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AUG 04 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

NIELSEN & BAINBRIDGE, LLC,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB 03-98
(CAAPP Permit Appeal)

NOTICE OF FILING

TO: Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601

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

(PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies of a **MOTION FOR VOLUNTARY DISMISSAL** a copy of which is herewith served upon you.

Respectfully submitted,

NIELSEN & BAINBRIDGE, LLC,
Petitioner,

By: *Katherine D. Hodge*
One of Its Attorneys

Dated: August 2, 2004

Katherine D. Hodge
N. LaDonna Driver
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CERTIFICATE OF SERVICE

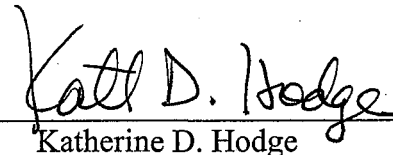
I, Katherine D. Hodge, the undersigned, hereby certify that I have served the attached MOTION FOR VOLUNTARY DISMISSAL upon:

Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Bradley P. Halloran, Esq.
Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Robb Layman
Special Assistant Attorney General
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 2, 2004.



Katherine D. Hodge

AUG 04 2004

STATE OF ILLINOIS
Pollution Control Board

NIELSEN & BAINBRIDGE, LLC,)
)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

PCB 03-98
 (CAAPP Permit Appeal)

MOTION FOR VOLUNTARY DISMISSAL

NOW COMES, Petitioner, NIELSEN & BAINBRIDGE, LLC (hereinafter
 "Nielsen & Bainbridge" or "Petitioner"), by and through its attorneys, HODGE DWYER
 ZEMAN, and pursuant to 35 Ill. Admin. Code § 101.500, moves the Illinois Pollution
 Control Board ("Board") to voluntarily dismiss this action. In support of this Motion,
 Petitioner states as follows:

1. On January 7, 2003, Petitioner filed a Petition for Review of the Clean Air Act Permit Program ("CAAPP") permit granted to Nielsen & Bainbridge by the Illinois Environmental Protection Agency ("Illinois EPA") on December 3, 2002.
2. Thereafter, Petitioner and Illinois EPA engaged in settlement discussions during this time.
3. On August 5, 2003, Illinois EPA issued Nielsen & Bainbridge a Construction Permit (Application No.: 03070065) that allowed the Petitioner to move its operations to a new location at 7830 West 71st Street, Bridgeview, Illinois.
4. Nielsen & Bainbridge ceased operations at its previous location at 8301 South 77th Avenue, Bridgeview, Illinois, which is the subject of the CAAPP permit at

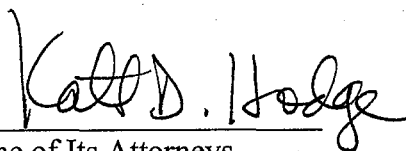
issue in the pending Petition for Review, on February 21, 2004, and vacated the premises on February 29, 2004.

5. On August 2, 2004, Petitioner submitted correspondence to Illinois EPA to request that the CAAPP permit be withdrawn and rendering this appeal moot. A copy is attached hereto as Exhibit A.

WHEREFORE, PETITIONER, respectfully requests that the Board enter an Order dismissing this action.

Respectfully submitted,

NIELSEN & BAINBRIDGE, LLC,
Petitioner,

By: 
One of Its Attorneys

Dated: August 2, 2004

Katherine D. Hodge
N. LaDonna Driver
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

NIBA:001/Fil/Motion for Voluntary Dismissal

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NielsenBainbridge

AUG 02 2004

IEPA - BUREAU OF AIR
STATE OF ILLINOIS

7830A West 71st Street
Bridgeview, Illinois 60455
708-546-2135
Fax 708-546-2193

July 29, 2004

Donald E. Sutton, P.E.
Manager, Air Permit Section
Division of Air Pollution Control
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

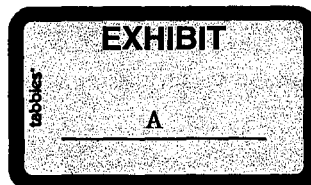
RE: CAAPP Permit Withdrawal
Nielsen & Bainbridge, LLC
For 8301 South 77th Avenue
Bridgeview, Illinois Facility
Facility ID: 031027ABS

Dear Mr. Sutton:

This letter is written to request the withdrawal of the CAAPP permit issued by the Illinois Environmental Protection Agency ("Illinois EPA") to Nielsen & Bainbridge, LLC ("Nielsen & Bainbridge") on December 3, 2002 (Application No.: 95120122). This permit was issued to the Nielsen & Bainbridge facility located at 8301 South 77th Avenue, Bridgeview, Illinois.

By way of background, in December 1995, Nielsen & Bainbridge's predecessor, Creative Industries, submitted an application for a CAAPP permit for its operation located at 8301 South 77th Avenue. Thereafter, Nielsen & Bainbridge submitted several supplements updating the initial application. Ultimately, the Illinois EPA issued the CAAPP permit on December 3, 2002. Nielsen & Bainbridge filed a Petition for Review with the Illinois Pollution Control Board ("Board") regarding this CAAPP permit on January 7, 2003 (PCB 03-98).

On August 5, 2003, while the CAAPP permit appeal was pending before the Board, Illinois EPA issued Nielsen & Bainbridge a Construction Permit (Application No.: 03070065) that allowed it to move its operations to a new location at 7830 West 71st Street, also in Bridgeview, Illinois. Nielsen & Bainbridge ceased operations at its previous location, which is the subject of the CAAPP permit, on February 21, 2004, and vacated the premises on February 29, 2004. Due to the closure of the CAAPP permitted facility, and the resolution of all other outstanding enforcement issues, Nielsen & Bainbridge is now in the process of filing a Motion to Voluntarily Dismiss the CAAPP permit appeal with the Board.



Donald E. Sutton, P.E.
July 29, 2004
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In light of the fact that the CAAPP permitted operations of Nielsen & Bainbridge at 8301 South 77th Avenue, Bridgeview, Illinois, no longer exist, Nielsen & Bainbridge is hereby requesting to withdraw the CAAPP permit issued by Illinois EPA to this facility on December 3, 2002. In addition, by this letter, Nielsen & Bainbridge is hereby voluntarily surrendering any ERMS ATUs issued by the Illinois EPA that are associated with the former operations at 8301 South 77th Avenue, Bridgeview, Illinois.

Please call me if you have any questions or need additional information. Thank you for your assistance in this matter.

Sincerely,


Stephen R. Morton

cc: Katherine D. Hodge, Esq. (via U.S. Mail)
Mr. Gregory A. Pikul (via U.S. Mail)