

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JOYCE FARMS RECYCLING, INC.

Petitioner,

v.

**ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,**

Respondent.

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**PCB 08-49
(Land-Permit Appeal)**

NOTICE OF FILING

TO: Mr. James Richardson
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Mr. Brad Halloran
Illinois Pollution Control Board
100 W. Randolph
Suite 11-500
Chicago, Illinois 60601

PLEASE TAKE NOTICE that on February 27, 2009, Petitioner electronically filed with the Clerk of the Illinois Pollution Control Board of the State of Illinois an original *Motion for Voluntary Dismissal*.

Date: February 27, 2009

Respectfully submitted,

JOYCE FARMS RECYCLING, INC.

By: Alison K Hayden
One of Its Attorneys

BROWN, HAY & STEPHENS, LLP
Claire A. Manning
Registration No. 3124724
Alison K. Hayden
Registration No. 6291618
205 S. Fifth Street, Suite 700
P.O. Box 2459
Springfield, IL 62705-2459
(217) 544-8491

CERTIFICATE OF SERVICE

I, on oath state that I have served the attached *Motion for Voluntary Dismissal* by placing a copy in an enveloped addressed to:

Mr. James Richardson
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Mr. Brad Halloran
Illinois Pollution Control Board
100 W. Randolph
Suite 11-500
Chicago, Illinois 60601

from Brown, Hay & Stephens, LLP, 205 S. Fifth Street, Ste. 700, Springfield, Illinois, before the hour of 5:00 p.m. on this 27th day of February, 2009.



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JOYCE FARMS RECYCLING, INC.)	
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Petitioner,)	
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v.)	PCB 08-49
)	(Land-Permit Appeal)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

MOTION FOR VOLUNTARY DISMISSAL

NOW COMES Petitioner, JOYCE FARMS RECYCLING, INC. (hereinafter "Joyce Farms"), by and through its attorneys, BROWN, HAY & STEPHENS, LLP, pursuant to 35 Ill. Adm. 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 September 1, 2006, Joyce Farms filed a Petition for Review of Permit Number 2000-138-DE/OP Modification No. 6 issued on July 27, 2006 by the Illinois Environmental Protection Agency ("Agency") to Joyce Farms for continued operation of an existing landscape waste compost facility. In its Petition, Joyce Farms appealed the inclusion of permit conditions not required by the Illinois Environmental Protection Act ("Act") or its implementing regulations.
2. Underlying Permit Number 2000-138-DE/OP expired on January 31, 2008. As ongoing settlement negotiations of the contested permit terms had not been resolved by this time, a renewal permit application was prepared and submitted to the Agency and Modification No. 9 was issued to Joyce Farms on January 28, 2008.

3. On March 3, 2008, both the Agency and Joyce Farms filed a Request for Ninety Day Extension of Appeal Period with the Board. At this time the Board docketed the request under a new case number 2008-49 for the newly issued renewal permit.

4. On June 2, 2008, Joyce Farms filed a new Petition for Review of the Permit issued on January 28, 2008. On June 19, 2008, Joyce Farms filed a Motion for Open Waiver of the 120-Day Decision deadline with the Board.


5. Both parties continued settlement discussions to resolve the issues without having to go to hearing. On August 28, 2008, the Agency issued Modification No. 10 to Permit No. 2005-138-DE/OP which resolved the permit appeal No. 2008-49. Modification No. 10 was issued by the Agency with an incorrect Log Number and an incorrect reference to a Log Number. A corrected version was issued on February 25, 2009. The permit term remains five years and the expiration date is December 31, 2013.

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

WHEREFORE, Petitioner, JOYCE FARMS RECYCLING, INC., respectfully requests that the Board enter an Order dismissing this action.

Respectfully submitted,

JOYCE FARMS RECYCLING, INC.,
Petitioner,

By: 
Alison K. Hayden,
One of its Attorneys

BROWN, HAY & STEPHENS, LLP

Claire A. Manning

Registration No. 3124724

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