

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KCBX TERMINALS COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 14-110
)	(Air Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Mr. John Therriault	Mr. Bradley P. Halloran
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	100 West Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)	(VIA FIRST CLASS MAIL)

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board **PETITIONER'S MOTION FOR VOLUNTARY DISMISSAL**, a copy of which is herewith served upon you.

Respectfully submitted,

KCBX TERMINALS COMPANY,
Petitioner,

Dated: October 23, 2014

By: /s/ Katherine D. Hodge
Katherine D. Hodge

Katherine D. Hodge
Edward W. Dwyer
Matthew C. Read
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

Stephen A. Swedlow, Esq.
Michelle Schmit, Esq.
Quinn Emanuel Urquhart Sullivan LLP
500 West Madison Street, Suite 2450
Chicago, Illinois 60661
(312) 705-7400

CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, hereby certify that I have served the attached PETITIONER'S MOTION FOR VOLUNTARY DISMISSAL upon:

Mr. John Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on October 23, 2014 and upon:

Mr. Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Division of Legal Counsel
Illinois Environmental Protection
Agency
1021 North Grand Avenue
Post Office Box 19276
Springfield, Illinois 62794-9276

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on October 23, 2014 and upon:

Kathryn A. Pamenter, Esq.
Christopher J. Grant, Esq.
Robert R. Petti, Esq.
Assistant Attorney General
Office of the Attorney General
69 West Washington Street, Suite 1800
Chicago, Illinois 60602

via facsimile and by depositing said document in the United States Mail, postage prepaid, in Springfield, Illinois on October 23, 2014.

/s/ Katherine D. Hodge
Katherine D. Hodge

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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PETITIONER'S MOTION FOR VOLUNTARY DISMISSAL

NOW COMES Petitioner, KCBX TERMINALS COMPANY ("KCBX"), by and through its attorneys, HODGE DWYER & DRIVER and QUINN EMANUEL URQUHART SULLIVAN LLP, pursuant to 35 Ill. Admin. Code § 101.500, and moves the Illinois Pollution Control Board ("Board") to dismiss this action. In support of this Motion, KCBX states as follows:

1. Due to the passage of time and changes in circumstances, KCBX has determined that it no longer wishes to pursue the revised construction permit that is the subject of this matter.
2. Instead, KCBX intends to submit a new application to the Illinois Environmental Protection Agency ("Illinois EPA") for air permitting related to the movement of equipment between KCBX's North and South Terminals.
3. On this same date, KCBX submitted a letter to Illinois EPA requesting the withdrawal of its pending application and related documents. See Exhibit A, Pilapil Letter.
4. The Respondent has no objection to this motion.

WHEREFORE, Petitioner, KCBX TERMINALS COMPANY, respectfully requests that the Board enter an Order dismissing this action.

Respectfully submitted,

KCBX TERMINALS COMPANY,
Petitioner,

Dated: October 23, 2014

By: /s/ Katherine D. Hodge
One of Its Attorneys

Katherine D. Hodge
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**HODGE DWYER & DRIVER**

ATTORNEYS AT LAW

KATHERINE D. HODGE
E-mail: khodge@hddattorneys.com

October 23, 2014

VIA ELECTRONIC MAIL

Mr. Ray Pilapil
Acting Manager, Permit Section
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

RE: Withdrawal of Pending Application
KCBX Terminals Company
Request to Revise Revised Construction Permit
Submitted July 23, 2013
Permit No. 07050082
Facility I.D. No. 031600GSF

Dear Mr. Pilapil:

On behalf of KCBX Terminals Company ("KCBX"), I am writing to request withdrawal of the above-referenced pending application and related documents. Due to the passage of time and changes in circumstances, KCBX has determined that it no longer wishes to pursue the revised construction permit that is the subject of this matter. Instead, KCBX intends to submit a new application to the Illinois EPA for air permitting related to the movement of equipment between KCBX's North and South Terminals.

Please provide a letter granting KCBX Terminals Company's request as set forth herein. If you should have any questions regarding this request, please do not hesitate to contact me.

Sincerely,

Katherine D. Hodge

KDH:jrs