

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**AMEREN ENERGY GENERATING
COMPANY and RACCOON CREEK
POWER PLANT,**

Petitioners,

V.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

)
)
)
)
)
)
)
)
)
)
)

PCB 09-98
(CAAPP Permit Appeal – Air)

NOTICE OF FILING

To:


John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

Sally Carter
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276

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

Jane McBride
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706

PLEASE TAKE NOTICE that we have today filed with the Office of the Clerk of the Pollution Control Board **PETITIONERS' MOTION TO DISMISS**, a copy of which is herewith served upon you.


Joshua R. More

Dated: October 10, 2012

SCHIFF HARDIN LLP
Attorney for Ameren Energy Generating Company and
Raccoon Creek Power Plant
Joshua R. More
233 South Wacker Drive
Suite 6600
Chicago, Illinois 60606
Phone: 312-258-5769
Fax: 312-258-5600
jmore@schiffhardin.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**AMEREN ENERGY GENERATING
COMPANY and RACCOON CREEK POWER
PLANT,**

Petitioners,

V.

**ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,**

Respondent.

PCB 09-98
(CAAPP Permit Appeal – Air)

PETITIONER’S MOTION TO DISMISS

NOW COME Petitioners, AMEREN ENERGY GENERATING COMPANY and RACCOON CREEK POWER PLANT, by and through its attorneys, SCHIFF HARDIN LLP, pursuant to Section 101.500 of the Board's Procedural Rules and asks the Board to dismiss this Clean Air Act Permit Program ("CAAPP") permit appeal, stating as follows:

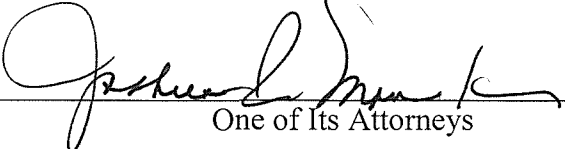
1. During the pendency of this CAAPP appeal, the Respondent issued a revised CAAPP permit.
2. Accordingly, the Petitioners no longer seek to appeal the Respondent's CAAPP permit decision at issue in this proceeding.

WHEREFORE, the Petitioners pray for an Order from the Board dismissing this matter and closing the docket.

Respectfully submitted,

AMEREN ENERGY GENERATING COMPANY
and RACCOON CREEK POWER PLANT

by:


One of Its Attorneys

Dated: October 10, 2012

SCHIFF HARDIN LLP
Joshua R. More
233 South Wacker Drive
Suite 6600
Chicago, Illinois 60606
Phone: 312-258-5769
Fax: 312-258-2600
jmore@schiffhardin.com

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 10th day of October, 2012, I have served electronically the attached **PETITIONERS' MOTION TO DISMISS**, upon the following persons:

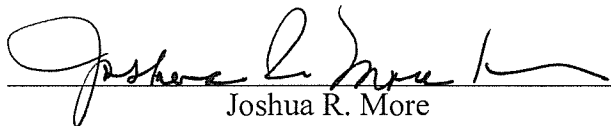
John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

and their having waived paper service, electronically upon the following persons:

Sally Carter
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
sally.carter@illinois.gov
robb.layman@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
hallorab@ipcb.state.il.us

Jane McBride
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706


Joshua R. More

SCHIFF HARDIN LLP
Attorney for Ameren Energy Generating Company and
Gibson City Power Plant
Joshua R. More
233 South Wacker Drive
Suite 6600
Chicago, Illinois 60606
Phone: 312-258-5769
Fax: 312-258-5600
jmore@schiffhardin.com