

ILLINOIS POLLUTION CONTROL BOARD

July 6, 2017

MIDWEST GENERATION, LLC,)	
POWERTON GENERATING STATION,)	
)	
Petitioner,)	
)	
v.)	PCB 08-023
)	(CAAPP Permit Appeal – Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.K. Zalewski):

On June 26, 2017, Midwest Generation, LLC, Powerton Generating Station (MWG) filed a motion to dismiss its petition reviewing an August 8, 2007 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40.2(a) (2016); 35 Ill. Adm. Code 105.302(e). In the determination, the Agency issued a Clean Air Act Permit Program construction permit with conditions. The permit concerns MWG's electric generating station located at 13082 East Manito Road in Pekin, Tazewell County. Today the Board grants MWG's motion to dismiss.

In its motion, MWG states that it "voluntarily moves to dismiss" the appeal, without prejudice to: prosecute challenges to permits issued to other MWG facilities; claims MWG may have in other pending permit appeals; and claims MWG may have with respect to future permits for this facility. Mot. at 1. MWG further requests that each party bear its own fees and costs for this appeal, and states that the Agency "had no objection to this motion." *Id.* The Board grants MWG's motion, dismisses this case, and closes the docket.

IT IS SO ORDERED.

Member Carter abstained.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 6, 2017, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board