

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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|-----------------------------------|---|-------------------------------|
| AMERENENERGY MEDINA VALLEY |) | |
| COGEN, L.L.C., |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 14-41 |
| |) | (Permit Appeal – Land) |
| |) | |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

NOTICE OF FILING

TO: Attached Service List

PLEASE TAKE NOTICE that on September 13th, 2016, I filed with the Pollution Control Board of the State of Illinois, a **MOTION TO VOLUNTARILY DISMISS**, on behalf of AmerenEnergy Medina Valley Cogen, L.L.C., copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

AMERENENERGY MEDINA VALLEY COGEN,
L.L.C.

By: /s/ Amy Antonioli

Amy Antonioli

Amy Antonioli
SCHIFF HARDIN LLP
233 S. Wacker Drive, Suite 6600
Chicago, Illinois 60606
Phone: (312) 258-5500
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MOTION TO VOLUNTARILY DISMISS

Petitioner AmerenEnergy Medina Valley Cogen, L.L.C. (“Medina Valley”), by and through its attorneys, SCHIFF HARDIN LLP, pursuant to 35 Ill. Adm. Code 101.500 of the Illinois Pollution Control Board’s (“Board’s”) procedural rules (35 Ill. Adm. Code 101.500) asks the Board to dismiss this National Pollutant Discharge Elimination System (NPDES) permit appeal, stating as follows:

1. On November 27, 2013, Petitioner filed an Appeal of Default Disapproval of Request for Beneficial Use Determination for the Use of Coal Combustion By-Products Under Section 3.135(b) (“BUD Appeal”), challenging the Illinois Environmental Protection Agency’s (IEPA’s) failure to respond to Medina Valley’s beneficial use determination request to use coal combustion byproducts in a construction project at the Duck Creek Station.
2. IEPA brought a related enforcement matter regarding the construction project against Medina Valley, docketed as PCB 13-41. In the enforcement action, IEPA alleged violations of the Illinois waste storage and waste disposal regulations.

3. The Parties entered into discussions and reached an agreement regarding the enforcement matter and construction project at the Duck Creek Station. The Parties filed a stipulation and proposed settlement with the IPCB on July 15, 2016 and the Board accepted the stipulation and proposed settlement and closed docket PCB 13-41 on August 25, 2016.

4. The stipulation and proposed settlement resolved the issues related to the construction project at the Duck Creek Station raised in this BUD appeal.

WHEREFORE, Petitioner Medina Valley respectfully requests that the Illinois Pollution Control Board dismiss this matter and close the docket.

AmerenEnergy Medina Valley Cogen, L.L.C.

Respectfully submitted,

/s/ Amy Antonioli

Amy Antonioli

Dated: September 13, 2016

Amy Antonioli
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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 13th day of September, 2016, I have electronically served a true and correct copy of the attached **VOLUNTARY MOTION TO DISMISS**, on behalf of AmerenEnergy Medina Valley Cogen, L.L.C., upon the following persons:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, Illinois 62794
Carol.webb@illinois.gov

Raymond J. Callery
Assistant Attorney General
Environmental Bureau
500 South Second Street
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My e-mail address is aantonioli@schiffhardin.com.
The number of pages in the e-mail transmission is 5.
The email transmission took place before 5:00pm.

/s/ Amy Antonioli

Amy Antonioli

SERVICE LIST

Carol Webb
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Illinois Pollution Control Board
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