

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITIZENS AGAINST RUINING THE ENVIRONMENT,)	
)	
Petitioner,)	
)	
v.)	PCB 19-96
)	(Third-Party NPDES Permit Appeal
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY and JACKSON GENERATING, LLC,)	Water)
)	
Respondents.)	

NOTICE OF ELECTRONIC FILING

TO: SERVICE LIST

PLEASE TAKE NOTICE that on May 6, 2019, I caused to be filed with the Clerk of the Illinois Pollution Control Board the Joint Motion to Dismiss, a true and correct copy of which is attached hereto and served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: /s/ Kathryn A. Pamenter

Kathryn A. Pamenter
Senior Assistant Attorney General
Environmental Bureau
69 W. Washington St., 18th Floor
Chicago, IL 60602
(312) 814-0608
kpamenter@atg.state.il.us

Service List

Don Brown, Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
(by electronic filing)

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601
Brad.Halloran@Illinois.gov
(via email)

Daryl Grable
Chicago Legal Clinic, Inc.
211 West Wacker Drive, Suite 750
Chicago, Illinois 60606
dgrable@clclaw.org
Counsel for Citizens Against Ruining the Environment
(via e-mail)

Douglas B. Sanders
Marisa Martin
Baker & McKenzie LLP
300 East Randolph Street, Suite 5000
Chicago, Illinois 60601
Douglas.Sanders@bakermckenzie.com
Marisa.Martin@bakermckenzie.com
Counsel for Jackson Generating, LLC
(via e-mail)

CERTIFICATE OF SERVICE

I, KATHRYN A. PAMENTER, a Senior Assistant Attorney General, do certify that I caused to be served this 6th day of May, 2019, the attached Notice of Filing and Joint Motion to Dismiss upon the persons set forth on the Notice of Electronic Filing and corresponding Service List *via email*.

/s/ Kathryn A. Pamenter
Kathryn A. Pamenter
Senior Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-0608
kpamenter@atg.state.il.us

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITIZENS AGAINST RUINING THE ENVIRONMENT,)	
)	
Petitioner,)	
)	
v.)	PCB 19-96
)	(Third-Party NPDES Permit Appeal
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY and JACKSON GENERATING, LLC,)	Water)
)	
Respondents.)	

JOINT MOTION TO DISMISS

NOW COME Petitioner, CITIZENS AGAINST RUINING THE ENVIRONMENT (“CARE”), and Respondents, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”) and JACKSON GENERATING, LLC (“Jackson Generating”) (collectively, the “Parties”), and jointly move the Pollution Control Board (“Board”), pursuant to Section 101.500(a) of the Board’s Procedural Rules, 35 Ill. Adm. Code 101.500(a), to dismiss this appeal. The Parties state the following in support of this motion:

1. On February 26, 2019, the Illinois EPA issued a National Pollutant Discharge Elimination System (“NPDES”) permit to Jackson Generating for the Jackson Energy Center at the intersection of Brandon and Noel Roads in Elwood, Will County, Illinois (“Facility”).
2. On April 2, 2019, CARE filed a petition asking the Board to review the Illinois EPA’s February 26, 2019 determination on the alleged grounds that Illinois EPA should not have issued the permit without addressing radium, and it failed to respond to CARE’s comments.
3. The Parties have agreed to the inclusion of the following language in a modified NPDES permit for the Facility:

SPECIAL CONDITION 13. Combined Radium 226 and 228 shall be monitored once per month for a period of two years following the modification date of this

permit and the commencement of operations. Following this initial two year period, the permittee shall monitor the discharge on a semi-annual basis for the duration of the permit. The permittee shall notify the Agency in writing within two weeks following the commencement of operations. At any time during or after the two year monitoring period the Agency may modify the permit to include limitations or additional monitoring requirements. Such a modification would follow public notice and opportunity for comment.

4. As a result of agreeing to add Special Condition 13 in the Facility's modified NPDES permit, this appeal is moot.

[Remainder of page blank, Motion continues on page 3]

WHEREFORE, the Parties, Citizens Against Ruining the Environment, the Illinois Environmental Protection Agency and Jackson Generating, LLC, respectfully request that this motion be granted, the appeal be dismissed and such other relief be granted as is deemed appropriate and just.

Respectfully submitted,

CITIZENS AGAINST RUINING
THE ENVIRONMENT

By: /s/ Daryl Grable

Daryl Grable
Chicago Legal Clinic, Inc.
211 West Wacker Drive, Suite 750
Chicago, Illinois 60606
dgrable@clclaw.org
*Counsel for Citizens Against
Ruining the Environment*

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

JACKSON GENERATING, LLC

By: /s/ Kathryn A. Pamerter

Kathryn A. Pamerter
Senior Assistant Attorney General
Environmental Bureau
69 W. Washington St., 18th Floor
Chicago, Illinois 60602
kpamerter@atg.state.il.us
*Counsel for Illinois Environmental
Protection Agency*

By: /s/ Douglas B. Sanders

Douglas B. Sanders
Baker & McKenzie LLP
300 East Randolph Street, Suite 5000
Chicago, Illinois 60601
Douglas.Sanders@bakermckenzie.com
Counsel for Jackson Generating, LLC