

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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|-----------------------------------|---|-----------------------|
| SPECTRUM PREFERRED MEATS, INC. |) | |
| |) | |
| Petitioner |) | |
| |) | |
| v. |) | PCB 13-63 |
| |) | (NPDES Permit Appeal) |
| ILLINOIS ENVIRONMENTAL PROTECTION |) | |
| AGENCY, |) | |
| |) | |
| Respondent |) | |

**MOTION TO DISMISS PETITION FOR
REVIEW OF AGENCY NPDES PERMIT DECISION**

NOW COMES Petitioner, Spectrum Preferred Meats Inc. ("Spectrum"), by and through its attorneys, DRINKER BIDDLE & REATH LLP, and hereby moves the Illinois Pollution Control Board to voluntarily dismiss this Permit Appeal through which Spectrum sought review of the inclusion of a Total Nitrogen concentration limitation for Outfall 001 ("Ammonia Limit") in the final National Pollutant Discharge Elimination System ("NPDES") permit (hereinafter, "Final NPDES Permit") at issue in this matter.

In support of this Motion, Spectrum states as follows:

1. On April 4, 2013, the Illinois Environmental Protection Agency ("Agency") reissued the Final NPDES Permit to Spectrum, which imposed the Ammonia Limit.
2. On May 8, 2013, Spectrum filed a timely the present Petition for Review of Agency NPDES Permit Decision and a Motion To Stay the Effectiveness of Contested Conditions ("Motion to Stay"), and on June 4, 2014 filed an open waiver of decision.
3. On May 16, 2013 the Board accepted this appeal and set it for hearing and held ruling on the Motion To Stay until the Agency had filed its Response. On June 27, 2013 the Board granted Spectrum's Motion to Stay the Ammonia Limit.

4. Pursuant to an agreement by Spectrum the Agency has not had to file the record in this case pending resolution of the appeal.

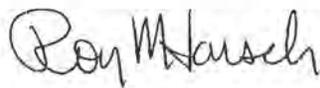
5. Since the filing the original appeal Spectrum has completed the installation of necessary equipment including certain backup equipment and coordinated the operation of this new equipment with the existing waste water treatment system. This has allowed Spectrum to demonstrate that it presently has the ability to treat its wastewater to comply with the Ammonia Limit.

6. Accordingly, there is no reason to continue to challenge the Final Permit and Spectrum therefore voluntarily seeks a dismissal of its appeal.

WHEREFORE, Petitioner, Spectrum Preferred Meats, Inc., moves the Illinois Pollution Control Board to dismiss this appeal of the Agency's imposition of the Total Nitrogen concentration limitations at Outfall 001, as included in Spectrum's Final NPDES Permit for the reasons set forth above.

Respectfully submitted,

SPECTRUM PREFERRED MEATS, INC.,

BY:  _____

DATE: September 9, 2014

Roy M. Harsch
Drinker Biddle & Reath LLP
191 N. Wacker Dr., Ste. 3700
Chicago, IL 60606-3700
312-569-1441

CERTIFICATE OF SERVICE

I, ROY M. HARSCH, an attorney, do certify that I caused to be served this 9th day of September, 2014 the foregoing MOTION TO DISMISS PETITION FOR REVIEW OF AGENCY NPDES PERMIT DECISION upon the persons listed below, by electronic transmission and by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 191 N. Wacker Drive, Chicago, IL 60606.

(electronically submitted and a copy hand delivered)

Mr. John T. Therriault
Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

Mr. Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
Brad.Halloran@illinois.gov

Mr. Gerald T. Karr
Supervising Attorney
Environmental Bureau
Illinois Attorney General
69 West Washington Street – Suite 1890
Chicago, Illinois 60602
GKarr@atg.state.il.us