

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

MAR 09 2004

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. )  
)  
INTERMATIC INCORPORATED, a )  
Delaware corporation, )  
)  
Respondent. )

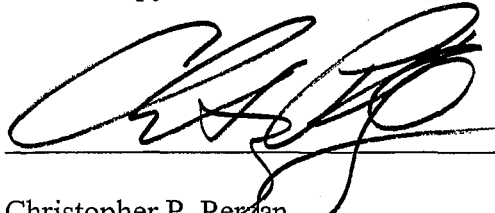
PCB 04-13  
(Enforcement-Air)

NOTICE OF FILING

To: Marili McFawn  
Schiff, Hardin & Waite  
6600 Sears Tower  
Chicago, Illinois 60606-6360

Bradley Halloran  
Hearing Officer  
Illinois Pollution Control Board  
100 W. Randolph Street, 11<sup>th</sup> Floor  
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the attached VOLUNTARY MOTION TO DISMISS COUNT IV of the Complainant a copy of which is herewith served upon you.



Christopher P. Perzan  
Assistant Attorney General

March 9, 2004

Office of the Attorney General  
Environmental Bureau  
188 W. Randolph Street, 20<sup>th</sup> Floor  
Chicago, Illinois 60601  
312 814-3532



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STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,        )  
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    Complainant,                                )  
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                  v.                                )  
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INTERMATIC INCORPORATED, a                )  
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  )  
    Respondent.                                )

PCB 04-13  
(Enforcement-Air)

**VOLUNTARY MOTION TO DISMISS COUNT IV**

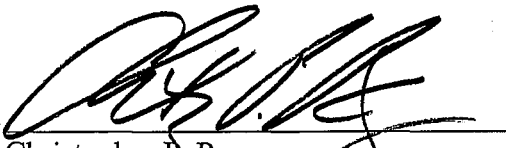
NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and for its VOLUNTARY MOTION TO DISMISS COUNT IV, pursuant to 35 Ill. Adm. Code 101.500, states as follows:

1. The Complainant filed the original complaint in this matter on July 28, 2003. The complaint contained a Count IV. This Count contained an allegation that the Respondent made a major modification to a source without complying with New Source Review requirements, in violation of 415 ILCS 5/9(a), 35 Ill. Adm. Code 203.201 and 203.203(a) & (b). This allegation was based upon the Illinois EPA's understanding that the modification consisted of the addition of a heat-set printing press.
2. The Complainant's understanding of the nature of the press was mistaken. The printing press in question was actually not a heat-set printing press. As a result, the emissions from the unit are likely less than the amount that would constitute a major modification as alleged.
3. For this reason, the Complainant is voluntarily moving to dismiss, without prejudice, Count IV of the complaint. The remaining counts in the complaint are unaffected.

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, requests that  
the Board dismiss Count IV without prejudice.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

By:   
Christopher D. Perzan  
Assistant Attorney General

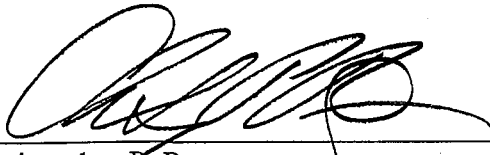
Office of the Attorney General  
Environmental Bureau  
188 W. Randolph Street, 20<sup>th</sup> Floor  
Chicago, Illinois 60601  
312-814-3532

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached VOLUNTARY MOTION TO DISMISS COUNT IV, by U.S. Mail, upon the following persons:

Marili McFawn  
Schiff, Hardin & Waite  
6600 Sears Tower  
Chicago, Illinois 60606-6360

Bradley Halloran  
Hearing Officer  
Illinois Pollution Control Board  
100 W. Randolph Street, 11<sup>th</sup> Floor  
Chicago, Illinois 60601



Christopher P. Perzan  
Assistant Attorney General

Date: March 9, 2004

Office of the Attorney General  
Environmental Bureau  
188 W. Randolph Street, 20<sup>th</sup> Floor  
Chicago, Illinois 60601

