

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

|                             |   |                       |
|-----------------------------|---|-----------------------|
| AFTON CHEMICAL CORPORATION, | ) |                       |
|                             | ) |                       |
| Petitioner,                 | ) |                       |
|                             | ) |                       |
| v.                          | ) | PCB No. 04-113        |
|                             | ) | (CAAPP Permit Appeal) |
| ILLINOIS ENVIRONMENTAL      | ) |                       |
| PROTECTION AGENCY,          | ) |                       |
|                             | ) |                       |
| Respondent.                 | ) |                       |

**NOTICE OF FILING**

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

**(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,

AFTON CHEMICAL CORPORATION  
Petitioner,

By:           /s/ N. LaDonna Driver            
N. LaDonna Driver

Dated: January 8, 2010

Katherine D. Hodge  
N. LaDonna Driver  
HODGE DWYER & DRIVER  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

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**MOTION FOR VOLUNTARY DISMISSAL**

NOW COMES Petitioner, AFTON CHEMICAL CORPORATION, (“Petitioner”), by and through its attorneys, HODGE DWYER & DRIVER, pursuant to 35 Ill. Admin. Code § 101.500, and moves the Illinois Pollution Control Board (“Board”) to dismiss this action. In support of this Motion, Petitioner states as follows:

1. On January 2, 2004, Petitioner timely filed a Petition for Review of the Clean Air Act Permit Program (“CAAPP”) permit granted to Petitioner by the Illinois Environmental Protection Agency on December 1, 2003.

2. On December 17, 2009, following negotiation and settlement discussions between the parties, the Agency issued a revised CAAPP permit to the Petitioner. The issuance of this revised CAAPP permit resolves the above-referenced appeal.

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, AFTON CHEMICAL CORPORATION, respectfully requests that the Board enter an Order dismissing this action.

Respectfully submitted,

AFTON CHEMICAL CORPORATION  
Petitioner,

By: /s/ N. LaDonna Driver  
N. LaDonna Driver

Dated: January 8, 2010

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ETHL-007\Filings\Motion for Voluntary Dismissal

**CERTIFICATE OF SERVICE**

I, N. LaDonna Driver, the undersigned, hereby certify that I have served the attached MOTION FOR VOLUNTARY DISMISSAL upon:

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

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

Sally A. Carter, Esq.  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
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Springfield, Illinois 62794-9276  
sally.carter@illinois.gov

via Electronic Mail on January 8, 2010.

/s/ N. LaDonna Driver

N. LaDonna Driver