

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ATKINSON LANDFILL COMPANY )

Petitioner, )

v. )

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY )

Respondent. )

) PCB No. 12-58  
) (Permit Appeal-Land)

**NOTICE OF ELECTRONIC FILING**

PLEASE TAKE NOTICE that on the 9th day of February, 2012, Petitioner and Respondent filed their Joint Motion to Dismiss, by electronic filing.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By LISA MADIGAN  
Attorney General of the  
State of Illinois



Christopher J. Grant  
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ATKINSON LANDFILL COMPANY	)	
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Petitioner,	)	
	)	
v.	)	PCB No. 12-58
	)	(Permit Appeal-Land)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY	)	
	)	
Respondent.	)	

**JOINT MOTION TO DISMISS**

NOW COMES Petitioner, ATKINSON LANDFILL COMPANY, and Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, and move the Illinois Pollution Control Board ("Board") to dismiss this matter, without prejudice. In support thereof, Petitioner and Respondent jointly state, as follows:

1. On October 21, 2011, Petitioner filed this Permit Appeal to contest a single provision ("Contested Provision") contained in Illinois EPA's September 30, 2011 Notice of Incompleteness ("Notice"). The Contested Provision provides, as follows:

Please note the local siting approval for the proposed expansion, obtained on August 28, 2006, appears to have expired on September 4, 2011, per Section 39.2(f) of the Environmental Protection Act (the Act). The application, submitted on September 2, 2011, has been found to be incomplete and, therefore, in accordance with 35 IAC 813.103(b), the application will be considered to have been filed on the day additional information making it complete is received by the Illinois EPA. Since the local siting approval, obtained on August 28, 2006, seems to have expired, the Agency would appear to be barred, by Section 39(c) of the Act, from granting a developmental permit to expand this landfill unless proof of the new local siting approval is provided.

2. Illinois EPA, while reserving the right to raise the issues contained therein in the future, concedes that the Contested Provision was inappropriately included in the Notice, and has therefore officially withdrawn this paragraph. Because the sole contested issue in this Permit Appeal has now been withdrawn, this matter should be dismissed as moot.

3. The parties agree that the subject matters raised in the withdrawn Contested Provision may arise in future permit proceedings related to the Atkinson Landfill. Therefore, the Parties request that dismissal be granted without prejudice to the Agency's right to raise the issues described in the Contested Provision in the future, and without prejudice to Petitioner's right to contest these matters before the Agency or the Board.

WHEREFORE, the Parties in this matter, ATKINSON LANDFILL COMPANY, and Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, jointly request that this matter be dismissed without prejudice.

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: 

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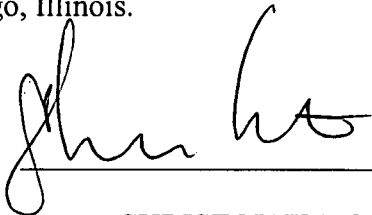
ATKINSON LANDFILL COMPANY

By: 

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**CERTIFICATE OF SERVICE**

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 9th day of February, 2012, the Parties' Joint Motion to Dismiss and Notice of filing upon the persons listed below by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago, Illinois.



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CHRISTOPHER GRANT

Mr. John Therriault  
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(by electronic filing)

Mr. Bradley P. Halloran  
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