

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PRAIRIE RIVERS NETWORK</b>	)	
<b>and SIERRA CLUB,</b>	)	
	)	
<b>Petitioners,</b>	)	
	)	
<b>v.</b>	)	<b>PCB 2009-046</b>
	)	<b>(Third Party NPDES Appeal)</b>
	)	
	)	
<b>ILLINOIS ENVIRONMENTAL</b>	)	
<b>PROTECTION AGENCY and</b>	)	
<b>SUGAR CAMP ENERGY, LLC,</b>	)	
	)	
<b>Respondents.</b>	)	

---

**NOTICE OF FILING**

To: John Therriault, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph St., Suite 11-500  
Chicago, IL 60601

Carol Webb, Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Springfield, IL 62794

Persons included on the attached  
SERVICE LIST

PLEASE TAKE NOTICE that Prairie Rivers Network and Sierra Club have today filed a **Motion for Voluntary Dismissal** in PCB 2009-046, a copy of which is herewith served upon you.

Respectfully Submitted,



Jessica Dexter  
Environmental Law and Policy Center  
35 East Wacker Drive, Suite 1600  
Chicago, IL 60601; 312-795-3747  
*Counsel for Prairie Rivers Network and Sierra Club*

DATED: December 14, 2010

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PRAIRIE RIVERS NETWORK</b>	)	
<b>and SIERRA CLUB,</b>	)	
	)	
<b>Petitioners,</b>	)	
	)	
<b>v.</b>	)	<b>PCB 2009-046</b>
	)	<b>(Third Party NPDES Appeal)</b>
	)	
	)	
<b>ILLINOIS ENVIRONMENTAL</b>	)	
<b>PROTECTION AGENCY and</b>	)	
<b>SUGAR CAMP ENERGY, LLC,</b>	)	
	)	
<b>Respondents.</b>	)	

---

**MOTION FOR VOLUNTARY DISMISSAL**

Prairie Rivers Network (“PRN”) and Sierra Club hereby move to voluntarily dismiss the Petition for Review filed in the above-captioned matter. In support of this motion, PRN and Sierra Club state as follows:

1. On or about January 5, 2009, PRN and Sierra Club filed a Petition for Review of a December 2, 2008 decision by the Illinois Environmental Protection Agency (“Illinois EPA” or “IEPA”) before the Illinois Pollution Control Board (the “IPCB”) in Docket No. PCB R09-46 (“Sugar Camp Petition for Review”), in which it sought review of the Illinois EPA’s decision to grant a new National Pollutant Discharge Elimination System (“NPDES”) Permit, Permit No. IL0078565, to Sugar Camp for its mine to discharge mine drainage, reclamation area drainage and stormwater runoff.

2. On or about July 2, 2009, PRN and Sierra Club filed a Petition for Review of a May 29, 2009 decision by the Illinois EPA before the IPCB in Docket No. PCB 10-3 (“Hillsboro Petition for Review”), in which it sought review of the Illinois EPA’s decision to grant a new

Electronic Filing - Received, Clerk's Office, December 14, 2010

NPDES Permit, Permit No. IL0078727, to Hillsboro for its Deer Run Mine to discharge mine drainage, reclamation area drainage and stormwater runoff.

3. PRN, Sierra Club, Sugar Camp Energy, LLC (“Sugar Camp”) and Hillsboro Energy LLC (“Hillsboro”) have agreed to enter into a settlement agreement to resolve all of the issues and matters raised in and relating to the Sugar Camp Petition for Review and in the Hillsboro Petition for Review.

4. Accordingly, PRN and Sierra Club hereby respectfully move to voluntarily dismiss the Sugar Camp Petition for Review as filed in the above-captioned matter.

Dated: December 14, 2010

Respectfully submitted,



---

Jessica Dexter  
Counsel for Prairie Rivers Network and  
Sierra Club

**CERTIFICATE OF SERVICE**

I, Jessica Dexter, 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 December 14, 2010; and upon the attached service list by depositing said documents in the United States Mail, postage prepaid, in Chicago, Illinois on December 14, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JD', is written over a light gray rectangular background.

---

Jessica Dexter  
Counsel for Prairie Rivers Network and  
Sierra Club

**SERVICE LIST**

December 14, 2010

Carol Webb, Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Springfield, IL 62794

Thomas Davis, Asst. Attorney General  
Office of the Attorney General  
State of Illinois, Environmental Bureau  
500 South Second Street  
Springfield, IL 62706

Brian A. Glasser  
Jonathan D. Boggs  
Bailey & Glasser LLP  
209 Capitol Street  
Charleston, WV 25301

Elizabeth Hoskins Dow  
Sugar Camp Energy, LLC  
1003 Western Avenue  
Joliet, IL 60435

Susan M. Franzetti  
Nijman Franzetti LLP  
10 South LaSalle Street, Suite 3600  
Chicago, IL 60603