

ILLINOIS POLLUTION CONTROL BOARD
April 12, 2017

SIERRA CLUB,)
)
Complainant,)
)
v.) PCB 13-27
) (Citizens Enforcement - Air)
MIDWEST GENERATION, LLC,)
)
Respondent.)

ORDER OF THE BOARD (by C. M. Santos):

Sierra Club filed this citizen's enforcement action concerning four Midwest Generation, LLC (MWG)-owned coal-fired power stations. The complaint alleges two violations involving the 2010 1-hour SO₂ National Ambient Air Quality Standard (the "1-hour SO₂ NAAQS"): (1) that the stations emit SO₂ air pollution that causes ambient air quality to exceed the 1-hour SO₂ NAAQS in violation of Section 9(a) of the Environmental Protection Act (Act), 415 ILCS 9(a) (2014); and (2) that the stations violated 35 Ill. Adm. Code § 201.141, and thus Section 9(a) of the Act, by emitting or threatening to emit SO₂ so as to prevent attainment or maintenance of the 1-hour SO₂ NAAQS. On January 8, 2015, the Board accepted the complaint for hearing.

On April 7, 2017, the parties filed a joint motion to voluntarily dismiss this action without prejudice, along with a stipulation that each party bear its own attorney's fees and costs. The motion states that the parties continue to await final action by the United States Environmental Protection Agency (USEPA) on two State of Illinois submittals related to the 1-hour SO₂ NAAQS, and that any USEPA decision could impact Sierra Club's claims. However, the motion adds, the duration of this review is uncertain, and continuing to delay this proceeding pending final review would unduly burden the parties and the Board. Joint Mot. at 1-2.

Having reviewed the joint motion and stipulation, the Board grants the motion, dismisses the case without prejudice, and closes the docket.

IT IS SO ORDERED.

I, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 12, 2017, by a vote of 5-0.



Don A. Brown, Assistant Clerk
Illinois Pollution Control Board