

ILLINOIS POLLUTION CONTROL BOARD
May 3, 2012

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

ORDER OF THE BOARD (by T.E. Johnson):

These two appeals were brought by KCBX Terminals Company (KCBX), seeking review of Illinois Environmental Protection Agency (IEPA) permit determinations concerning KCBX's bulk materials terminal, which is located at 3259 East 100th Street in Chicago, Cook County. In docket PCB 10-110, KCBX filed a petition to contest conditions of a revised construction permit issued by IEPA on May 25, 2010. In docket PCB 11-43, KCBX filed a petition to contest conditions of a renewed federally enforceable state operating permit (FESOP) issued by IEPA on December 29, 2010.

After accepting both petitions for hearing in separate orders, the Board, by order of April 21, 2011, granted IEPA's motion to consolidate PCB 10-110 and PCB 11-43 for hearing, but not necessarily for decision. Hearing was set for June 1 and 2, 2011, but was cancelled by hearing officer order on the parties' joint motion. The hearing officer thereafter conducted numerous status conferences with the parties while the parties pursued settlement. No hearing has been held.

On April 20, 2012, KCBX filed a motion to voluntarily dismiss these consolidated appeals. According to the motion, following settlement discussions, IEPA issued a revised FESOP to KCBX on April 5, 2012, which "resolves the above-captioned consolidated permit appeal." Motion at 2. KCBX further states that "the revised FESOP is only effective upon withdrawal of this consolidated appeal." *Id.* The Board grants the motion, dismisses the consolidated appeals, and closes the dockets.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 3, 2012, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John Therriault, Assistant Clerk
Illinois Pollution Control Board