

ILLINOIS POLLUTION CONTROL BOARD
October 16, 2014

MIDWEST ELECTRIC POWER, INC.)	
)	
Petitioner,)	
)	
v.)	PCB 09-94
)	(CAAPP Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by D. Glosser):

On April 23, 2009, Ameren Electric Generating Company, Electric Energy, Inc. (Ameren), and Midwest Electric Power, Inc. (Midwest) (collectively, petitioners) timely filed a petition (Pet.) asking the Board to review a March 19, 2009, determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40.2(a) (2006); 35 Ill. Adm. Code 101.300(b), 105.302(e). The Agency's determination concerns Midwest's electric generating station, composed of four combustion turbines, located at 2200 Portland Road, Joppa, Massac County. Midwest appeals on several grounds including that numerous conditions within the renewed permit are arbitrary, capricious, unnecessary, unauthorized by law, unreasonable, or vague. Pet. at 3-6. Midwest challenges the inclusion of these conditions and asks the Board to stay their effect until ultimately ruling on the merits. *Id.* at 7. On May 7, 2009, the Board accepted the permit appeal for hearing.

On August 6, 2014, the Board received a motion to strike Ameren from this matter filed by petitioners. In that motion, petitioners state that Ameren "has no role in the operation" of the power station and the current permit. The Agency has not responded to the motion. Pursuant to Section 101.500(d) "[i]f no response is filed, the party will be deemed to have waived objection to the granting of the motion." The Board therefore finds that the Agency has waived objection to granting the motion.

The Board grants the motion, and the petition for review is amended to strike Ameren. The clerk is directed to make the change in the caption of the case and the caption is changed in this order.

IT IS SO ORDERED.

I, John Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 18, 2014, by a vote of 4-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

John Therriault, Assistant Clerk
Illinois Pollution Control Board