

No: _____

**IN THE APPELLATE COURT OF ILLINOIS
FOURTH JUDICIAL DISTRICT**

DYNEGY MIDWEST GENERATION,)
 LLC, ILLINOIS POWER) Appeal from the Illinois Pollution
 GENERATING COMPANY, ILLINOIS) Control Board
 POWER RESOURCES GENERATING,)
 LLC, ELECTRIC ENERGY, INC., and) Petition for Review of a Final Order of
 KINCAID GENERATION, LLC,) the Illinois Pollution Control Board in
) its Docket No. R 2020-019
Petitioners-Appellants,)
)
)
 ILLINOIS POLLUTION CONTROL)
 BOARD,)
)
Respondent-Appellee.)

NOTICE OF FILING

To: **Illinois Pollution Control Board**
 Attention: Clerk
 James R. Thompson Center, Suite 11-500
 100 West Randolph
 Chicago, Illinois 60601
 PCB.Clerks@illinois.gov
 Don.brown@illinois.gov

To: All Persons on the Attached
 Service list

PLEASE TAKE NOTICE that on May 26, 2021, Petitioners-Appellants, Dynegy Midwest Generation, LLC, Illinois Power Generating Company, Illinois Power Resources Generating, LLC, Electric Energy, Inc., and Kincaid Generation, LLC, caused to be filed with the Appellate Court of Illinois, Fourth District, their Petition for Review of a Final Order of the Illinois Pollution Control Board in its Docket No. R 2020-019

Respectfully submitted,

Dated: May 26, 2021

By: /s/ Katherine S. Walton

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Attorneys for Petitioners

**APPEAL TO THE APPELLATE COURT OF ILLINOIS
FOR THE FOURTH JUDICIAL DISTRICT
FROM THE ILLINOIS POLLUTION CONTROL BOARD**

DYNEGY MIDWEST GENERATION, LLC,)	Petition for Review of a Final
ILLINOIS POWER GENERATING COMPANY,)	Order of the Illinois Pollution
ILLINOIS POWER RESOURCES)	Control Board in its Docket
GENERATING, LLC, ELECTRIC ENERGY,)	No. R 2020-019
INC., and KINCAID GENERATION, LLC,)	
)	
Petitioners-Appellants,)	
)	
)	
v.)	
)	
ILLINOIS POLLUTION CONTROL BOARD,)	
)	
Respondent-Appellee. ¹)	

PETITION FOR REVIEW

Petitioners-Appellants Dynegy Midwest Generation, LLC, Illinois Power Generating Company, Illinois Power Resources Generating, LLC, Electric Energy, Inc., and Kincaid Generation, LLC (“Petitioners”) hereby petition the Illinois Appellate Court, Fourth District, for review of certain portions of the Illinois Pollution Control Board’s final order promulgating regulations in 35 Ill. Admin. Code Part 845 (“Part 845”). The final order was entered on April 15, 2021, with an effective date of April 21, 2021. Petitioners submit this petition in accordance with 415 ILCS 5/29 and 415 ILCS 5/41.

Petitioners request review of the portions of the Board’s April 15, 2021, order promulgating the following provisions of Part 845: (1) the requirements for closure with a final

¹ Per 35 Ill. Admin. Code § 102.100(b), the rulemaking participants in Pollution Control Board Docket No. R 2020-019 are not “parties of record” to the agency proceeding at issue and are not required to be named as Respondents or served pursuant to Supreme Court Rule 335. *See* 35 Ill. Admin. Code § 102.100(b) (“All persons taking part in these hearings are participants, rather than parties as in contested cases.”). Nevertheless, Petitioners will serve this Petition via email to rulemaking participants listed on the Board’s service list for Docket No. R 2020-019 as a courtesy.

cover system in 35 Ill. Admin. § Code 845.750; (2) the definition of “Inactive Surface Impoundment” in 35 Ill. Admin. Code § 845.120; and (3) the requirement for monthly groundwater elevation monitoring in 35 Ill. Admin. Code § 845.650.

Dated: May 26, 2021

By: /s/ Katherine S. Walton

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Attorneys for Petitioners

CERTIFICATE OF FILING AND SERVICE

The undersigned, an attorney, certifies that on May 26, 2021, the foregoing Notice of Filing and Petition for Review of a Final Order of the Illinois Pollution Control Board in its Docket No. R 2020-019 were filed with the Clerk of the Court for the Illinois Appellate Court, Fourth Judicial District, by using the File and Serve Illinois system.

The undersigned also certifies that on May 26, 2021, true and correct copies of the Notice of Filing, Petition for Review of a Final Order of the Illinois Pollution Control Board in its Docket No. R 2020-019, and this Certificate of Service were served by email and U.S. mail on Respondent at the e-mail addresses and street address listed below and by email on all persons listed on the attached Service List at the primary email addresses of record designated by those persons.

Illinois Pollution Control Board

Attention: Clerk
James R. Thompson Center, Suite 11-500
100 West Randolph
Chicago, Illinois 60601
PCB.Clerks@illinois.gov
Don.brown@illinois.gov

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ Katherine S. Walton

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Attorneys for Petitioners

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No: 4-21-0309

**IN THE APPELLATE COURT OF ILLINOIS
FOURTH JUDICIAL DISTRICT**

DYNEGY MIDWEST GENERATION, LLC, ILLINOIS POWER GENERATING COMPANY, ILLINOIS POWER RESOURCES GENERATING, LLC, ELECTRIC ENERGY, INC., and KINCAID GENERATION, LLC,)	
)	Appeal from the Illinois Pollution Control Board
<i>Petitioners-Appellants,</i>)	
)	Petition for Review of a Final Order of the Illinois Pollution Control Board in its Docket No. R 2020-019
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ILLINOIS POLLUTION CONTROL BOARD,)	
)	
<i>Respondent-Appellee.</i>)	

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To: All Persons on the Attached Service List

PLEASE TAKE NOTICE that on May 26, 2021, Petitioners-Appellants, Dynegy Midwest Generation, LLC, Illinois Power Generating Company, Illinois Power Resources Generating, LLC, Electric Energy, Inc., and Kincaid Generation, LLC, caused to be filed with the Appellate Court of Illinois, Fourth District, the Appearances of their attorneys of record.

Respectfully submitted,

Dated: May 26, 2021

By: /s/ Sarah L. Lode

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Attorneys for Petitioners

**IN THE APPELLATE COURT OF ILLINOIS
FOURTH JUDICIAL DISTRICT**

DYNEGY MIDWEST GENERATION, LLC, ILLINOIS POWER GENERATING COMPANY, ILLINOIS POWER RESOURCES GENERATING, LLC, ELECTRIC ENERGY, INC., and KINCAID GENERATION, LLC,)	
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<i>Petitioners-Appellants,</i>)	
)	
)	
ILLINOIS POLLUTION CONTROL BOARD,)	
)	
<i>Respondent-Appellee.</i>)	

APPEARANCES

The below-listed individuals, as counsel, enter their appearances as attorneys of record for Petitioners-Appellants Dynegy Midwest Generation, LLC, Illinois Power Generating Company, Illinois Power Resources Generating, LLC, Electric Energy, Inc., and Kincaid Generation, LLC.

Dated: May 26, 2021

By: Sarah L. Lode

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Attorneys for Petitioners

CERTIFICATE OF FILING AND SERVICE

The undersigned, an attorney, certifies that on May 26, 2021, the foregoing Notice of Filing and Appearances were filed with the Clerk of the Court for the Illinois Appellate Court, Fourth Judicial District, by using the File and Serve Illinois system.

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Attorneys for Petitioners

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