

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KCBX TERMINALS COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 10-110
)	PCB 11-43
ILLINOIS ENVIRONMENTAL)	(Permit Appeal – Air)
PROTECTION AGENCY,)	(Consolidated)
)	
)	
Respondent.)	

NOTICE OF FILING

TO: Mr. John Therriault	Mr. Bradley P. Halloran
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	100 West Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
(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 KCBX Terminals Company's **MOTION FOR VOLUNTARY DISMISSAL**, a copy of which is hereby served upon you.

Respectfully submitted,

KCBX TERMINALS COMPANY,
Petitioner,

Dated: April 20, 2012

By: /s/ Katherine D. Hodge
Katherine D. Hodge

Katherine D. Hodge
Edward W. Dwyer
Lauren C. Lurkins
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CERTIFICATE OF SERVICE

I, Katherine D. Hodge, 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 April 20, 2012 and upon:

Mr. Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Christopher Grant, Esq.
Illinois Attorney General's Office
69 West Washington Street
Suite 1800
Chicago, Illinois 60602

Christopher R. Pressnall, Esq.
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276 - mail code #21
Springfield, Illinois 62794-9276

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

Illinois on April 20, 2012.

/s/ Katherine D. Hodge
Katherine D. Hodge

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MOTION FOR VOLUNTARY DISMISSAL

NOW COMES Petitioner, KCBX TERMINALS COMPANY (“KCBX”), a North Dakota corporation (“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 June 29, 2010, Petitioner timely filed a Petition for Review of the “Construction Permit – Revised” issued to Petitioner by the Illinois Environmental Protection Agency (“Illinois EPA”) on May 25, 2010.
2. On February 1, 2011, Petitioner timely filed a Petition for Review of the Revised Federally Enforceable State Operating Permit (“FESOP”) issued to Petitioner by Illinois EPA on December 29, 2010.
3. In April 2011, the two air permit appeals were consolidated, as reflected in the caption above.

4. On April 5, 2012, following negotiations and settlement discussions between the parties, Illinois EPA issued a revised FESOP to Petitioner. The issuance of this revised FESOP resolves the above-captioned consolidated permit appeal.

5. As all issues between the parties have been resolved and the revised FESOP is only effective upon withdrawal of this consolidated appeal, Petitioner requests that the Board grant this Motion for Voluntary Dismissal and dismiss this consolidated appeal at its earliest convenience.

WHEREFORE, Petitioner, KCBX TERMINALS COMPANY, respectfully requests that the Board enter an Order dismissing this consolidated action.

Respectfully submitted,

KCBX TERMINALS COMPANY,
Petitioner,

Dated: April 20, 2012

By: /s/ Katherine D. Hodge
Katherine D. Hodge

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KCBX:003/Fil/PCB 10-110 and PCB 11-43 Consolidated/ Motion for Voluntary Dismissal