

Electronic Filing - Received, Clerk's Office, August 13, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LONE STAR INDUSTRIES, INC.,)	
)	
Petitioner,)	
v.)	PCB 07-112
)	(Construction Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Mr. John T. Therriault	Bradley P. Halloran, Esq.
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	100 West Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)	(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**, a copy of which is herewith served upon you.

Respectfully submitted,

LONE STAR INDUSTRIES, INC.,
Petitioner,

Dated: August 13, 2008

By: /s/ Katherine D. Hodge
Katherine D. Hodge

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

LONE:001/Fil/PCB 07-112 NOF-MTD

THIS FILING SUBMITTED ON RECYCLED PAPER

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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 August 13, 2008; and upon:

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

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 August 13, 2008.

/s/ Katherine D. Hodge
Katherine D. Hodge

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LONE STAR INDUSTRIES, INC.,)

Petitioner,)

vs.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

PCB 07-112

(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 May 15, 2007, Petitioner filed a Petition for Review of the construction permit (No. 06120047) granted to Petitioner by the Illinois Environmental Protection Agency ("Agency") on April 6, 2007. 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 Board enter an Order dismissing this action.

Respectfully submitted,

LONE STAR INDUSTRIES, INC.,
Petitioner,

By: /s/ Katherine D. Hodge
Katherine D. Hodge

Dated: August 13, 2008

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