

ILLINOIS POLLUTION CONTROL BOARD
November 5, 2009

KCBX TERMINALS COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 08-103
)	(Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

On October 16, 2009, KCBX Terminals Company (KCBX) filed a motion to withdraw its petition for review (Mot.) of a May 23, 2008 air permit determination of the Illinois Environmental Protection Agency (Agency). The determination concerns KCBX's bulk material terminal located at 3259 East 100th Street in Chicago, Cook County.

In the motion to withdraw, KCBX states that on June 27, 2008, it filed a petition for review of the "Construction Permit Grant - Operating Permit Denial - NSPS Source" issued to KCBX by the Agency on May 23, 2008. Mot. at 1, 2. KCBX represents that after filing the petition, representatives of KCBX and the Agency discussed the May 23, 2008 permit. *Id.* at 2. KCBX further represents that on October 17, 2008, the Agency issued a "Construction Permit - Revised," which by its terms is only effective upon the withdrawal of this permit appeal. *Id.* KCBX asks that the withdrawal "be effective as of the filing date of the Motion." *Id.* The Agency did not file any response to KCBX's motion and therefore waives any objection to the Board granting the motion. *See* 35 Ill. Adm. Code 101.500(d). The Board grants KCBX's motion and closes the docket.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 5, 2009, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board