

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PRAIRIE RIVERS NETWORK)
and SIERRA CLUB,)
))
Petitioners,)
))
v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY and)
PEABODY GATEWAY NORTH)
MINING, LLC,)
))
Respondents.)

PCB 2013-021
(Third Party NPDES Appeal)

NOTICE OF FILING

To: John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph St., Suite 11-500
Chicago, IL 60601

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794

Persons included on the attached
SERVICE LIST

PLEASE TAKE NOTICE that Prairie Rivers Network and Sierra Club have today filed a **Motion for Voluntary Dismissal** in PCB 2013-021, a copy of which is herewith served upon you.

Respectfully Submitted,



Jessica Dexter
Environmental Law and Policy Center
35 East Wacker Drive, Suite 1600
Chicago, IL 60601; 312-795-3747
Counsel for Prairie Rivers Network and Sierra Club

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PROTECTION AGENCY and)	
PEABODY GATEWAY NORTH)	
MINING, LLC,)	
)	
Respondents.)	

MOTION FOR VOLUNTARY DISMISSAL

Prairie Rivers Network (“PRN”) and Sierra Club hereby move to voluntarily dismiss the Petition filed in the above-captioned matter. In support of this motion, PRN and Sierra Club state as follows:

1. On or about April 29, 2014, PRN and Sierra Club participated in a telephone status conference with the Illinois Pollution Control Board Hearing Officer (IPCB) in Docket No. PCB 2013-021(Hearing Order). Pursuant to the terms of the parties’ settlement agreement, respondent Peabody Gateway North Mining, LLC (Peabody) was required to apply for a revised permit modification with the Illinois Environmental Protection Agency (Agency) no later than June 9, 2014.
2. On or about June 2, 2014 Peabody applied for a revised permit modification with the Agency.

3. PRN, Sierra Club, and Peabody have entered into a settlement agreement that resolves all of the issues and matters raised in and relating to this Petition.

4. Accordingly, PRN and Sierra Club respectfully move to voluntarily dismiss this Petition before the IPCB.

Dated: June 17, 2014

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JD', with a long horizontal flourish extending to the right.

Jessica Dexter
Counsel for Prairie Rivers Network and
Sierra Club

CERTIFICATE OF SERVICE

I, Jessica Dexter, the undersigned, hereby certify that I have served the attached **Motion**

for Voluntary Dismissal upon:

Mr. John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic filing on June 17, 2014; and upon the attached service list by depositing said documents in the United States Mail, postage prepaid, in Chicago, Illinois on June 17, 2014.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JD', with a long horizontal flourish extending to the right.

Jessica Dexter
Counsel for Prairie Rivers Network and
Sierra Club

SERVICE LIST

June 17, 2014

Angela Gilbert, Asst. Attorney General
Office of the Attorney General
State of Illinois, Environmental Bureau
500 South Second Street
Springfield, IL 62706

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Peabody Gateway North Mining
7100 Eagle Crest Boulevard, Suite 100
Evansville, IN 47715

John W. Watson
Jessica Mitchell Wicha
Baker & McKenzie
One Prudential Plaza, Suite 5000
300 East Randolph Drive
Chicago, IL 60601