

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

LONE STAR INDUSTRIES, INC.,)	
)	
Petitioner,)	
)	
vs.)	PCB 07-71
)	(Construction Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

MOTION FOR VOLUNTARY DISMISSAL

NOW COMES Petitioner, LONE STAR INDUSTRIES, INC., d/b/a Buzzi Unicem USA (hereinafter "Petitioner"), by and through its attorneys, HODGE DWYER ZEMAN, pursuant to 35 Ill. Admin. Code § 101.500, and moves the Illinois Pollution Control Board ("Board") to voluntarily dismiss this action. In support of this Motion, Petitioner states as follows:

1. On January 29, 2007, Petitioner filed a Petition for Review of the revised construction permit (No. 06030057) granted to Petitioner by the Illinois Environmental Protection Agency ("Agency") on December 22, 2006. In its Petition, Petitioner appealed the inclusion of permit conditions that it contends are not required by the Illinois Environmental Protection Act ("Act") or regulations promulgated thereunder and are not necessary to correct, detect, or prevent noncompliance with the Act or regulations.
2. On July 17, 2008, following settlement discussions between the parties, the Agency issued a revised construction permit. The issuance of this construction permit resolves the above-referenced appeal.

3. As all issues between the parties have been resolved, Petitioner requests that the Board grant this Motion for Voluntary Dismissal and dismiss this appeal.

WHEREFORE, Petitioner, LONE STAR INDUSTRIES, INC., d/b/a Buzzi Unicem USA, respectfully requests that the Illinois Pollution Control Board enter an Order dismissing this action.

Respectfully submitted,

LONE STAR INDUSTRIES, INC.,
Petitioner,

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

Dated: July 25, 2008

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