

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PRAIRIE RIVERS NETWORK)
and SIERRA CLUB,)
))
Petitioners,)
))
v.)
))
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY and)
HILLSBORO ENERGY, LLC,)
))
Respondents.)

PCB 2010-003
(Third Party NPDES Appeal)

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 2010-003, 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

PRAIRIE RIVERS NETWORK)	
and SIERRA CLUB,)	
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Petitioners,)	
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v.)	PCB 2010-003
)	(Third Party NPDES Appeal)
)	
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY and)	
HILLSBORO ENERGY, LLC,)	
)	
Respondents.)	

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 respective Hillsboro 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 filing 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
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Springfield, IL 62794

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