
**IN THE APPELLATE COURT OF ILLINOIS
THIRD JUDICIAL DISTRICT**

AQUA ILLINOIS, INC.,)	
)	
<i>Petitioner-Appellant,</i>)	Petition for Review of a Final Order of
)	the Illinois Pollution Control Board
v.)	dated December 15, 2022 in its Docket
)	No. 23-12 (Permit Appeal – Water)
ILLINOIS POLLUTION CONTROL)	
BOARD, ILLINOIS)	Petition for Review dated January 20,
ENVIRONMENTAL PROTECTION)	2023
AGENCY,)	
)	Supreme Court Rule which contains
<i>Respondents-Appellees.</i>)	jurisdiction upon the reviewing court:
)	Rule 335
)	
)	

NOTICE OF FILING

To: Illinois Pollution Control Board	Kwame Raoul
Attention: Clerk	Jonathan J. Sheffield
James R. Thompson Center, Suite	Office of the Attorney General,
11-500	State of Illinois
100 West Randolph	100 West Randolph Street, 12th
Chicago, Illinois 60601	Floor
PCB.Clerks@illinois.gov	Chicago, Illinois 60601
Don.brown@illinois.gov	CivilAppeals@ilag.gov
	Jonathan.Sheffield@ilag.gov

PLEASE TAKE NOTICE that on June 21, 2023, Petitioner-Appellant, Aqua Illinois, Inc., caused to be filed with the Appellate Court of Illinois, Third District, Petitioner’s Unopposed Motion to Voluntarily Dismiss Petition for Review.

Respectfully submitted,

Dated: June 21, 2023

By: /s/ Daniel J. Deeb

Daniel J. Deeb (ARDC No. 6284624)
Alex Garel-Frantzen (ARDC No. 6320649)

ARENTFOX SCHIFF LLP
233 South Wacker Drive, Suite
7100 Chicago, Illinois 60606
(312) 258-5500
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Alex.Garel-Frantzen@afslaw.com

Attorneys for Aqua Illinois, Inc.

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**PETITIONER’S UNOPPOSED MOTION TO VOLUNTARILY DISMISS
PETITION FOR REVIEW**

Pursuant to Section 2-1009 of the Illinois Code of Civil Procedure, 735 ILCS 5/2-1009, Petitioner-Appellant Aqua Illinois, Inc. (“Aqua”), by its attorneys, ArentFox Schiff LLP, moves to voluntarily dismiss its Petition for Review without prejudice.

In support of this Motion, Aqua states as follows:

1. On January 20, 2023, Aqua filed its Petition for Review of a Final Order of the Illinois Pollution Control Board in its Docket No. 23-12.
2. Aqua now desires to dismiss its Petition for Review without prejudice. On June 14, 2023, the Illinois Environmental Protection Agency issued a Special Exception Permit to Aqua, granting Aqua’s request for reduced lead and copper monitoring and effectively mooted the relief sought by Aqua through this Petition for Review.

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File Date: 6/21/2023 11:48 AM
Zachary A. Hooper, Clerk of the Court
APPELLATE COURT 3RD DISTRICT

3. Section 2-1009 of the Code of Civil Procedure permits claims to be dismissed voluntarily without prejudice “at any time before trial or hearing begins, upon notice to each party who has appeared or each such party’s attorney, and upon payment of costs.” 735 ILCS 5/2-1009(a); 735 ILCS 5/1-108 (provisions of 735 ILCS 5/2 apply to proceedings under the Administrative Review Law).

4. No trial or hearing has begun on Aqua’s Petition for Review, and Aqua is providing proper notice of this Motion to all parties of record.

5. Pursuant to Illinois Supreme Court Rule 361(a) and Rule 102(a) of the Appellate Court of Illinois, Third District, Aqua’s counsel conferred with counsel for the Board and IEPA, Mr. Jonathan Sheffield, who informed Aqua’s counsel that this Motion is unopposed.

6. A proposed order is attached as Exhibit A.

WHEREFORE, Petitioner-Appellant Aqua Illinois, Inc. requests that this Court enter an Order dismissing the Petition for Review without prejudice and grant such other and further relief as may be just and proper.

Respectfully submitted,

Dated: June 21, 2023

By: /s/ Daniel J. Deeb
One of its attorneys

Daniel J. Deeb (ARDC No. 6284624)
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Attorneys for Aqua Illinois, Inc.

CERTIFICATE OF FILING AND SERVICE

The undersigned, an attorney, certifies that on June 21, 2023, the foregoing Notice of Filing and Petitioner's Unopposed Motion to Voluntarily Dismiss Petition for Review were filed with the Clerk of the Court for the Illinois Appellate Court, Third Judicial District, by using the File and Serve Illinois system.

The undersigned also certifies that on June 21, 2023, true and correct copies of the Notice of Filing, Petitioner's Unopposed Motion to Voluntarily Dismiss Petition for Review, and this Certificate of Service were served by email on Respondents at the e-mail addresses listed below.

Illinois Pollution Control Board	Kwame Raoul
Attention: Clerk	Jonathan J. Sheffield
James R. Thompson Center, Suite	Office of the Attorney General,
11-500	State of Illinois
100 West Randolph	100 West Randolph Street, 12th
Chicago, Illinois 60601	Floor
PCB.Clerks@illinois.gov	Chicago, Illinois 60601
Don.brown@illinois.gov	CivilAppeals@ilag.gov
	Jonathan.Sheffield@ilag.gov

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

/s/ Daniel J. Deeb

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ATTACHMENT A

**IN THE APPELLATE COURT OF ILLINOIS
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ORDER

This matter coming to be heard on Petitioner-Appellant’s Unopposed Motion to Voluntarily Dismiss Petition for Review, due notice having been given and the Court fully advised in the premises:

IT IS HEREBY ORDERED that:

1. Petitioner-Appellant Aqua Illinois, Inc.’s (“Aqua”) Motion is granted;
2. Aqua’s Petition for Review is hereby voluntarily dismissed without prejudice, pursuant to Section 2-1009 of the Illinois Code of Civil Procedure, 735 ILCS 5/2-1009.

ENTERED

Justice Date

Justice Date

Justice Date

Prepared by:
Alexander Garel-Frantzen
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