

Before the Pollution Control Board
State of Illinois

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FEB 14 2005

STATE OF ILLINOIS
Pollution Control Board

Harold Hart Service,

)

Petitioner,

)

v.

)

PCB 05-61

)

(LUST Appeal)

)

Illinois Environmental
Protection Agency,

)

)

Respondent.

)

)

Motion to Voluntarily Dismiss Appeal

NOW COMES Harold Hart Service, by and through his attorney, Penni S. Livingston and hereby files this Motion to Voluntarily Dismiss previously filed Appeal of the Illinois Environmental Protection Agency decision regarding application for payment from the Underground Storage Tank Fund for LUST Incident # 981766 at LPC#119-0105-061. In Support of its filing of this Motion for Voluntary Dismissal, the Petitioner states as follow:

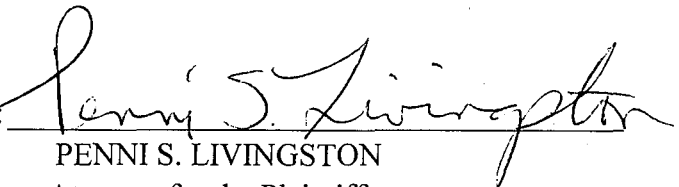
1. In January 2005, additional information was supplied to Illinois EPA through a Corrective Action Completion Report that should address all of the concerns of the Petitioner and the Illinois EPA with respect to the issues of this Appeal. Petitioner wishes to continue to work with the Agency on these issues of which unsatisfactory resolution gives rise to new appeal rights such that Petitioner is not injured by voluntary dismissal.

2. Illinois EPA is aware of Petitioner intent to voluntarily dismiss and has no objection.

3. No party is prejudiced by the granting of voluntary dismissal.

WHEREFORE, for all these reasons, Petitioner respectfully requests that the Board voluntarily dismiss this LUST Appeal.

Respectfully submitted,

BY: 

PENNI S. LIVINGSTON

Attorney for the Plaintiffs

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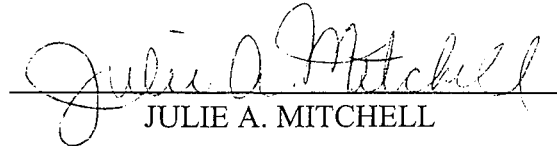
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CERTIFICATE OF SERVICE

STATE OF ILLINOIS
Pollution Control Board

I, Julie A. Mitchell, do hereby certify that I caused to be mailed this 7th day of February 2005, the foregoing Motion to Voluntarily Dismiss Appeal to the persons listed below by depositing the same with the Swansea or Fairview Heights, Illinois branch of the United States Postal Service with first class postage in place.


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