

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

**BENEFICIAL REUSE MANAGEMENT LLC,)
and SOUTHERN ILLINOIS POWER)
COOPERATIVE,)**

Petitioners,)

v.)

**ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)**

Respondent.)

**PCB No. 12-23
(Permit Appeal – Water)**

NOTICE

To: Pollution Control Board, Attn: Clerk
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

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

Jane E. McBride
Sr. Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board Petitioners' **VOLUNTARY AND UNOPPOSED MOTION TO DISMISS**, copies of which are herewith served upon you.

/s/ Joshua R. More

Joshua R. More

Dated: October 2, 2015

SCHIFF HARDIN LLP
Joshua R. More
233 South Wacker Drive
Suite 6600
Chicago, Illinois 60606
PHONE: 312-258-5769
FAX: 312-258-5600

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VOLUNTARY AND UNOPPOSED MOTION TO DISMISS

NOW COME Petitioners, Beneficial Reuse Management LLC, and Southern Illinois Power Cooperative (“SIPC”), by its undersigned attorney pursuant to Section 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 Water Pollutant Control Permit (“Sludge Permit”) appeal, stating as follows:

1. On July 28, 2011, Petitioners filed their Appeal of the Illinois Environmental Protection Agency’s (“IEPA’s”) Sludge Permit and Motion for Partial Stay with the Board, seeking review of IEPA’s issuance of Permit No. 2011-SC-1360 and certain conditions therein.
2. The Board stayed the effectiveness of the contested conditions of the Sludge Permit pending the final resolution of the appeal.
3. On July 10, 2015, Governor Bruce Rauner signed into law Public Act 99-0020, which re-classifies conforming FGD gypsum as a coal combustion byproduct under Section 3.135(6.5) of the Illinois Environmental Protection Act.
4. The FGD gypsum generated at SIPC and marketed by BRM conforms with the criteria set forth in Section 3.135(6.5)(A-E) of P.A. 99-0020 and therefore does not require the Sludge Permit.
5. IEPA withdrew and terminated the Sludge Permit on September 29, 2015, in response to P.A. 99-0020.
6. Counsel for Respondent does not object to this Motion to Dismiss.

CERTIFICATE OF SERVICE

I, the undersigned certificate that I have served the attached **Voluntary and Unopposed Motion to Dismiss**, by electronic delivery upon the following person:

Pollution Control Board, Attn: Clerk
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

and by first class mail upon the following persons:

Jane E. McBride
Sr. Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

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

/s/ Joshua R. More
Joshua R. More

Dated: October 2, 2015