



**SIERRA
CLUB**
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ENVIR. APPEALS BOARD

MIDWEST OFFICE - Madison
122 W. Washington Ave., Suite 830
Madison, Wisconsin 53703
(608) 257-4994
FAX (608) 257-3513
mw.field@sierraclub.org

November 17, 2006

Via Fax and U.S. Mail

Ms. Erika Durr, Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
Ariel Rios Building
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20460-0001

Re: PSD Appeal Number 06-08
PSD Permit Number: 16712OAAO
City of Springfield, Dallman 4

Dear Ms. Durr:

Enclosed for filing are one original and five copies of SIERRA CLUB'S MOTION TO DISMISS. If you have any questions about this filing or if I can be of any further assistance please call me at 608.257.4994.

Sincerely,

Bruce E. Nilles
Attorney for Sierra Club
122 W. Washington Ave, Suite 830
Madison, WI 53703
608.257.4994 (phone)
608.257.3513 (fax)
Bruce.nilles@sierraclub.org

Enclosures

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BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

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ENVIR. APPEALS BOARD

IN THE MATTER OF:) APPEAL NUMBER: PSD 06-08
CITY OF SPRINGFIELD) APPLICATION NUMBER: 04110050
) PSD PERMIT NUMBER: 16712OAAO

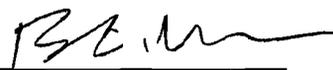
MOTION TO DISMISS

The Sierra Club hereby voluntarily withdraws its petition for review in this matter and respectfully requests that the Board enter an order dismissing Sierra Club's petition for review in this matter with prejudice. The Sierra Club has conferred with counsel for the State of Illinois and the City of Springfield and they have authorized Sierra Club to state that they do not oppose this motion.

The Sierra Club requests dismissal because the parties have reached an agreement that obviates the need for further litigation. Their agreement provides, *inter alia*, that the City of Springfield will purchase 120 megawatts of wind power, increase its funding for energy efficiency programs ten-fold, and close its existing Lakeside power plant. These commitments are expected to reduce overall emissions of all pollutants, including cut the City's carbon dioxide emissions associated with providing electricity to its residents by approximately 25 percent below 2005 levels.

For this reason, Sierra Club withdraws its petition and respectfully requests that the Board grant this motion to dismiss the Sierra Club's petition with prejudice.

Dated November 17, 2006


Bruce E. Nilles, Attorney
Sierra Club
122 West Washington Ave., Suite 830
Madison, WI 53703
(608) 257-4994

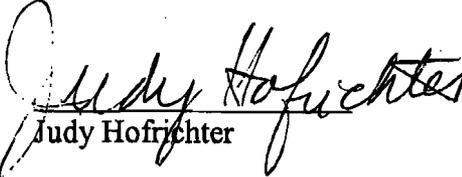
CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of November, 2006, service of a true and complete copy of the **Sierra Club's Motion to Dismiss** was made upon the following parties:

Sally Carter, Esq.
Office of General Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, IL 62794

Renee Cipriano, Esq.
Elizabeth A. Leifel, Esq.
SONNENSCHN NATH & ROSENTHAL LLP
7800 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606

by depositing the same in the U.S. Mail.


Judy Hofrichter