

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUL 24 2006

STATE OF ILLINOIS
Pollution Control Board

PERFETTI VAN MELLE USA, INC.,)
)
 Petitioner,)
)
 vs.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

Case No. PCB 02-215
(Permit Appeal - Air)


NOTICE OF FILING

PLEASE TAKE NOTICE that on this 20th day of July 2006, a copy of the attached *Motion for Voluntary Withdrawal of Petition for Review of Permit Decision* was filed with the Office of the Clerk of the Illinois Pollution Control Board, a copy of which is herewith served on you.

Respectfully Submitted,

On behalf of PERFETTI VAN VELLE USA, INC.

By: Hinshaw & Culbertson LLP



Jon S. Faletto
One of Its Attorneys

HINSHAW & CULBERTSON LLP
456 Fulton Street, Suite 298
Peoria, IL 61602-1220
309-674-1025

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 PROTECTION AGENCY,)
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MOTION FOR VOLUNTARY WITHDRAWAL
OF PETITION FOR REVIEW OF PERMIT DECISION

NOW COMES the Petitioner, PERFETTI VAN MELLE USA, INC., by and through its attorneys, Hinshaw & Culbertson LLP, and submits its *Motion for Voluntary Withdrawal of Petition for Review of Permit Decision*. In support of its Motion, Petitioner states:

1. On September 12, 2002, Petitioner, Perfetti Van Melle USA, Inc., filed a Petition for Review of a decision by the Illinois Environmental Protection Agency on May 7, 2002, to deny Petitioner's application for an air permit for its former candy manufacturing facility located in Buffalo Grove, Illinois. On September 19, 2002, the Board issued an Order accepting the Petition for hearing.

2. Counsel for Petitioner and Respondent have undertaken discussions to explore the possibility of settlement. Those negotiations have proven successful and Petitioner and Respondent have resolved the permitting and compliance issues involving the former Buffalo Grove facility. On July 6, 2006, the Board issued an Order approving a Stipulation and Proposal for Settlement to resolve those permitting and compliance issues. The Petitioner has terminated operations at the former Buffalo Grove facility.

3. Consequently, Petitioner has no reason to maintain the instant action contesting the Respondent's May 7, 2002, decision to deny Petitioner's permit application. Petitioner's


voluntary withdrawal of the *Petition for Review of Permit Decision* and termination of the instant administrative proceedings would promote the interests of judicial economy.

WHEREFORE, the Petitioner respectfully requests permission to voluntarily withdraw its *Petition for Review of Permit Decision* and effectively terminate the instant proceedings.

Respectfully Submitted,

On behalf of PERFETTI VAN VELLE USA, INC.

By: Hinshaw & Culbertson LLP



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Petitioner,)	
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vs.)	Case No. PCB 02-215
)	(Permit Appeal - Air)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 20th day of July 2006, I have served the attached *Motion for Voluntary Withdrawal of Petition for Review of Permit Decision*, 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
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

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

Robb Layman, Esq.
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Dated: July 20, 2006

Respectfully Submitted,

On behalf of PERFETTI VAN VELLE USA, INC.
By: Hinshaw & Culbertson LLP



Jon S. Faletto
One of Its Attorneys

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