

**BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD**

**DYNEGY MIDWEST GENERATION,
LLC**

Petitioner

v.

**ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY**

Respondent.

PCB 2025-028

(Permit Appeal – Alternative
Source Demonstration)

NOTICE OF FILING

To:

Don Brown
Carol Webb
Pollution Control Board
100 West Randolph Street
James R. Thompson Center
Suite 11-500
Chicago, Illinois 60601-3218
Don.brown@illinois.gov
Carol.webb@illinois.gov

Mallory Meade
Samuel Henderson
Assistant Attorneys General
Environmental Bureau
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Springfield, Illinois 62706
mallory.meade@ilag.gov
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PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the attached **MOTION TO WITHDRAW PETITION** and a **CERTIFICATE OF SERVICE**, copies of which are herewith served upon you.

/s/ Samuel A. Rasche

Dated: May 6, 2025

Joshua R. More

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 6th day of May, 2025:

I have electronically served a true and correct copy of the attached Motion to Withdraw Petition by electronically filing with the Clerk of the Illinois Pollution Control Board and by e-mail upon the following persons:

Illinois Pollution Control Board
60 E Van Buren St, Ste. 630
Chicago, IL 60605
Don Brown
don.brown@illinois.gov
Carol Webb
carol.webb@illinois.gov

Office of the Attorney General
500 South Second Street
Springfield, IL 62706
Mallory Meade
mallory.meade@ilag.gov
Samuel Henderson
samuel.henderson@ilag.gov

My e-mail address is sam.rasche@afslaw.com

The number of pages in the e-mail transmission is 7.

The e-mail transmission took place before 5:00 p.m.

/s/ Samuel A. Rasche
Samuel A. Rasche

Dated: May 6, 2025

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MOTION TO WITHDRAW PETITION

Petitioner Dynegy Midwest Generation, LLC (“DMG” or “Petitioner”), hereby moves to withdraw its Petition for Review of the Illinois Environmental Protection Agency’s Non-Concurrence with Alternative Source Demonstration under 35 Ill. Adm. Code Part 845 which was filed on December 2, 2024 (the “Petition”). In support of this Motion, DMG states as follows:

1. DMG owns and operates the Baldwin Power Plant (“Baldwin”) located in Randolph County and St. Clair County in southwest Illinois. Baldwin includes the Bottom Ash Pond (“BAP”), a CCR surface impoundment regulated under Part 845.

2. On October 28, 2024, DMG received the Illinois Environmental Protection Agency’s (“IEPA” or “Agency”) nonconcurrence with an Alternative Source Demonstration (“ASD”) submitted by DMG to IEPA on September 17, 2024. The September 17 ASD addressed a potential groundwater protection standard (“GWPS”) exceedance of fluoride at monitoring well MW-392 at Baldwin.

3. On December 2, 2024, DMG filed the Petition for review of the Agency's nonconcurrency with the September 17 ASD.

4. On December 20, 2024, DMG submitted a second ASD for a subsequent detection of a potential GWPS exceedance of fluoride at MW-392.¹ On January 22, 2025, IEPA issued a letter concurring with DMG's December 20 ASD. Exhibit A.

5. DMG, therefore, wishes to withdraw its Petition in this matter.

WHEREFORE, DMG respectfully requests that the Board grant this Motion and issue an Order allowing withdrawal of the Petition.

Respectfully submitted,

/s/ Samuel A. Rasche

Samuel A. Rasche

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*Attorneys for Dynegy Midwest
Generation, LLC*

¹ Available at <https://www.luminant.com/documents/ccr/il-ccr/Baldwin/2024/2024%2012%2024%20Baldwin%20BAP%20845.650%20ASD-W1578510001-06.pdf>.

EXHIBIT A



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Electronic Filing: Received, Clerk's Office 05/06/2025

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JAMES JENNINGS, ACTING DIRECTOR

217-782-1020

January 22, 2025

Phil Morris
Illinois Power Generating Company
1500 Eastport Plaza Drive
Collinsville, Illinois 62234

Re: Baldwin Power Plant Bottom Ash Pond; W1578510001-06
Alternative Source Demonstration (ASD) Submittal

Dear Mr. Morris:

The purpose of this correspondence is to notify you that the Illinois Environmental Protection Agency (Illinois EPA) concurs with the Baldwin Power Plant Bottom Ash Pond Alternative Source Demonstration dated December 20, 2024.

Based on the provided evidence, the Illinois EPA concurs that the fluoride exceedance found in MW-392 does not come from the Baldwin Power Plant Bottom Ash Pond. The Illinois EPA also concurs that the likely source of the exceedance come from shale bedrock of the Uppermost Aquifer. Therefore, the groundwater monitoring may continue in accordance with Section 845.650(e)(5). The ASD provided must be included in the annual groundwater monitoring report and the corrective action report as required by Section 845.610(e).

If you have any questions, please contact: **Heather Mullenax** Illinois EPA, Bureau of Water, Groundwater Section DPWS #13, P.O. Box 19276, Springfield, Illinois 62794-9276. If you have any questions concerning the investigation described above, please call 217-782-1020.

Sincerely,

Darin E. LeCrone, P.E.
Manager, Permit Section
Division of Water Pollution Control
Illinois Environmental Protection Agency

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