

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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|--------------------------------------|---|------------------------------|
| ARNOLD MAGNETIC TECHNOLOGIES, |) | |
| |) | |
| Petitioner, |) | PCB 2016-097 |
| |) | Water – Permit Appeal |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

NOTICE OF FILING

To:

Kathryn Pamerter
Office of the Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602
KPamerter@atg.state.il.us

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, IL 60601
Brad.Halloran@illinois.gov

Don Brown, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601
Don.Brown@illinois.gov

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 of the Petitioner, Arnold Magnetic Technologies, copies of which are attached hereto and herewith served upon you.

Dated: November 27, 2017

Respectfully submitted,

NIJMAN FRANZETTI LLP

/s/ Susan M. Franzetti
Attorneys for Petitioner Arnold Magnetic Technologies

Susan M. Franzetti
Nijman Franzetti LLP
10 S. LaSalle Street, Suite 3600
Chicago, IL 60603
(312) 251-5590

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VOLUNTARY MOTION TO DISMISS

Petitioner Arnold Magnetic Technologies, by and through its attorneys, NIJMAN FRANZETTI LLP, pursuant to 35 Ill. Adm. Code 101.500 of the Illinois Pollution Control Board’s (“Board’s”) procedural rules (35 Ill. Adm. Code 101.500) and asks the Board to dismiss this National Pollutant Discharge Elimination System (NPDES) permit appeal, stating as follows:

1. On June 27, 2016, Petitioner filed a petition for review of the Illinois Environmental Protection Agency’s (“Agency”) denial of its application for renewal of Water Pollution Control Permit 2011-E0-1001-2 concerning Petitioner's wastewater treatment and recycle system located at 300 North West Street, Marengo, Illinois (the “Facility”), challenging the Agency’s denial of the renewed permit.
2. At the request of Petitioner, a stay of the proceedings in this matter, including all deadlines and required filings, was granted by the Hearing Officer pending further order from the Board to and including November 29, 2017, on the basis that the parties were involved in on-going settlement negotiations.
3. On August 28, 2017, Petitioner filed an additional waiver of the statutory decision deadline to and including March 15, 2018.

4. On November 17, 2017, the Agency issued a Water Pollution Control Permit 2017-E0-62619 for the Facility to Petitioner. The issuance of this permit resolves the issues raised in this appeal by Petitioner.

WHEREFORE, Petitioner respectfully requests that the Illinois Pollution Control Board dismiss this matter and close the docket.

Dated: November 27, 2017

Respectfully submitted,

NIJMAN FRANZETTI LLP

/s/ Susan M. Franzetti

Attorneys for Petitioner Arnold Magnetic Technologies

Susan M. Franzetti
Nijman Franzetti LLP
10 S. LaSalle Street, Suite 3600
Chicago, IL 60603
(312) 251-5590

CERTIFICATE OF SERVICE

Susan M. Franzetti, counsel for Arnold Magnetic Technologies herein certifies that she has electronically served copies of the foregoing VOLUNTARY MOTION TO DISMISS upon the following on November 27, 2017:

Kathryn Pamerter
Office of the Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602
KPamerter@atg.state.il.us

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