

ILLINOIS POLLUTION CONTROL BOARD
December 7, 2017

ARNOLD MAGNETIC TECHNOLOGIES,)
)
Petitioner,)
)
v.) PCB 16-97
) (Water – Permit Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by K. Papadimitriu):

On June 27, 2016, Petitioner Arnold Magnetic Technologies (Arnold) filed a petition for review of the Illinois Environmental Protection Agency's (Agency) February 19, 2016 determination denying renewal of Water Pollution Control Permit 2011-E0-1001-2. The permit renewal application concerns Arnold's wastewater treatment and recycling system located at 300 North West Street, Marengo, McHenry County (Facility).

On November 27, 2017, Arnold filed a motion to voluntarily dismiss this appeal. The motion states in paragraph 4 that on November 17, 2017, the Agency issued a Water Pollution Control Permit 2011-E0-62619 (2017 Permit) to Arnold for the Facility, which resolves the issues raised in this appeal. Mot at 3. On November 28, 2017, the Agency filed a response to the motion, stating that it does not object to the dismissal of the appeal to the extent that the Board does not adopt the motions' wording in paragraph 4. Resp. at 4. The Agency notes that the 2017 Permit was issued to The Arnold Engineering Co., not the petitioner, upon The Arnold Engineering Co.'s August 21, 2017 permit application. *Id.* at 3. The Agency notes that the submission of the 2017 Permit application, and not issuance of the 2017 Permit, mooted the appeal and that the Agency has contested and continues to contest the merits of the appeal. *Id.* at 4.

Because Arnold no longer wishes to pursue this appeal and the Agency does not object to its dismissal, the Board grants the motion, dismisses the appeal, and closes the docket.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 7, 2017, by a vote of 5-0.



Don A. Brown, Clerk
Illinois Pollution Control Board