

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

HOLLAND ENERGY, LLC)	
)	
Petitioner,)	
)	
v.)	
)	PCB 11-85
ILLINOIS ENVIRONMENTAL)	(NPDES Permit Appeal – Water)
PROTECTION AGENCY,)	
)	
Respondent.)	
)	

MOTION TO WITHDRAW APPEAL OF NPDES PERMIT

Petitioner, Holland Energy, LLC ("Holland Energy"), pursuant to 35 Ill. Adm. Code § 101.500, respectfully moves the Illinois Pollution control Board ("Board") to dismiss its appeal of the National Pollutant Discharge Elimination System ("NPDES") permit, Permit Number IL0074260 ("Permit"), issued by the Illinois Environmental Protection Agency ("Agency") to Holland Energy, LLC's Beecher City plant. In support of its Motion, Holland Energy states as follows:

1. On April 18, 2011, the Agency issued a NPDES permit to the Holland Energy plant in Beecher City, Illinois. Upon review of the Permit, Holland Energy determined that Special Condition 13, Biomonitoring Plan, and Special Condition 14, Monitoring Plan, were internally inconsistent, impossible to comply with and, therefore, arbitrary, capricious, an abuse of discretion and otherwise not in accordance with law.

2. On May 18, 2011, Holland Energy timely filed its Petition for Review of Agency NPDES Permit Decision and Motion to Confirm Automatic Stay of NPDES Permit ("Appeal"). The Appeal challenged certain requirements included in Special Condition 13 and Special

Condition 14 and sought to stay the Permit's effectiveness. The Board accepted the Appeal for hearing on June 2, 2011 and confirmed the stay of the Permit on June 16, 2011.

3. Since that time, Holland Energy and the Agency have discussed the contested special conditions and arrived at mutually-agreeable revisions to Special Condition 13 and Special Condition 14 of the Permit. The Agency drafted a modified NPDES permit for the Beecher City plant reflecting these agreed upon conditions and public noticed the modified permit January 27, 2012 through February 27, 2012. Holland Energy understands that the Agency is prepared to issue the modified NPDES permit at any time.

4. Holland Energy believes it is in the best interests of all parties concerned for the Board to grant this Motion as soon as possible.

5. Holland Energy understands that the Agency is in agreement with this Motion and will issued the modified NPDES permit on the same date that this Motion is filed.

WHEREFORE, for the reasons set forth above, Petitioner, Holland Energy, LLC, respectfully moves the Board to grant this Motion to Withdraw NPDES Permit Appeal.

Respectfully submitted,

HOLLAND ENERGY, LLC

By:

/s/ Susan Charles
One of its Attorneys

Dated: March 6, 2012

ICE MILLER LLP

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NOTICE OF ELECTRONIC FILING

TO:

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

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, Petitioner's **NOTICE OF ELECTRONIC FILING, MOTION TO WITHDRAW APPEAL OF NPDES PERMIT** and **CERTIFICATE OF SERVICE**, copies of which are attached herewith served upon you.

Respectfully submitted,
ICE MILLER, LLP

Date: March 6, 2012

By: /s/ Susan Charles
One of its Attorneys

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 6th day of March, 2012, I have served electronically the attached NOTICE OF ELECTRONIC FILING, and MOTION TO WITHDRAW APPEAL OF NPDES PERMIT upon the following person:

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

and by electronic and U.S. Mail, first class postage prepaid, to the following persons:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
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/s/ Susan Charles
Susan Charles