#### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MIDWEST GENERATION, LLC – POWERTON GENERATING STATION,	)	
Petitioner,	)	
v.	)	PCB 07-101 (Permit Appeal—Air)
ILLINOIS ENVIRONMENTAL	)	(r crimi r sprem - r sm)
PROTECTON AGENCY,	)	
Respondent.	)	

## **NOTICE OF FILING**

To:

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

James P. Gignac
Assistant Attorney General
Environmental Bureau
69 West Washington Street, 18<sup>th</sup> Floor
Chicago, Illinois 60602

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

Angad Nagra
Assistant Attorney General
Environmental Bureau
69 West Washington Street, 18<sup>th</sup> Floor
Chicago, Illinois 60602

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the attached **Motion for Voluntary Dismissal of Permit Appeal**, a copy of which is herewith served upon you.

/s/ Ryan C. Granholm Ryan C. Granholm

Dated: June 26, 2017

# Electronic Filing: Received, Clerk's Office 6/26/2017

SCHIFF HARDIN LLP Attorneys for Midwest Generation, LLC Stephen J. Bonebrake Ryan C. Granholm 233 South Wacker Drive, Suite 7100 Chicago, Illinois 60606

Phone: 312-258-5633 Fax: 312-258-5600

rgranholm@schiffhardin.com

Andrew N. Sawula One Westminster Place, Suite 200 Lake Forest, IL 60045

Phone: 847-295-4336

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MIDWEST GENERATION, LLC – POWERTON GENERATING STATION,	)	
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v.	)	PCB 07-101
ILLINOIS ENVIRONMENTAL	)	(Permit Appeal—Air)
PROTECTON AGENCY,	)	
Respondent.	)	

#### MOTION FOR VOLUNTARY DISMISSAL OF PERMIT APPEAL

Petitioner, by and through its attorneys, Schiff Hardin LLP, and pursuant to 35 Ill.

Admin. Code 101.500 hereby voluntarily moves to dismiss the above captioned permit appeal.

This voluntary dismissal is without prejudice to Petitioner's ability to prosecute challenges to any permit issued to any other facility owned or operated by Petitioner, to any claims Petitioner may have in any other permit appeals currently before the Board, and to any claims it may have with respect to future permits for this facility. Petitioner further requests that the Board order each party to bear its own costs and fees for this permit appeal. Petitioner contacted counsel for Respondent who stated he had no objection to this motion.

Respectfully submitted,

MIDWEST GENERATION, LLC

by:

/s/ Andrew N. Sawula
One of Its Attorneys

Dated: June 26, 2017

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Phone: 847-295-4336

#### CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 26th day of June, 2017, I have served electronically the attached **Motion for Voluntary Dismissal of Permit Appeal**, upon the following persons by e-mail at the email addresses indicated below:

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

Angad Nagra Assistant Attorney General Environmental Bureau 69 West Washington Street, 18<sup>th</sup> Floor Chicago, Illinois 60602 anagra@atg.state.il.us James P. Gignac Assistant Attorney General Environmental Bureau 69 West Washington Street, 18<sup>th</sup> Floor Chicago, Illinois 60602 jgignac@atg.state.il.us

I further certify that my email address is <u>rgranholm@schiffhardin.com</u>; the number of pages in the email transmission is 5; and the email transmission took place today before 5:00 p.m.

/s/ Ryan C. Granholm

Ryan C. Granholm

#### SCHIFF HARDIN LLP

Attorneys for Midwest Generation, LLC Stephen J. Bonebrake Ryan C. Granholm 233 South Wacker Drive, Suite 7100 Chicago, Illinois 60606

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