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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JUN 02 2005

MAC'S CONVENIENCE STORES LLC,)
Petitioner,)
vs.)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Respondent.)

PCB 05-101
(UST APPEAL)

STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street
Suite 11-500
Chicago, IL 60601

John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 N. Grand Avenue, East
P.O. Box 19276
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board a Motion to Dismiss, a copy of which is attached.

Respectfully submitted,

HATCHETT & HAUCK LLP

Dated: May 31, 2005



David L. Hatchett, IN Atty. #19383-49
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MOTION TO DISMISS

Petitioner Mac's Convenience Stores LLC ("Mac's") respectfully requests that the Illinois Pollution Control Board dismiss the above-captioned matter. The Illinois Environmental Protection Agency has agreed to pay the costs that were previously denied, and which were the subject of this appeal. As this dispute has been resolved, Mac's respectfully requests that this matter be dismissed.

WHEREFORE, Mac's respectfully requests that the Illinois Pollution Control Board dismiss this matter.

Respectfully submitted,

HATCHETT & HAUCK LLP



Dated: May 31, 2005

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CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on May 31, 2005, I served a true and accurate copy of the foregoing, by placing a true and correct copy in a properly sealed and addressed envelope and by depositing said sealed envelope in a U.S. mail drop box located within Indianapolis, Indiana, with sufficient First Class Mail postage affixed thereto, upon each of the following named persons:

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street
Suite 11-500
Chicago, IL 60601

John J. Kim
Assistant Counsel
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David L. Hatchett