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MAY 02 2005

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF ROUND LAKE PARK,)
an Illinois Municipal Corporation)
Petitioner)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)
Respondent.)

PCB 02 - 40
(Variance - Water)

NOTICE OF FILING

To: See Attached Certificate of Service

PLEASE TAKE NOTICE that on the 26th day of April, 2005, the undersigned caused to be filed with the Illinois Pollution Control Board the Petitioner's MOTION FOR VOLUNTARY DISMISSAL, a copy of which is herewith served upon you.

DIVER, JEEP & BLAZER, L.L.C.

Jane F. Klassen

By: _____
Jane F. Klassen

Diver, Jeep & Blazer, L.L.C.
1749 S. Naperville Road, Suite #102
Wheaton, Illinois 60187
(630) 681-2530

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MOTION FOR VOLUNTARY DISMISSAL

NOW COMES Petitioner, Village of Round Lake Park, by their attorneys, and for their Motion pursuant to 35 IAC 101.500(a) and 735 ILCS 5/2-1009 for Voluntary Dismissal of this matter, states:

1. This matter is currently scheduled for status conference on May 18, 2005. Pursuant to 35 IAC 101.500(a), the Board may entertain any motion the parties wish to file that is permissible under the Illinois Code of Civil Procedure.
2. Pursuant to §2-1009 of the Illinois Code of Civil Procedure, the plaintiff may, at any time before trial or hearing begins, upon notice and payment of costs, dismiss his or her action without prejudice.
3. The Village of Round Lake Park shall pay such costs as are within the meaning of §2-1009 upon submission of a statement for the same from Respondent.

WHEREFORE, The Village of Round Lake Park requests that this matter be dismissed, without prejudice.

Respectfully submitted,
The Village of Round Lake Park

Jane F. Klassen

By: _____
Jane F. Klassen

Diver, Jeep & Blazer, L.L.C.
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Wheaton, Illinois 60187
(630) 681-2530

CERTIFICATE OF SERVICE

The undersigned hereby states that on April 26, 2005, before 5:00 P.M., she served the above and foregoing Notice of Filing and Petitioner's MOTION FOR VOLUNTARY DISMISSAL, by sending copies via facsimile to those persons at the facsimile numbers shown, or, as indicated, by placing a copy in the U.S. Mail at 1749 S. Naperville Road, Suite #102, Wheaton, Illinois, first class postage prepaid, and addressed to the person and address shown below:

To: Bradley Halloran
(facsimile to 312-814-3669)
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Sanjay Sofat
(facsimile to 217-782-9807)
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

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

on this 26th day of April, 2005.

DIVER, JEEP & BLAZER, L.L.C.

Jane F. Klassen

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