTICE OF FILING

To:

Don Brown
Carol Webb
Pollution Control Board
100 West Randolph Street
James R. Thompson Center
Suite 11-500
Chicago, Illinois 60601-3218
Don.brown@illinois.gov
Carol.webb@illinois.gov

Mallory Meade
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
mallory.meade@ilag.gov

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the attached **MOTION TO VOLUNTARILY DISMISS** and a **CERTIFICATE OF SERVICE**, copies of which are herewith served upon you.

/s/ Samuel A. Rasche

Dated: August 25, 2026

Joshua R. More
Bina Joshi
Samuel A. Rasche
233 South Wacker Drive, Suite 7100
Chicago, Illinois 60606
(312) 258-5500
Joshua.More@afslaw.com
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Attorneys Illinois Power Generating Company

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

**ILLINOIS POWER GENERATING
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Petitioner

v.

**ILLINOIS ENVIRONMENTAL
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Respondent.

PCB 2024-043

(Permit Appeal – Alternative
Source Demonstration)

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 25th day of August, 2026:

I have electronically served a true and correct copy of the attached Motion to Voluntarily Dismiss by electronically filing with the Clerk of the Illinois Pollution Control Board and by e-mail upon the following persons:

Illinois Pollution Control Board
60 E Van Buren St, Ste. 630
Chicago, IL 60605
Don Brown
don.brown@illinois.gov
Carol Webb
carol.webb@illinois.gov

Office of the Attorney General
500 South Second Street
Springfield, IL 62706
Mallory Meade
mallory.meade@ilag.gov

My e-mail address is sam.rasche@afslaw.com

The number of pages in the e-mail transmission is 8.

The e-mail transmission took place before 5:00 p.m.

/s/ Samuel A. Rasche
Samuel A. Rasche

Dated: August 25, 2026

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

**ILLINOIS POWER GENERATING
COMPANY**

Petitioner

v.

**ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY**

Respondent.

PCB 2025-028
(Permit Appeal – Alternative
Source Demonstration)

MOTION TO VOLUNTARILY DISMISS

Petitioner Illinois Power Generating Company (“IPGC” or “Petitioner”), pursuant to Section 101.500(a) of the Illinois Pollution Control Board administrative rules, 101 Ill. Adm. Code 101.500(a), hereby moves to voluntarily dismiss its Petition for Review of the Illinois Environmental Protection Agency’s Non-Concurrence with Alternative Source Demonstration under 35 Ill. Adm. Code Part 845 which was filed on December 15, 2023 (the “Petition”). In support of this Motion, IPGC states as follows:

1. IPGC owns and operates the Newton Power Plant (“Newton”) located in in Jasper County, Illinois. Newton includes the Primary Ash Pond (“PAP”), a CCR surface impoundment regulated under Part 845.

2. On October 24, 2023, IPGC received the Illinois Environmental Protection Agency’s (“IEPA” or “Agency”) nonconcurrence with an Alternative Source Demonstration (“ASD”) submitted by IPGC to IEPA on October 6, 2023. The October 6 ASD addressed a

potential groundwater protection standard (“GWPS”) exceedance of fluoride at monitoring well APW15 at Newton.

3. On December 15, 2023, IPGC filed the Petition for review of the Agency’s nonconcurrency with the October 6 ASD.

4. On July 13, 2026, IPGC submitted a second ASD for a subsequent detection of a potential GWPS exceedance of fluoride at APW15.¹ On August 10, 2026, IEPA issued a letter concurring with IPGC’s July 13 ASD. Exhibit A.

5. Counsel for IPGC conferred with counsel for the Agency and confirmed that the Agency does not object to this Motion.

WHEREFORE, IPGC respectfully requests that the Board grant this Motion and issue an Order Dismissing the Petition.

Respectfully submitted,

/s/ Samuel A. Rasche
Samuel A. Rasche

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*Attorneys for Illinois Power Generating
Company*

¹ Available at <https://www.luminant.com/documents/ccr/il-ccr/Newton/2026/Newton%20PAP%20845.650%20ASD%2007%2010%202026.pdf>

EXHIBIT A



Electronic Filing: Received, Clerk's Office 08/25/2026

Illinois Environmental Protection Agency

2520 West Iles Avenue • P.O. Box 19276 • Springfield, Illinois • 62794-9276 • 217-782-3397

JB Pritzker, Governor

James Jennings, Director

217/524-3301

Certified Mail

Return Receipt Requested

9589 0710 5270 3788 8798 65

AUG 10 2026

Illinois Power Generating Company – Newton Power Station
Mr. Phil Morris
1500 Eastport Plaza Drive.
Collinsville, Illinois, 62234-6135

Re: 0798080001 -- Jasper County
Newton Power Plant
ILD000806596
Log No. 2026-296
PS-Corr - 02
Alternate Source Demonstration

Dear Mr. Morris:

A technical review of the information provided within the submittal entitled, "35 Illinois Administrative Code 845.650(e): Alternate Source Demonstration Primary Ash Pond Newton Power Plant" dated July 13, 2026, and received by the Illinois Environmental Protection Agency (Illinois EPA) on July 13, 2026, has been completed. The Alternate Source Demonstration (ASD) was submitted for chloride detected in groundwater at the Newton Primary Ash Pond (Log No. 2021-505) in groundwater monitoring well APW15. The Illinois EPA concurs with the demonstration. In accordance with 35 Illinois Administrative Code (IAC) 845.650(e)(5), the facility must continue groundwater monitoring and include the ASD within the annual groundwater monitoring report.

Any questions regarding groundwater issues, please contact Gabriel Kammel-O'Donnell at 217/524-7922 or Gabriel.Kammel-Odonnell@illinois.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua L. Rhoades".

Joshua L. Rhoades, P.G.
Permit Section Manager
Bureau of Land

JLR:GKO:0798080001-CCR-PS26056.docx

GKO AMB

cc: Ryhs Fuller, Illinois Power Generating Company