

ILLINOIS POLLUTION CONTROL BOARD


October 4, 2007

TERMINAL RAILROAD ASSOCIATION,)	
)	
Petitioner,)	
)	
v.)	PCB 01-69
)	(Permit Appeal - RCRA)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On September 19, 2007, Terminal Railroad Association (petitioner) filed a motion to voluntarily dismiss its appeal of an Illinois Environmental Protection Agency (Agency) final decision. In the final decision, according to petitioner, the Agency determined that certain closure activities at petitioner's Bend Road facility in St. Clair County were subject to the federal Resource Conservation and Recovery Act (RCRA) and 35 Ill. Adm. Code 725. Motion at 1. Petitioner states that on June 7, 2007, the Agency issued a RCRA Remedial Action Plan Permit to petitioner. *Id.* According to petitioner's motion, the permit sets forth, among other things, that petitioner's willingness to proceed with a Part 725 closure plan should not be construed as an acknowledgment that either Part 725 or RCRA applies in any enforcement action against petitioner. *Id.* The Board grants petitioner's motion to voluntarily dismiss this appeal and closes the docket.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 4, 2007, by a vote of 4-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board