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ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

DEAN FOODS COMPANY,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB 02-23

(Permit Appeal - Air)

NOTICE OF FILING

Please be advised that on November 12, 2003, a copy of the attached Motion for Voluntary Dismissal of Petition for Review was filed with the following persons:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

Honorable Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

Charles E. Matoesian
Assistant Counsel - Bureau of Air
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-927


Jon S. Faletto

Dated: November 12, 2003

Jon S. Faletto
Howard & Howard Attorneys, P.C.
One Technology Plaza, Suite 600
211 Fulton Street
Peoria, IL 61602-1350
(309) 672-1483
(309) 672-1568 Fax

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THIS FILING IS SUBMITTED ON RECYCLED PAPER

ILLINOIS POLLUTION CONTROL BOARD

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**MOTION FOR VOLUNTARY DISMISSAL
OF PETITION FOR REVIEW**

NOW COMES the Petitioner, DEAN FOODS COMPANY ("Dean Foods"), pursuant to Section 101.500 of the General Rules of the Illinois Pollution Control Board (35 Ill. Adm. Code 101.500), and presents this Motion for Voluntary Dismissal of Petition for Review ("Motion"). In support of its Motion, Petitioner states:

1. On August 21, 2001, Dean Foods filed a Petition for Review of certain terms and conditions contained in a Lifetime Operating Permit issued to Petitioner's Rockford, Illinois facility by the Illinois Environmental Protection Agency ("IEPA") on July 18, 2001.

2. On September 6, 2001, the Board issued an Order accepting the Petition for Review and authorizing a hearing in this proceeding.

3. In accordance with recommendations made by the Hearing Officer, the Petitioner and Respondent engaged in settlement discussions to try to resolve this permit appeal proceeding without the necessity for a hearing. The Petitioner and Respondent have reached an agreement for settlement of this case which involves issuance of a Revised Lifetime Operating Permit for the Petitioner's facility.

4. On October 29, 2003, the Respondent issued a Revised Lifetime Operating Permit for Petitioner's Rockford, Illinois facility in accordance with the settlement agreement previously reached between the Parties. The Petitioner has reviewed the terms and conditions of the Revised Lifetime Operating Permit and is willing to abide by its terms and conditions.

5. Since the issues raised in the Petition for Review have been resolved by the Respondent's issuance of a Revised Lifetime Operating Permit, the Petitioner respectfully requests that its Petition for Review be voluntarily dismissed because all matters in controversy in this proceeding have been fully resolved.

WHEREFORE, Petitioner respectfully requests that the Board grant Petitioner's Motion for Voluntary Dismissal of the Petition for Review and enter an Order which dismisses the Petition for Review, thus terminating this administrative proceeding.

Respectfully submitted,

DEAN FOODS COMPANY

By:


Jon S. Faletto

Jon S. Faletto
Attorney for Petitioner
Howard & Howard Attorneys, P.C.
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Peoria, IL 61602-1350
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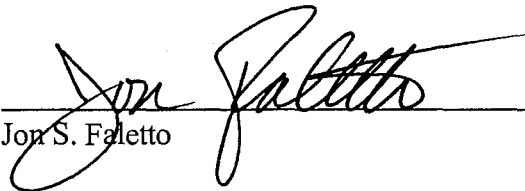
CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Motion for Voluntary Dismissal of Petition for Review, by depositing same via First-Class, U.S. Mail, with proper postage prepaid, upon the following persons:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, IL 60601

Honorable Bradley J. Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, IL 60601

Charles E. Matoesian
Assistant Counsel - Bureau of Air
Division of Legal Counsel
Illinois Env. Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276



Jon S. Faletto

Dated: November 12, 2003

Jon S. Faletto
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