

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CLEAN CONSTRUCTION & RECYCLING,
LLC, and G & E EIGHT SERIES, LLC, ,

Petitioners,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PCB No. 12-20

Permit Appeal – Land

NOTICE OF FILING

John Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601-3218

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P.O. Box 19276
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Christopher J. Grant
Assistant Attorney General
Environmental Bureau
69 W. Washington Street, Ste. 1800
Chicago, IL 60602

Please take notice that on April 9, 2012, I filed a Motion to Withdraw Appeal with the Illinois Pollution Control Board, copies of which are served upon you.

Dated: April 9, 2012

Respectfully submitted,

Charles F. Helsten
Hinshaw & Culbertson LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
815-490-4900

On behalf of Clean Construction & Recycling LLC,
and G&E Eight Series, LLC

/s/ Charles F. Helsten
Charles F. Helsten
One of Its Attorneys

AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on April 9, 2012, she caused to be served a copy of the foregoing upon:

VIA E-FILING John Therriault Assistant Clerk Illinois Pollution Control Board 100 West Randolph Street, Suite 11-500 Chicago, IL 60601-3218	James G. Richardson Assistant Counsel 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276
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Christopher J. Grant Assistant Attorney General Environmental Bureau 69 W. Washington Street, Ste. 1800 Chicago, IL 60602	

by depositing a copy thereof, enclosed in an envelope in the United States Mail at Rockford, Illinois, proper postage prepaid, before the hour of 5:00 p.m., addressed as above.

/s/ Joan Lane

HINSHAW & CULBERTSON LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
(815) 490-4900

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CLEAN CONSTRUCTION & RECYCLING,
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Permit Appeal - Land

MOTION TO WITHDRAW APPEAL

NOW COME the Petitioners in the above-mentioned matter, and move to withdraw their appeal previously filed in the above-mentioned matter, and, in support thereof, States as follows:

1. That on or about the 24th day of October, 2011, Petitioners herein filed their appeal of one certain condition included within a permit previously issued by the Respondent for Petitioner's facility in Roscoe, Winnebago County, Illinois on June 17, 2011,
2. Subsequent to the filing of this appeal, the Petitioners and the Respondent have conferred concerning this permit appeal.
3. As a consequence thereof, on or about the 28th day of March, 2012, the Agency issued a Supplemental Permit in this matter which addresses those concerns raised by Petitioners in the present appeal.
4. Accordingly, the Petitioners now move to withdraw their appeal in this matter. In that regard, Petitioners have sent an e-mail to Assistant Attorney General Christopher Grant, advising counsel for the Respondent of Petitioners' intention. A copy of such e-mail and Mr. Grant's response is attached hereto and marked Exhibit A and incorporated herein by this reference.

WHEREFORE, Petitioners request that this Honorable Board grant Petitioners Motion to Withdraw this Appeal, and for such other and further relief as is appropriate in the circumstances.

Dated: April 9, 2012

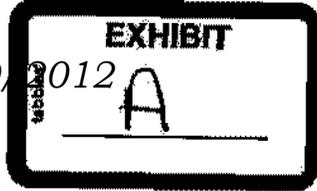
Respectfully submitted,

On behalf of Clean Construction & Recycling,
LLC and G&E Eight Series, LLC

/s/ Charles F. Helsten

Charles F. Helsten
One of Its Attorneys

Charles F. Helsten
Hinshaw & Culbertson LLP
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"Grant, Christopher J."
<CGrant@atg.state.il.us>
04/06/2012 11:41 AM

To "chelsten@hinshawlaw.com" <chelsten@hinshawlaw.com>
cc "Gurnik, Mark" <Mark.Gurnik@Illinois.gov>
bcc
Subject RE: Clean Construction and Recycling LLC and G&G Eight Series,LLC (PCB 12-20 Permit Appeal)

No objection, thanks

From: chelsten@hinshawlaw.com [mailto:chelsten@hinshawlaw.com]
Sent: Friday, April 06, 2012 11:15 AM
To: Grant, Christopher J.
Subject: Re: Clean Construction and Recycling LLC and G&G Eight Series,LLC (PCB 12-20 Permit Appeal)

CONFIDENTIAL AND PRIVILEGED

Chris: Please let this confirm the sum and substance of our conversation with IPCB Hearing Officer Bradley Halloran on April 4, 2012, wherein I advised you that in light of Petitioners' receipt of a Supplemental Permit from IEPA that addresses the issue involved in this appeal, I would be filing a Motion to Withdraw the pending matter. Please advise if the Respondent has any objection. Thank you.

Charles F. Helsten
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Hinshaw & Culbertson LLP is an Illinois registered limited liability partnership that has elected to be governed by the Illinois Uniform Partnership Act (1997).

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