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DEC 15 2005

STATE OF ILLINOIS  
Pollution Control Board

U. S. MINERALS, LLC, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

PCB 05-182  
(Permit Appeal – Air)

**NOTICE OF FILING**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the *Waiver of Statutory Decision Deadline*, a copy of which is herewith served upon you.

Respectfully submitted,

U. S. MINERALS, LLC

By:   
Jon S. Faletto, Attorney for Petitioner

Dated: December 13, 2005

Jon S. Faletto  
Attorney for Petitioner  
Howard & Howard Attorneys, P.C.  
One Technology Plaza, Suite 600  
211 Fulton Street  
Peoria, IL 61602-1350  
(309) 672-1483

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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Pollution Control Board

U. S. MINERALS, LLC, )  
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PROTECTION AGENCY, )  
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PCB 05-182  
(Permit Appeal – Air)

**MOTION FOR VOLUNTARY WITHDRAWAL**  
**OF PETITION FOR REVIEW OF PERMIT DECISION**

NOW COMES the Petitioner, U. S. MINERALS, LLC, , by and through its legal counsel, and presents its *Motion For Voluntary Withdrawal of Petition for Review of Permit Decision* filed with the Illinois Pollution Control Board to initiate these proceedings.

In support of its Motion, Petitioner states:

1. On April 6, 2005, U.S. Minerals filed a Petition for Review of the Illinois Environmental Protection Agency's decision on March 2, 2005 to issue a final Lifetime Operating Permit with permit conditions and terms that were not acceptable to Petitioner. On April 21, 2005 the Board issued an Order accepting the Petition for hearing.

2. Counsel for Petitioner and Respondent have undertaken discussions to explore the possibility of settlement including certain revisions to the challenged terms and conditions of the Lifetime Operating Permit for the subject facility. Those negotiations have proven successful and Respondent's Bureau of Air, Division of Air Pollution Control recently issued a revised Lifetime

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Operating Permit for Petitioner's Coffeen, Illinois facility that resolves the issues raised in these proceedings.

3. Consequently, Petitioner has no reason to maintain the instant action contesting terms and conditions of the Lifetime Operating Permit issued on March 2, 2005. Petitioner's voluntary withdrawal of the *Petition for Review of Permit Decision* and termination of the instant administrative proceedings would promote the interests of judicial economy.

WHEREFORE, the Petitioner respectfully requests permission to voluntarily withdraw its *Petition for Review of Permit Decision* and effectively terminate the instant proceedings.

**HOWARD & HOWARD ATTORNEYS, P.C.**

By:

  
\_\_\_\_\_  
Jon S. Faletto, Attorney for Petitioner  
U.S. Minerals, LLC

Dated: December 13, 2005

Jon S. Faletto  
Howard & Howard Attorneys, P.C.  
One Technology Plaza, Suite 600  
211 Fulton Street  
Peoria, IL 61602  
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

|                        |   |                       |
|------------------------|---|-----------------------|
| U. S. MINERALS, LLC,   | ) |                       |
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| Petitioner,            | ) |                       |
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| vs.                    | ) | PCB 05-182            |
|                        | ) | (Permit Appeal – Air) |
| ILLINOIS ENVIRONMENTAL | ) |                       |
| PROTECTION AGENCY,     | ) |                       |
|                        | ) |                       |
| Respondent.            | ) |                       |

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on this 13<sup>th</sup> day of December 2005, I have served the attached *Motion For Voluntary Withdrawal of Petition for Review of Permit Decision*, by depositing same via First Class, U.S. Mail, with proper postage prepaid, upon the following persons:

**Dorothy M. Gunn, Clerk**  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601

**Dennis E. Brown, Asst. Counsel**  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, IL 62794-9276

  
\_\_\_\_\_  
Jon S. Faletto

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Howard & Howard Attorneys, P.C.  
One Technology Plaza, Suite 600  
211 Fulton Street  
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