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STATE OF ILLINOIS  
Pollution Control Board

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**DISMISSAL**

On December 11, 2000, TRRA filed with the Illinois Pollution Control Board (“PCB”) a petition for hearing an appeal (the “Appeal”) of the Illinois Environmental Protection Agency’s (“IEPA”) final decision that certain closure activities at TRRA’s facility at Bend Road in St. Clair County, Illinois (the “Facility”) were subject to the requirements of the federal Resource Conservation and Recovery Act (“RCRA”) and Illinois Administrative Code 35, Subtitle G, Chapter I, Part 725 (the “Code”).

TRRA appealed IEPA's final decision to preserve TRRA's right to argue that RCRA and the Code did not apply to the closure activities at the Facility.

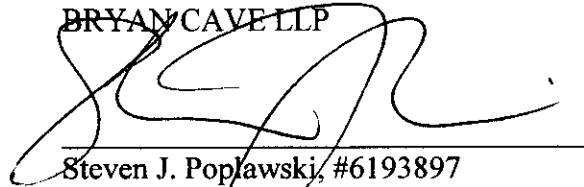
On June 7, 2007 Respondent issued a RCRA Remedial Action Plan Permit (the “Permit”) that, among other things, sets forth that (i) Petitioner’s willingness to proceed with a closure plan under Part 725, Title 35, Subtitle G, Chapter 1 of the *Illinois Administrative Code* should not be construed as and does not constitute a waiver or admission of liability or an acknowledgement that either Part 725 or RCRA apply in any enforcement action against Petitioner and (ii)

Petitioner expressly reserves its right to raise any and all defenses, including that RCRA and the Code did and do not apply to the Facility, in such an action or a similar action.

Based on the issuance of the Permit and subject to its reservation of rights referenced above, TRRA hereby dismisses this appeal.

Respectfully submitted,

~~BRYAN CAVE LLP~~



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was mailed postage prepaid, to: Dorothy Gunn, Clerk, Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601, Judge Steve Langhoff, 600 South Second Street, Suite 402, Springfield, Illinois 62704 on this 17 day of September, 2007.

