

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>ILLINOIS POWER GENERATING COMPANY</b>	)	
<b>(NEWTON POWER STATION),</b>	)	
	)	
	)	
<b>Petitioners,</b>	)	
	)	
<b>v.</b>	)	
	)	<b>PCB 16-60</b>
<b>ILLINOIS ENVIRONMENTAL PROTECTION</b>	)	<b>(NPDES Permit Appeal)</b>
<b>AGENCY</b>	)	
	)	
	)	
<b>Respondent.</b>	)	

**NOTICE OF FILING**

To: ALL PARTIES ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the attached **MOTION TO VOLUNTARILY DISMISS** copies of which are herewith served upon you.

Respectfully submitted,

/s/ Amy Antonioli

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Joshua R. More  
Amy Antonioli  
SCHIFF HARDIN, LLP  
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Dated: May 8, 2017

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>ILLINOIS POWER GENERATING COMPANY</b>	)	
<b>(NEWTON POWER STATION),</b>	)	
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<b>Petitioners,</b>	)	
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<b>v.</b>	)	
	)	<b>PCB 16-60</b>
<b>ILLINOIS ENVIRONMENTAL PROTECTION</b>	)	<b>(NPDES Permit Appeal)</b>
<b>AGENCY</b>	)	
	)	
	)	
<b>Respondent.</b>	)	

**MOTION TO VOLUNTARILY DISMISS**

Petitioner Illinois Power Generating Company (“IPGC”), by and through its attorneys, SCHIFF HARDIN LLP, pursuant to 35 Ill. Adm. Code 101.500 of the Illinois Pollution Control Board’s (“Board’s”) procedural rules (35 Ill. Adm. Code 101.500) and asks the Board to dismiss this National Pollutant Discharge Elimination System (NPDES) permit appeal, stating as follows:

1. On November 5, 2015 Petitioner filed a petition for review of NPDES Permit No. IL0049191 (NPDES Permit), effective October 1, 2015, for the Newton Power Station, challenging certain conditions of the permit.
2. The Board stayed the effectiveness of the contested conditions of the NPDES Permit pending the final resolution of the appeal.
3. On April 26, 2017, IEPA issued a modified version of the NPDES Permit, pursuant to agreement of the parties that addressed the issues raised in the appeal.

WHEREFORE, Petitioner IPGC respectfully requests that the Illinois Pollution Control Board dismiss this matter and close the docket.

Illinois Power Generating Company

Respectfully submitted,

*/s/ Amy Antonioli*

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Amy Antonioli

Dated: May 8, 2017

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**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on this 8<sup>th</sup> day of May, 2017 have electronically served a true and correct copy of the attached **MOTION TO VOLUNTARILY DISMISS**, on behalf of Illinois Power Generating Company, upon the following persons:

Mr. Don Brown, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

Mr. Brad Halloran, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
[brad.halloran@illinois.gov](mailto:brad.halloran@illinois.gov)

My e-mail address is [aantoniolli@schiffhardin.com](mailto:aantoniolli@schiffhardin.com);  
The number of pages in the e-mail transmission is 4.  
The e-mail transmission took place before 5:00 p.m.

I further certify that I have served a true and correct copy of the attached **MOTION TO VOLUNTARILY DISMISS**, on behalf of Illinois Power Generating Company, by first class mail, postage affixed, upon:

Elizabeth Dubats  
Assistant Attorney General  
Environmental Bureau  
Office of the Attorney General  
69 West Randolph St., 18<sup>th</sup> Floor  
Chicago, IL 60602

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

/s/ Amy Antonioli

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