BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TILTON ENERGY LLC (TILTON ENERGY CENTER),)		CLERK'S OFFICE
Petitioner,)		FEB 1 4 2013
V.)	PCB 09-92	STATE OF ILLINOIS Pollution Control Board
	ý	(Permit App	oeal – Air)
ILLINOIS ENVIRONMENTAL)		
PROTECTION AGENCY, Respondent.)	d L	ORIGINAL

NOTICE OF FILING

To:

Bradley P. Halloran, Hearing Officer Illinois Pollution Control Board James R. Thompson Ctr., Ste 11-500 100 West Randolph Chicago, Illinois 60601

Sally Carter
Illinois Environmental Protection Agency
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276

John T. Therriault, Assistant Clerk Illinois Pollution Control Board James R. Thompson Ctr., Ste 11-500 100 West Randolph Chicago, Illinois 60601

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

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

Dated: February 4, 2013

McDERMOTT WILL & EMERY LLP

MARK A. BILUT

227 West Monroe Street, Suite 4700

Chicago, Illinois 60606 Phone: (312) 372-2000 Fax: (312) 984-7700

Attorney for Petitioner

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

	CLERK'S OFFICE	
TILTON ENERGY LLC	FEB 1 4 2013	
(TILTON ENERGY CENTER),	STATE OF ILLINOIS Pollution Control Bos	S urd
Petitioner,		
v.) PCB 09-92	
) (Permit Appeal – Air))	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

PETITIONER'S MOTION TO DISMISS

NOW COMES Petitioner, TILTON ENERGY LLC, by and through its attorneys, McDERMOTT WILL & EMERY LLP, and asks the Board, pursuant to Section 101.500 of the Board's Procedural Rules, to dismiss this Clean Air Act Permit Program ("CAAPP") permit appeal, stating as follows:

- 1. During the pendency of this CAAPP permit appeal, the Respondent issued the Petitioner a revised CAAPP permit.
- 2. As a result, the Petitioner no longer seeks to appeal the Respondent's CAAPP permit decision at issue in this proceeding.

WHEREFORE, the Petitioner prays for an order dismissing this appeal and closing the docket.

Dated: February, 2013

McDERMOTT WILL & EMERY LLP

By:

MARK A. BILUT

227 West Monroe Street, Suite 4700

Chicago, Illinois 60606 Phone: (312) 372-2000

Fax: (312) 984-7700

Email: mbilut@mwe.com

Attorney for Petitioner

CERTIFICATE OF SERVICE

I, hereby certify that I caused a copy of the foregoing, **PETITIONER'S MOTION TO DISMISS**, and **NOTICE OF FILING** thereof to be filed by hand delivery on February 4, 2013:

John T. Therriault, Assistant Clerk Illinois Pollution Control Board James R. Thompson Center, Suite 11-500 100 West Randolph Chicago, Illinois 60601 CLERK'S OFFICE
FEB 1 4 2013
STATE OF ILLINOIS
Pollution Control Board

and a true and correct copy of the same, **PETITIONER'S MOTION TO DISMISS** and **NOTICE OF FILING** thereof to be delivered by First Class U.S. Mail on February // 2013 to the following:

Bradley P. Halloran Hearing Officer Illinois Pollution Control Board James R. Thompson Ctr., Suite 11-500 100 West Randolph Chicago, Illinois 60601

Jane E. McBride Sr. Assistant Attorney General Environmental Bureau 500 South Second Street Springfield, Illinois 62706 Sally Carter Illinois Environmental Protection Agency 1021 North Grand Avenue, East P.O. Box 19276 Springfield, Illinois 62794-9276

Mark A. Bilut

McDermott Will & Emery LLP 227 West Monroe Street, Suite 4700

Chicago, Illinois 60606 Phone: (312) 372-2000 Fax: (312) 984-7700 Email: mbilut@mwe.com

Attorney for Petitioner

DM_US 41070264-1.076047.0019