

ILLINOIS POLLUTION CONTROL BOARD
March 15, 2007

CITY OF GENEVA,)
)
 Petitioner,)
)
 v.) PCB 07-39
) (NPDES Permit Appeal)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

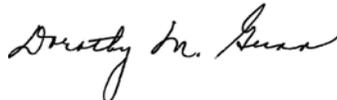
ORDER OF THE BOARD (by G.T. Girard):

On December 7, 2006, at the parties' request, the Board extended until February 15, 2007, the time period for the City of Geneva (City) to appeal an October 13, 2006 determination of the Illinois Environmental Protection Agency (Agency). The determination concerns the City's wastewater treatment plant located at 602 Crissey Avenue in Geneva, Kane County. The Agency issued a permit, subject to conditions, under the National Pollutant Discharge Elimination System (NPDES). On February 15, 2007, the City timely filed a petition asking the Board to review the Agency's determination. *See* 415 ILCS 5/40(a)(1) (2004); 35 Ill. Adm. Code 101.300(b), 105.208(a).

To date, the Board has not accepted the petition for review. On March 13, 2007, the City filed a motion to withdraw its NPDES permit appeal. According to the motion, following the closure of the Agency public comment period concerning a proposed modification to the NPDES permit, the Agency informed the City that the Agency is prepared to issue the City an agreed upon modified NPDES permit. Motion at 1. The City moves to withdraw this NPDES permit appeal "[b]ecause the agreed upon modified NPDES Permit resolves all of the issues presented in this proceeding." *Id.* at 2. The Board grants the motion, dismisses this appeal, and closes the docket.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 15, 2007, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board