LONE STAR INDUSTRIES, INC.,)
Petitioner,))
v.) PCB 07-71) (Construction Permit Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

NOTICE OF FILING

TO: Mr. John T. Therriault Assistant Clerk of the Board Illinois Pollution Control Board 100 West Randolph Street Suite 11-500 Chicago, Illinois 60601 (VIA ELECTRONIC MAIL) Carol Webb, Esq. Illinois Pollution Control Board 1021 North Grand Avenue East Post Office Box 19274 Springfield, Illinois 62794-9274 (VIA FIRST CLASS MAIL)

(SEE 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 a **MOTION FOR VOLUNTARY DISMISSAL**, copies of which are herewith served upon you.

Respectfully submitted,

LONE STAR INDUSTRIES, INC., Petitioner,

Dated: July 25, 2008

By: <u>/s/ Katherine D. Hodge</u> One of Its Attorneys

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

THIS FILING SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, hereby certify that I have served the

attached MOTION FOR VOLUNTARY DISMISSAL upon:

Mr. John T. Therriault Assistant Clerk of the Board Illinois Pollution Control Board 100 West Randolph Street Suite 11-500 Chicago, Illinois 60601

via electronic mail on July 25, 2008; and upon:

Carol Webb, Esq. Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue East Post Office Box 19274 Springfield, Illinois 62794-9274

Robb H. Layman, Esq. Assistant Counsel Illinois Environmental Protection Agency Division of Legal Counsel, MC #21 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 July 25, 2008.

/s/ Katherine D. Hodge Katherine D. Hodge

LONE:001/Fil/PCB 07-71 COS-MTD

Electronic Filing - Received, Clerk's Office, July 25, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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LONE STAR	INDUSTRIES, INC.,	
	Petitioner,	
vs.		
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,		
	Respondent.	

PCB 07-71 (Construction Permit Appeal)

MOTION FOR VOLUNTARY DISMISSAL

NOW COMES Petitioner, LONE STAR INDUSTRIES, INC., d/b/a Buzzi Unicem USA (hereinafter "Petitioner"), by and through its attorneys, HODGE DWYER ZEMAN, pursuant to 35 Ill. Admin. Code § 101.500, and moves the Illinois Pollution Control Board ("Board") to voluntarily dismiss this action. In support of this Motion, Petitioner states as follows:

1. On January 29, 2007, Petitioner filed a Petition for Review of the revised construction permit (No. 06030057) granted to Petitioner by the Illinois Environmental Protection Agency ("Agency") on December 22, 2006. In its Petition, Petitioner appealed the inclusion of permit conditions that it contends are not required by the Illinois Environmental Protection Act ("Act") or regulations promulgated thereunder and are not necessary to correct, detect, or prevent noncompliance with the Act or regulations.

2. On July 17, 2008, following settlement discussions between the parties, the Agency issued a revised construction permit. The issuance of this construction permit resolves the above-referenced appeal.

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3. As all issues between the parties have been resolved, Petitioner requests that the Board grant this Motion for Voluntary Dismissal and dismiss this appeal.

WHEREFORE, Petitioner, LONE STAR INDUSTRIES, INC., d/b/a Buzzi Unicem USA, respectfully requests that the Illinois Pollution Control Board enter an Order dismissing this action.

Respectfully submitted,

LONE STAR INDUSTRIES, INC., Petitioner,

By: <u>/s/ Katherine D. Hodge</u> One of Its Attorneys

Dated: July 25, 2008

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

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