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FEB - 2 2004

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

STATE OF ILLINOIS  
Pollution Control Board

FOX RIVER WATER RECLAMATION )  
DISTRICT (SOUTH PLANT), )  
 )  
Petitioner, )  
 )  
v. )  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

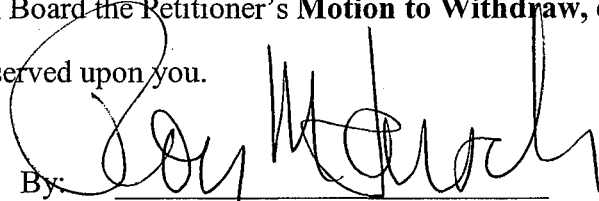
PCB 02-49  
(NPDES Permit Appeal)

**NOTICE OF FILING**

To: Sanjay K. Sofat, Assistant Counsel  
IEPA, Division of Legal Counsel  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

Ms. Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph - Suite 11-500  
Chicago, IL 60601

**PLEASE TAKE NOTICE** that on Monday, February 2, 2004, I have filed with the Office of the Clerk of the Pollution Control Board the Petitioner's **Motion to Withdraw**, copies of which are attached hereto and herewith served upon you.

By:   
One of Their Attorneys

Roy M. Harsch, Esq.  
Sheila H. Deely, Esq.  
GARDNER CARTON & DOUGLAS LLP  
191 North Wacker Drive  
Suite 3700  
Chicago, IL 60606  
(312) 569-1000

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

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CERTIFICATE OF SERVICE

STATE OF ILLINOIS  
Pollution Control Board

The undersigned states that he caused a copy of the **Motion to Withdraw** to be delivered  
via hand delivery this 2nd day of February, 2004 to the following:

Ms. Dorothy Gunn  
Clerk - Illinois Pollution Control Board  
100 W. Randolph Street, Rm 11-100  
Chicago, IL 60601

and delivered via United States Mail, postage prepaid, on this 2<sup>nd</sup> day of February, 2004 to the  
following:

Sanjay K. Sofat, Assistant Counsel  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

By: 

One of Their Attorneys

Roy M. Harsch, Esq.  
Sheila H. Deely, Esq.  
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MOTION TO WITHDRAW

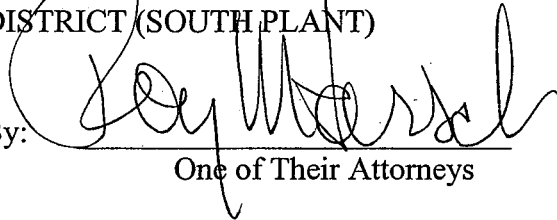
Now comes the Fox River Water Reclamation District ("FRWRD") to request that the Illinois Pollution Control Board ("Board") dismiss the above-captioned appeal of the National Pollution Discharge Elimination System Permit originally issued on September 13, 2001 by the Illinois Environmental Protection Agency ("IEPA"). In support of this Motion, the FRWRD states as follows:

1. A timely appeal was filed on January 15, 2002 challenging certain provisions of the original NPDES Permit.
2. The IEPA and FRWRD entered into settlement discussions which resulted in the FRWRD requesting that the IEPA modify the original NPDES Permit.
3. The IEPA reissued the NPDES Permit on December 10, 2003.
4. The possible appeal period has run without any challenges being taken to the Board.
5. Accordingly, this reissued NPDES Permit is effective and controls FRWRD's South Plant.

WHEREFORE, the FRWRD requests that the Board voluntarily dismiss this present appeal of the original NPDES Permit that is superceded by the reissued NPDES Permit dated December 10, 2003.

Respectfully submitted,  
FOX RIVER WATER RECLAMATION  
DISTRICT (SOUTH PLANT)

By:



One of Their Attorneys

Roy M. Harsch, Esq.  
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