

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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MAY 13 2003

NORTH SHORE SANITARY DISTRICT,)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

STATE OF ILLINOIS
Pollution Control Board

PCB No. 03-146
(Permit Appeal)

NOTICE

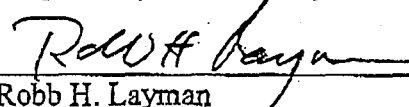
To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Fred C. Prillaman
Mohan, Alewelt, Prillaman & Adami
1 North Old Capital Plaza, Suite 325
Springfield, Illinois 62701-1323

Bradley P. Halloran
Hearing Officer
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original (1) and nine (9) copies of a **MOTION TO WITHDRAW PENDING MOTION FOR RECONSIDERATION** of the Respondent, Illinois Environmental Protection Agency, a copy of which is herewith served upon the Hearing Officer and the attorney for the Petitioner, North Shore Sanitary District.

Respectfully submitted by,



Robb H. Layman
Special Assistant Attorney General

Dated: May 13, 2003
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)524-9137

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

NORTH SHORE SANITARY DISTRICT,)	
)	
Petitioner,)	
)	PCB No. 03-146
v.)	(Permit Appeal)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

MOTION TO WITHDRAW PENDING
MOTION FOR RECONSIDERATION

NOW COMES the Respondent, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), by and through its attorneys, and moves the Illinois Pollution Control Board ("Board") to withdraw the pending Motion for Reconsideration that was previously filed by the Respondent in the above-captioned matter.

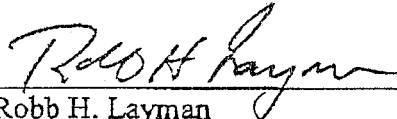
1. The Board issued a ruling granting the Petitioner, NORTH SHORE SANITARY DISTRICT, a stay of the effectiveness of a construction permit relating to this proceeding on March 20, 2003.
2. The Illinois EPA filed a Motion for Reconsideration of the Board's ruling on April 24, 2003.
3. On May 13, 2003, the Petitioner informed the Illinois EPA that the permit appeal would be voluntarily dismissed and that the Petitioner would seek to have the scheduled May 15, 2003, hearing cancelled. Petitioner's attorney indicated that papers seeking the same would be filed with the Board on this date, a copy of which was received by the Respondent at the time of this filing.

4. In view of the Petitioner's voluntary dismissal of the appeal and in the interests of the Board's judicial economy, the Illinois EPA will formally withdraw its pending Motion for Reconsideration.
5. The attorney for the Petitioner has expressed no opposition to this Motion.

WHEREFORE, the Illinois EPA respectfully moves for the withdrawal of the Motion for Reconsideration or for any other relief that the Board may deem appropriate.

Respectfully submitted by,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,



Robb H. Layman
Special Assistant Attorney General

May 13, 2003
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)524-9137

This filing is submitted on recycled paper.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of May, 2003, I did send, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, one (1) original and nine (9) copies of the following instrument entitled **MOTION TO WITHDRAW PENDING MOTION FOR RECONSIDERATION** to:

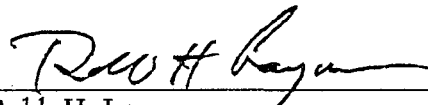
Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

and a true and correct copy of the same foregoing instrument, by First Class Mail with postage thereon fully paid and deposited into the possession of the United States Postal Service, to:

Fred C. Prillaman
Mohan, Alewelt, Prillaman & Adami
1 North Old Capital Plaza, Suite 325
Springfield, Illinois 62701-1323

Bradley P. Halloran
Hearing Officer
James R. Thompson Center
100 West Randolph Street,
Suite 11-500
Chicago, Illinois 60601

By order of the Hearing Officer, leave was also granted for filing by facsimile and, therefore, a true and correct copy of the same was faxed to each of the afore-mentioned persons on May 13, 2003.



Robb H. Layman
Special Assistant Attorney General

This filing is submitted on recycled paper.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 DIVISION OF LEGAL COUNSEL
 -1021 NORTH GRAND AVENUE EAST, POST OFFICE BOX 19276
 SPRINGFIELD, ILLINOIS 62794-9276
 TELEPHONE (217)782-5544 • FACSIMILE (217)782-9807

DATE: May 13, 2003

FACSIMILE TRANSMITTAL SHEET

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

PARTY'S NAME: Doro Day Gann

Clerk of the Board

FIRM/COMPANY'S NAME: Pollution Control Board

FACSIMILE NO.: _____

TELEPHONE NO.: _____

FROM: Robb Layman

Re: NUSD v. Illinois EPA (PCB No. 03-146)

TOTAL NUMBER OF PAGES (INCLUDING THIS PAGE): 5

HARD COPY WILL X WILL NOT _____ FOLLOW.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL 217-782-5544.

COMMENTS: Motion to Withdraw Pending Motion for
Reconsideration.

IMPORTANT - THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED; AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THE MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT READING, DISSEMINATING, DISTRIBUTING, OR COPYING THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

