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MAR - 3 2005

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD  
STATE OF ILLINOIS

PHIBRO-TECH formerly, SOUTHERN  
CALIFORNIA CHEMICAL COMPANY, a  
division of CP CHEMICALS, INC., )

Petitioner, )

v. )

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY, )

Respondent. )

PCB 93-17

(RCRA - Permit Appeal)

NOTICE OF FILING

TO: Ms. Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274

Mr. Daniel Merriman  
Office of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

PLEASE TAKE NOTICE that on this 3rd day of March 2005, we have filed with the Illinois Pollution Control Board in the State of Illinois, an **Agreed Motion for Voluntary Dismissal**, a copy of which is hereby served upon you.

Date: March 3, 2005

**PHIBRO-TECH, INC., (formerly d/b/a Southern California Chemical Company)**

By: Anne E. Viner  
One of Its Attorneys

Norman B. Berger  
Anne E. Viner  
VARGA BERGER LEDSKY HAYES & CASEY  
224 South Michigan Avenue, Suite 350  
Chicago, Illinois 60604  
(312) 341-9400 Telephone  
(312) 341-2900 Facsimile

CERTIFICATE OF SERVICE

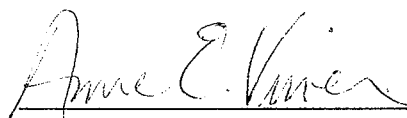
Anne E. Viner, an attorney, hereby certifies that a true and correct copy of the foregoing,

**Notice of Filing**, was served upon:

Ms. Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274

Mr. Daniel Merriman  
Office of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

by placing same in the United States mail chute located at 224 South Michigan Avenue, Chicago, Illinois 60604, properly addressed and postage fully prepaid, this 3rd day of March, 2005, on or before the hour of 5:00 p.m.

  
\_\_\_\_\_  
Anne E. Viner

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AGREED MOTION FOR VOLUNTARY DISMISSAL

Petitioner Phibro-Tech, Inc., (formerly d/b/a Southern California Chemical Company) by its attorneys and pursuant to 35 Ill. Adm. Code 101, et seq., hereby moves for the dismissal of the above captioned case, and all claims asserted therein, with prejudice and without costs. In support of this Agreed Motion, Petitioner states:

1. Pursuant to the agreement of the parties, the Illinois Environmental Protection Agency issued a closure plan approval letter on February 25, 2005. This closure plan approval letter supercedes IEPA's December 1992 conditional approval letter, which was appealed in this action by Petitioner.

2. IEPA fully agrees to the dismissal of this matter.

Date: March 3, 2005

PHIBRO-TECH, INC., (formerly d/b/a  
Southern California Chemical Company)

By: Anne E. Viner  
One of Its Attorneys

Norman B. Berger  
Anne E. Viner  
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PCB 93-17

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

(RCRA - Permit Appeal)

Respondent. )

ORDER OF DISMISSAL

IT IS HEREBY ORDERED that the above captioned case, and all claims asserted therein, shall be dismissed with prejudice and without costs, all matters in controversy having been resolved.

Date: \_\_\_\_\_

ENTERED:

\_\_\_\_\_  
Hearing Officer

Norman B. Berger  
Anne E. Viner  
VARGA BERGER LEDSKY HAYES & CASEY  
A Professional Corporation  
224 South Michigan Avenue  
Suite 350  
Chicago, Illinois 60604  
(312) 341-9400 (Telephone)  
(312) 341-2900 (Facsimile)

CERTIFICATE OF SERVICE

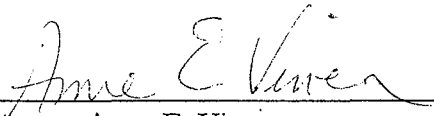
Anne E. Viner, an attorney, hereby certifies that a true and correct copy of the foregoing,

**Agreed Motion for Voluntary Dismissal**, was served upon:

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Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand avenue East  
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Springfield, Illinois 62794-9274

Mr. Daniel Merriman  
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by placing same in the United States mail chute located at 224 South Michigan Avenue, Chicago, Illinois 60604, properly addressed and postage fully prepaid, this 3rd day of March, 2005, on or before the hour of 5:00 p.m.

  
\_\_\_\_\_  
Anne E. Viner