

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VESUVIUS USA CORPORATION,)	
)	
Petitioner,)	
)	PCB 08-48
v.)	(Permit Appeal – Air)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Mr. John T. Therriault	Carol Webb, Esq.
Assistant Clerk	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
James R. Thompson Center	1021 North Grand Avenue East
100 West Randolph, Suite 11-500	P.O. Box 19274
Chicago, Illinois 60601	Springfield, Illinois 62794-9274
(VIA ELECTRONIC MAIL)	(VIA FIRST CLASS MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a **MOTION TO WITHDRAW PETITION FOR REVIEW**, a copy of which is herewith served upon you.

Respectfully submitted,

VESUVIUS USA CORPORATION,
Petitioner,

Dated: August 29, 2012

By: /s/ Lauren C. Lurkins
Lauren C. Lurkins

Katherine D. Hodge
Lauren C. Lurkins
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

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MOTION TO WITHDRAW PETITION FOR REVIEW

NOW COMES Petitioner, VESUVIUS USA CORPORATION (“Vesuvius”), by and through its attorneys, HODGE DWYER & DRIVER, and hereby moves to withdraw its Petition for Review (“Petition”) of the Federally Enforceable State Operating Permit (“FESOP”) issued to Vesuvius by the Illinois Environmental Protection Agency (“Illinois EPA”) on January 28, 2008. In support of this Motion, Vesuvius states as follows:

1. Vesuvius owns and operates a ceramic manufacturing facility in Charleston, Illinois, which operates pursuant to a FESOP.
2. Pursuant to Section 39.5 of the Illinois Environmental Protection Act (“Act”), Vesuvius submitted an application to Illinois EPA on December 7, 2006, to renew the FESOP for its Charleston, Illinois facility.
3. Thereafter, Vesuvius received a preliminary draft FESOP from Illinois EPA for review.
4. On October 22, 2007, Vesuvius asked Illinois EPA to make changes to the preliminary draft FESOP.

5. On January 28, 2008, Illinois EPA issued a final FESOP for Vesuvius's Charleston, Illinois facility ("January 28, 2008 FESOP"), but the January 28, 2008 FESOP did not contain the language requested by Vesuvius on October 22, 2007.

6. Illinois EPA included conditions in the January 28, 2008 FESOP that were not required by the Act or regulations promulgated thereunder, and were not necessary to correct, detect, or prevent noncompliance with, or to accomplish the purpose of, the Act or regulations promulgated thereunder.

7. On March 3, 2008, Vesuvius filed its Petition with the Illinois Pollution Control Board ("Board") with regard to the January 28, 2008 FESOP.

8. After the filing of the Petition, representatives of Vesuvius participated in discussions with representatives of Illinois EPA regarding the January 28, 2008 FESOP. As a result of those discussions, Illinois EPA issued a "FESOP – Renewal" on August 21, 2012 ("August 21, 2012 FESOP").

9. The August 21, 2012 FESOP incorporated revisions that addressed the concerns Vesuvius had with the January 28, 2008 FESOP.

10. However, the August 21, 2012 FESOP, as stated in Condition 1.d., is only effective upon the withdrawal of this permit appeal.

11. Therefore, Vesuvius asks that the Board determine this withdrawal to be effective as of the filing of this Motion.

WHEREFORE, for the reasons described herein, Petitioner, VESUVIUS USA CORPORATION, respectfully asks that the Illinois Pollution Control Board grant this

Motion and issue an Order finding Vesuvius' Petition for Review in this matter
withdrawn as of the date of this Motion.

Respectfully submitted,

VESUVIUS USA CORPORATION,
Petitioner,

Dated: August 29, 2012

By: /s/ Lauren C. Lurkins
Lauren C. Lurkins

Katherine D. Hodge
Lauren C. Lurkins
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
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VESU:003/Fil/Motion to Withdraw

CERTIFICATE OF SERVICE

I, Lauren C. Lurkins, the undersigned, hereby certify that I have served the attached MOTION TO WITHDRAW PETITION FOR REVIEW upon:

John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on August 29, 2012; and upon:

Carol Webb, Esq.
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Post Office Box 19274
Springfield, Illinois 62794-9274

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on August 29, 2012.

/s/ Lauren C. Lurkins
Lauren C. Lurkins