

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
<b>(VIA ELECTRONIC MAIL)</b>	<b>(VIA FIRST CLASS MAIL)</b>

**(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 **NOTICE OF WITHDRAWAL OF PETITIONER'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS RESPONSIVE TO DEPOSITION RIDER FOR JULIE ARMITAGE**, a copy of which is herewith served upon you.

Respectfully submitted,

KCBX TERMINALS COMPANY,  
Petitioner,

Dated: May 2, 2014

By:     /s/ Matthew C. Read      
Matthew C. Read

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

**CERTIFICATE OF SERVICE**

I, Matthew C. Read, the undersigned, hereby certify that I have served the attached NOTICE OF WITHDRAWAL OF PETITIONER'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS RESPONSIVE TO DEPOSITION RIDER FOR JULIE ARMITAGE 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 May 2, 2014 and upon:

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

Stephen A. Swedlow, Esq.  
Michelle Schmit, Esq.  
Quinn Emanuel Urquhart Sullivan LLP  
500 West Madison Street, Suite 2450  
Chicago, Illinois 60661

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 May 2, 2014 and upon:

Kathryn A. Pamerter, 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 May 2, 2014.

/s/ Matthew C. Read  
Matthew C. Read

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

**NOTICE OF WITHDRAWAL OF PETITIONER'S  
MOTION TO COMPEL PRODUCTION OF DOCUMENTS  
RESPONSIVE TO DEPOSITION RIDER FOR JULIE ARMITAGE**

NOW COMES Petitioner, KCBX TERMINALS COMPANY ("KCBX"), a North Dakota corporation, by and through its attorneys, HODGE DWYER & DRIVER, and for its Notice of Withdrawal of Petitioner's Motion to Compel Production of Documents Responsive to Deposition Rider for Julie Armitage ("Motion to Compel"), states as follows:

1. KCBX filed its Motion to Compel on April 25, 2014.
2. The Illinois Environmental Protection Agency ("Illinois EPA") filed its Response to Petitioner's Motion to Compel Production of Documents Responsive to Deposition Rider for July Armitage on April 28, 2014.
3. The Motion to Compel was the subject of discussions at today's hearing, at which counsel for KCBX advised the hearing officer that KCBX would be withdrawing its Motion to Compel.

4. Therefore, KCBX hereby notifies the Illinois Pollution Control Board and Illinois EPA that it is withdrawing its Motion to Compel Production of Documents Responsive to Deposition Rider for Julie Armitage in the above-captioned permit appeal.

Respectfully submitted,

KCBX TERMINALS COMPANY,  
Petitioner,

Dated: April 22, 2014

By: /s/ Matthew C. Read  
One of Its Attorneys

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