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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF LAKE BARRINGTON, CUBA)
TOWNSHIP, PRAIRIE RIVERS NETWORK,)
SIERRA CLUB, BETH WENTZEL and)
CYNTHIA SKRUKRUD,)

Petitioners)

v.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY and VILLAGE OF WAUCONDA,)

Respondents.)

SLOCUM LAKE DRAINAGE DISTRICT OF)
LAKE COUNTY, ILLINOIS)

Petitioner)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY AND VILLAGE OF)
WAUCONDA, ILLINOIS)

Respondents.)

PCB 05-55

(3rd Party NPDES Permit
Appeal)

PCB 05-58

(3rd Party NPDES Permit
Appeal)

AL PHILLIPS, VERN MEYER, GAYLE DEMARCO,)
GABRIELLE MEYER, LISA O'DELL, JOAN LESLIE,)
MICHAEL DAVEY, NANCY DOBNER, MIKE)
POLITO, WILLIAMS PARK IMPROVEMENT)
ASSOCIATION, MAT SCHLUETER, MYLITH PARK)
LOT OWNERS ASSOCIATION, DONALD KREBS,)
DON BERKSHIRE, JUDY BRUMME, TWIN POND)
FARMS HOMEOWNERS ASSOCIATION, JULIA)
TUDOR and CHRISTINE DEVINEY,)

Petitioners)

v.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY and VILLAGE OF WAUCONDA,)

Respondents.)

PCB 05-50
(3rd Party NPDES Permit
Appeal)
(Consolidated)

NOTICE OF MOTION

TO: See Attached Certificate of Service


Please take notice that on December 7, 2004, I filed with the Illinois Pollution Control Board an original and four (4) copies of the attached Voluntary Motion to Withdraw Joint Motion to Realign and/or Joint Parties as third Party Respondents and Leave to Amend, copies of which are attached and hereby served upon you.

Dated: January 31, 2005



Jay J. Glenn
Attorney for the Resident Group

Bonnie L. Macfarlane
BONNIE MACFARLANE, P.C.
106 W. State Road, P.O. Box 268
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847-487-0700
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Bonnie L. Macfarlane
Attorney for the Slocum Lake
Drainage District of Lake County,
Illinois

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STATE OF ILLINOIS)
) ss.
COUNTY OF MCHENRY)

CERTIFICATE OF SERVICE

Bonnie L. Macfarlane, an attorney, hereby certifies that a copy of the foregoing Notice of Motion, Certificate of Service, and Voluntary Motion to Withdraw Joint Motion to Realign and/or Joint Parties as third Party Respondents and Leave to Amend, was served on the persons listed below by first Class U.S. Mail, proper postage prepaid, on January 31, 2005.

Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

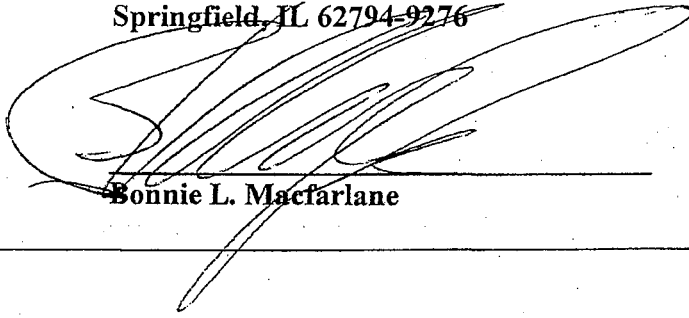
Bradley P. Halloran
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Ste. 11-500
Chicago, Illinois 60601

Percy L. Angelo
Russell R. Eggert
Kevin G. Desharnais
Mayer, Brown, Rowe & Maw, L.L.P.
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Chicago, IL 60603

Albert Ettinger
Environmental Law and Policy Center
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Chicago, Illinois 60601

William D. Seith
Total Environmental Solutions, P.C.
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Sanjay K. Sofat, Asst. Counsel
James Allen Day
Illinois Environmental Protection Agency
1021 North Grand Ave., East
P.O. Box 19276
Springfield, IL 62794-9276



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**VOLUNTARY MOTION TO WITHDRAW JOINT MOTION TO
REALIGN AND/OR JOIN PARTIES AS THIRD PARTY RESPONDENTS AND LEAVE
TO AMEND**

NOW COMES, Slocum Lake Drainage District of Lake County, Illinois, an agency of the State of Illinois, through their attorney, Bonnie Macfarlane, P.C., and The Resident Group, through their attorney, Jay J. Glenn, and move to Voluntary Withdraw the Joint Motion to Realign and/or Join Parties as Third Party Respondents and Leave to Amend, previously filed herein and in support thereof, states as follows:

1. That on January 4, 2005, the Slocum Lake Drainage District of Lake County and the Resident Group filed a Joint Motion to Realign and/or Join Parties as Third Party Respondents and Leave to Amend.

2. That on January 11, 2005, the Village of Lake Barrington, Cuba Township, Prairie Rivers Network, Sierra Club, Beth Wentzel and Cynthia Skrukud, filed with this Board, a Stipulation which included the Intergovernmental Agreement between the

Village of Lake Barrington, the Village of Wauconda, Cuba Township, relative to Fiddle Creek.

3. That the issues raised in the Joint Motion by Slocum Lake Drainage District and the Resident Group relating to Joinder have been made moot by said subsequent filing.

Wherefore, the Slocum Lake Drainage District and the Resident Group pray that the Illinois Pollution Control Board dismiss the Joinder Motion and Motion for Leave to Amend filed by the Drainage District and the Resident Group, and any other relief deemed appropriate by this Board.

Respectfully Submitted,



Bonnie L. Macfarlane



Jay J. Glenn

Dated: January 31, 2005

Bonnie L. Macfarlane
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