

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAR 02 2007

STATE OF ILLINOIS
Pollution Control Board

K.A. STEEL CHEMICAL INC.)	
)	
Petitioner,)	
)	
v.)	PCB 07-9
)	(NPDES Permit Appeal-Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

To: Sanjay Sofat, Esq.
Assistant Counsel, Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

PLEASE TAKE NOTICE that K.A. Steel Chemicals Inc. has today filed with the Office of the Clerk of the Illinois Pollution Control Board the attached Motion to Dismiss the Petition for NPDES Permit Appeal of K.A. Steel Chemicals Inc., a copy of which is hereby served upon you.

Dated: February 28, 2007

KA STEEL CHEMICALS INC.



By Its Attorney Maureen Martin
Illinois ARDC No. 61811033

Maureen Martin
The Martin Law Firm
W3643 Judy Lane
Green Lake, Wisconsin 54941
Telephone: (920) 295-6032
Facsimile: (920) 295-6132

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PCB 07-9
(NPDES Permit Appeal-Water)

MOTION TO DISMISS K.A. STEEL CHEMICAL INC.S PETITION FOR NPDES PERMIT APPEAL

Petitioner K.A. Steel Chemicals Inc. ("K.A. Steel"), by its undersigned counsel, moves the Illinois Pollution Control Board (the "Board") to dismiss the above-captioned Petition for NPDES Permit Appeal of K.A. Steel Chemicals Inc. (the "Petition"). In support of this motion, K.A. Steel states as follows:

1. On August 4, 1988, the Illinois Environmental Protection Agency ("IEPA") issued an NPDES permit to K.A. Steel ("1988 Permit"), a true and correct copy of which is attached to the Petition.
2. On or about August 16, 2005, IEPA published a draft NPDES permit for K.A. Steel, a true and correct copy of which is attached to the Petition.
3. By letter dated April 11, 2006, K.A. Steel submitted a proposed modification of this permit.
4. By letter dated June 29, 2006, received by K.A. Steel on July 18, 2006, IEPA issued a "final" NPDES permit effective July 1, 2006 ("2006 Permit"), a true and correct copy of which is attached to the Petition. IEPA informed K.A. Steel that this permit was issued, and the modification overlooked, due to a "mix-up" at the agency. IEPA was not able to review the proposed modification prior to the effective date of the 2006 Permit.

5. Therefore, K.A. Steel filed its Petition. Simultaneously, by separate motion, K.A. Steel moved the Board to stay proceedings on the Petition pending discussions with IEPA regarding issuance of a modified permit.

6. Those discussions have now taken place, and the parties have agreed on final permit terms. IEPA gave public notice of the proposed issuance of this permit and solicited public comment.

7. The public comment period expired on February 22, 2007. Counsel for IEPA advised counsel for K.A. Steel that no public comments were received.

8. Counsel for IEPA has advised counsel for K.A. Steel that the agreed permit will be issued to K.A. Steel upon dismissal of the Petition.

THEREFORE, KA Steel respectfully requests that the Board dismiss the Petition for NPDES Permit Appeal of K.A. Steel Chemicals Inc.

Dated: February 28, 2007

Respectfully submitted,

K.A. STEEL CHEMICALS INC.



By Its Attorney Maureen Martin
Illinois ARDC No. 61811033

Maureen Martin
The Martin Law Firm
W3643 Judy Lane
Green Lake, Wisconsin 54941
Telephone: (920) 295-6032

CERTIFICATE OF SERVICE

I, the undersigned, certify that I served the attached Motion to Dismiss the Petition for NPDES Permit Appeal of K.A. Steel Chemicals Inc. by United States First Class Mail upon:

Sonjay Sofat, Esq.
Assistant Counsel, Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

on this 28th day of February, 2007.



Maureen Martin
Illinois ARDC No. 61811033