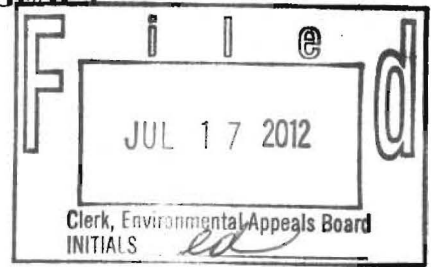


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC**



_____)
In re:)
Christian County Generation, LLC) PSD Appeal No. 12-01
PSD Permit No. 02106ACB)
_____)

ORDER DISMISSING PETITION FOR REVIEW AS MOOT

On July 9, 2012, the Illinois Environmental Protection Agency (“IEPA”) filed a Notification of Permit Withdrawal in the above-captioned matter. IEPA indicated that on July 6, 2012, it withdrew the permit at issue in this appeal, PSD Permit No. 02106ACB (“Permit”), in its entirety. IEPA Notification of Permit Withdrawal (July 9, 2012).

IEPA administers the Clean Air Act Prevention of Significant Deterioration (“PSD”) program in Illinois pursuant to a delegation of authority from the U.S. Environmental Protection Agency (“EPA”), Region 5 (“Region”). *See* Prevention of Significant Deterioration Delegation of Authority to State Agencies, 46 Fed. Reg. 9580 (Jan. 29, 1981) (setting forth Delegation Agreement between State of Illinois and U.S. EPA); *In re Zion Energy, LLC*, 9 E.A.D. 701, 701 n.1 (EAB 2001). When PSD permits are issued by a state pursuant to a delegation of the federal PSD program, as is the case here, such permits are considered EPA-issued permits and, therefore, are subject to 40 C.F.R. part 124.

Under 40 C.F.R. § 124.19(d), at any time prior to the Environmental Appeals Board (“Board”) issuing a decision to grant or deny review of a pending permit appeal, the permit issuer may, as here, withdraw all or part of a permit decision and prepare a new draft permit addressing the portions so withdrawn, provided appropriate prior notice of withdrawal is given. 40 C.F.R. § 124.19(d). As IEPA has withdrawn the Permit in its entirety, Sierra Club and Natural Resources Defense Council’s petition challenging the Permit is rendered moot.

Accordingly, Sierra Club and Natural Resources Defense Council’s petition is hereby **DISMISSED WITH PREJUDICE**. This dismissal with prejudice has no effect on the petitioners’ right to petition the Board for review of future IEPA action with respect to PSD Permit No. 02106ACB in accordance with 40 C.F.R. § 124.19.

So ordered.

Dated: *July 17, 2012*

ENVIRONMENTAL APPEALS BOARD¹

By: *Catherine R. McCabe*
Catherine R. McCabe
Environmental Appeals Judge

¹ The three-member panel deciding this matter is composed of Leslye M. Fraser, Catherine R. McCabe, and Kathie A. Stein.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Dismissing Petition for Review as Moot** in *Christian County Generation, LLC*, PSD Appeal No. 12-01, were sent to the following persons in the manner indicated:

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Annette Duncan
Secretary