

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KCBX TERMINALS COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 14-110
	)	(Air Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: Mr. John Therriault	Mr. Bradley P. Halloran
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	100 West Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
<b>(VIA ELECTRONIC MAIL)</b>	<b>(VIA FIRST CLASS MAIL)</b>

**(SEE PERSONS ON ATTACHED SERVICE LIST)**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board **NOTICE OF WITHDRAWAL OF PETITIONER'S MOTION FOR PROTECTIVE ORDER REGARDING RESPONDENT'S WITNESS DISCLOSURE**, a copy of which is herewith served upon you.

Respectfully submitted,

KCBX TERMINALS COMPANY,  
Petitioner,

Dated: April 22, 2014

By: /s/ Edward W. Dwyer  
Edward W. Dwyer

Katherine D. Hodge  
Edward W. Dwyer  
Matthew C. Read  
HODGE DWYER & DRIVER  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

**CERTIFICATE OF SERVICE**

I, Edward W. Dwyer, the undersigned, hereby certify that I have served the attached NOTICE OF WITHDRAWAL OF PETITIONER'S MOTION FOR PROTECTIVE ORDER REGARDING RESPONDENT'S WITNESS DISCLOSURE upon:

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

via electronic mail on April 22, 2014 and upon:

Mr. Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Division of Legal Counsel  
Illinois Environmental Protection  
Agency  
1021 North Grand Avenue  
Post Office Box 19276  
Springfield, Illinois 62794-9276

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on April 22, 2014 and upon:

Kathryn A. Pamenter, Esq.  
Christopher J. Grant, Esq.  
Robert R. Petti, Esq.  
Assistant Attorney General  
Office of the Attorney General  
69 West Washington Street, Suite 1800  
Chicago, Illinois 60602

via facsimile and by depositing said document in the United States Mail, postage prepaid, in Springfield, Illinois on April 22, 2014.

/s/ Edward W. Dwyer  
Edward W. Dwyer

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KCBX TERMINALS COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 14-110
	)	(Air Permit Interlocutory Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF WITHDRAWAL OF PETITIONER'S MOTION FOR PROTECTIVE ORDER REGARDING RESPONDENT'S WITNESS DISCLOSURE**

NOW COMES Petitioner, KCBX TERMINALS COMPANY ("KCBX"), a North Dakota corporation, by and through its attorneys, HODGE DWYER & DRIVER, and for its Notice of Withdrawal of Petitioner's Motion for Protective Order Regarding Respondent's Witness Disclosure, states as follows:

1. On April 4, 2014, Respondent, Illinois Environmental Protection Agency ("Illinois EPA") filed Respondent's Witness Disclosure with the Illinois Pollution Control Board ("Board"), as required by the Hearing Officer Order entered on March 25, 2014.
2. Respondent's Witness Disclosure lists Katherine D. Hodge, counsel of record for KCBX in this proceeding, as a witness that Illinois EPA may call at the hearing scheduled for April 29, 2014.
3. On April 8, 2014, KCBX filed its Motion for Protective Order Regarding Respondent's Witness Disclosure.
4. On April 14, 2014, Illinois EPA filed an Objection to KCBX Terminals Company's Motion for Protective Order Regarding Respondent's Witness Disclosure.

5. On April 15, 2014, KCBX filed its Motion for Leave to File Reply to Respondent's Objection to Petitioner's Motion for Protective Order Regarding Respondent's Witness Disclosure and Petitioner's Reply to Respondent's Objection to Petitioner's Motion for Protective Order Regarding Respondent's Witness Disclosure.

6. On April 17, 2014, Illinois EPA filed its Motion to Amend Witness Disclosure stating, "based upon the depositions taken in this Permit Appeal, the Illinois EPA does not intend to call Katherine D. Hodge as a witness at the April 29, 2014 hearing, and has removed her name from the Illinois EPA's witness list." *Motion to Amend Witness Disclosure*, ¶ 8.

7. Therefore, KCBX hereby notifies the Illinois Pollution Control Board and Illinois EPA that it is withdrawing its Motion for Protective Order Regarding Respondent's Witness Disclosure for all purposes in the above-captioned permit appeal.

Respectfully submitted,

KCBX TERMINALS COMPANY,  
Petitioner,

Dated: April 22, 2014

By: /s/ Edward W. Dwyer  
One of Its Attorneys

Katherine D. Hodge  
Edward W. Dwyer  
Matthew C. Read  
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