

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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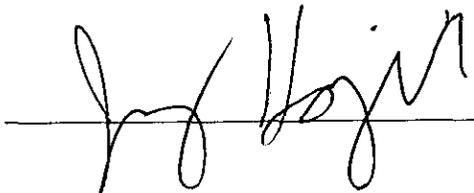
STATE OF ILLINOIS
Pollution Control Board

NOVEON, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 07-36
)	(Air)
ILLINOIS ENVIRONMENTAL)	(90-Day Extension)
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

To: Sally A. Carter, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19276
Springfield, IL 62794-9276

Please take notice that on February 7, 2007, the undersigned caused to be filed with the Clerk of the Illinois Pollution Control Board the attached Motion to Dismiss, a copy of which is herewith served upon you.

By:  For: David Rieser

David L. Rieser
McGuireWoods LLP
77 West Wacker, Suite 4100
Chicago, IL 60601
Telephone: 312/849-8100

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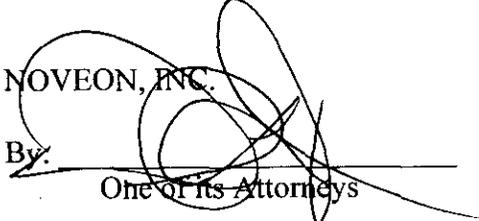
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MOTION TO DISMISS

Petitioner, Noveon, Inc. ("Noveon"), by and through its attorneys, McGuireWoods LLP, and the Respondent, Illinois Environmental Protection Agency ("IEPA"), pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS5/40(a)(1)), respectfully requests the Illinois Pollution Control Board ("Board") to dismiss the above proceeding. Per the continued discussions between the parties, the IEPA issued a revised operating permit to Noveon on January 18, 2007. Based on the issuance of this permit, there is no basis to continue this appeal. The IEPA has no objection to dismissing this proceeding.

WHEREFORE, for the reasons stated in this motion, the parties respectfully request the Board to dismiss this proceeding.

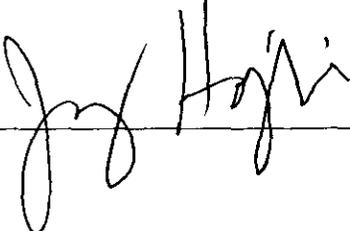
NOVEON, INC.
 By: 
 One of its Attorneys

Dated: February 6, 2007

David L. Rieser, Esq.
 McGuireWoods LLP
 77 West Wacker Drive
 Suite 4100
 Chicago, IL 60601
 Telephone: 312/849-8100
 4420412.1

CERTIFICATE OF SERVICE

I, David L. Rieser, hereby certify that I served a copy of Motion to Dismiss upon those listed on the attached Notice of Filing on February 7, 2007 via First Class Mail, postage prepaid.

 For David Rieser

David L. Rieser
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