

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

GENESEO MUNICIPAL UTILITIES,)	
)	
Petitioner,)	
)	PCB 11-81
v.)	(Permit Appeal - Air)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Mr. John Therriault	Carol Webb, Esq.
Assistant Clerk of the Board	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
(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 copy of Geneseo Municipal Utilities' **MOTION FOR VOLUNTARY DISMISSAL**, a copy of which is hereby served upon you.

Respectfully submitted,

GENESEO MUNICIPAL UTILITIES,
Petitioner,

Dated: February 9, 2012

By: /s/ Monica T. Rios
Monica T. Rios

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

CERTIFICATE OF SERVICE

I, Monica T. Rios, the undersigned, certify that I have served the attached

MOTION FOR VOLUNTARY DISMISSAL upon:

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

via electronic mail on February 9, 2012; and upon:

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

Sally A. Carter, Esq.
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Christine Zeivel, Esq.
Environmental Bureau
Office of the Illinois Attorney General
500 South Second Street
Springfield, Illinois 62706

by depositing said documents in the United States Mail, postage prepaid, in Springfield,

Illinois, on February 9, 2012.

/s/ Monica T. Rios
Monica T. Rios

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MOTION FOR VOLUNTARY DISMISSAL

NOW COMES Petitioner, GENESEO MUNICIPAL UTILITIES (“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 May 11, 2011, Petitioner timely filed a Petition for Review of the Federally Enforceable State Operating Permit (“FESOP”) issued to Petitioner by the Illinois Environmental Protection Agency (“Illinois EPA”) on April 6, 2011.
2. On January 17, 2012, following negotiation and settlement discussions between the parties, Illinois EPA issued a revised FESOP to the Petitioner. The issuance of this revised FESOP resolves the above-referenced appeal.
3. As all issues between the parties have been resolved and the revised FESOP is only effective upon withdrawal of this appeal, Petitioner requests that the Board grant this Motion for Voluntary Dismissal and dismiss this appeal at its earliest convenience.

4. Counsel for Respondent does not object to this Motion.

WHEREFORE, Petitioner, GENESEO MUNICIPAL UTILITIES, respectfully requests that the Board enter an Order dismissing this action.

Respectfully submitted,

GENESEO MUNICIPAL UTILITIES,
Petitioner,

Dated: February 9, 2012

By: /s/ Monica T. Rios
Monica T. Rios

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