

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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FEB 25 2009
STATE OF ILLINOIS
Pollution Control Board

WEBEL FEEDS and TLHUS, INC.)
as Successor-in-Interest,)
)
Petitioner,) PCB 08-34
)
v.) (UST Appeal)
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

NOTICE OF FILING

To: Ms. Dorothy Gunn, Clerk Melanie Jarvis
Illinois Pollution Control Board Division of Legal Counsel
State of Illinois Center Illinois Environmental Protection Agency
100 W. Randolph Street, Ste. 11-500 1021 North Grand Avenue East
Chicago, Illinois 60601 P.O. Box 19276
Springfield, IL 62794-9276

Carol Webb, Esq.
Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph Street, Ste. 11-500
Chicago, Illinois 60601

PLEASE TAKE NOTICE that on February 25, 2009 we filed with the Illinois Pollution Control Board an original and eleven (11) copies of the **Voluntary Withdrawal of Permit Appeal**. A copy of the **Voluntary Withdrawal of Permit Appeal** is attached hereto and served upon you.

WEBEL FEEDS and TLHUS, INC.

By Elizabeth Leifel Ash
One of Its Attorneys

Jeryl L. Olson
Elizabeth Leifel Ash
SEYFARTH SHAW LLP
131 S. Dearborn Street, Suite 2400
Chicago, Illinois 60603
312-460-5000

(THIS FILING IS SUBMITTED ON RECYCLED PAPER)

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VOLUNTARY WITHDRAWAL OF PERMIT APPEAL

WEBEL FEEDS and TLHUS, INC. (collectively the "Company"), through their attorneys, Seyfarth Shaw LLP, hereby voluntarily withdraw the Appeal of Underground Storage Tank Decision received by the clerk's office on November 15, 2007, seeking review of the Illinois Environmental Protection Agency's final decision rejecting the Company's Amended Corrective Action Plan dated September 12, 2007 for LUST Incident No. 921798. In support of this withdrawal, the Company states that the parties have resolved issues with respect to the Amended Corrective Action Plan that is the subject of this proceeding and have agreed to a new Amended Corrective Action Plan, dated November 5, 2008.

(THIS FILING IS SUBMITTED ON RECYCLED PAPER)

Dated February 25, 2009

Respectfully submitted,

WEBEL FEEDS AND TLHUS, INC.

By *Elizabeth Leifel Ash*
One of Its Attorneys

Jeryl L. Olson
Elizabeth Leifel Ash
SEYFARTH SHAW LLP
131 S. Dearborn Street, Suite 2400
Chicago, Illinois 60603
312-460-5000

(THIS FILING IS SUBMITTED ON RECYCLED PAPER)

CERTIFICATE OF SERVICE

I, the undersigned attorney, certify that I have served the attached **Voluntary Withdrawal of Permit Appeal** on this 25th day of February 2009 upon:

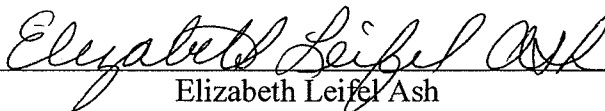
VIA HAND DELIVERY

Ms. Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph Street, Ste. 11-500
Chicago, Illinois 60601

Carol Webb, Esq.
Illinois Pollution Control Board
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VIA U.S. MAIL

Melanie Jarvis
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Elizabeth Leifel Ash