

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CARROLL SCIENTIFIC, INC.
(Operating Permit),

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PCB 06-29
(Air Permit Appeal)
(90-Day Extension)

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STATE OF ILLINOIS
Pollution Control Board

CARROLL SCIENTIFIC, INC.
(Construction Permit),

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

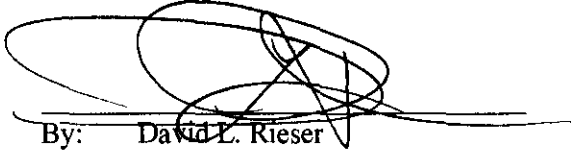
Respondent.

PCB 06-31
(Air Permit Appeal)
(90-Day Extension)

NOTICE OF FILING

To: Ms. Sally Carter
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East, Mail Code #21
Post Office Box 19276
Springfield, IL 62794-9276

Please take notice that on October 12, 2005, the undersigned caused to be filed with the Clerk of the Illinois Pollution Control Board, Petitioner's Motion to Dismiss, a copy of which is herewith served upon you.

By:  David L. Rieser

McGuireWoods LLP
77 West Wacker, Suite 4100
Chicago, IL 60601
Telephone: 312/849-8100

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MOTION TO DISMISS

Petitioner, Carroll Scientific, Inc. ("CSI"), by and through its attorneys, McGuireWoods LLP, and the Respondent, Illinois Environmental Protection Agency ("IEPA"), pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS5/40(a)(1)), respectfully requests the Illinois Pollution Control Board ("Board") to dismiss the above proceedings. Per the continued discussions between the parties, the IEPA issued a revised construction permit on September 14, 2005 and a revised operating permit on September 8, 2005. Based on the issuance of these permits, CSI believes there

is no basis to continue these appeals. The IEPA has no objection to dismissing these appeals.

WHEREFORE, for the reasons stated in this motion, the parties respectfully request the Board to dismiss these appeals.

CARROLL SCIENTIFIC, INC.

By: 
One of its Attorneys

Dated: October 12, 2005

David L. Rieser, Esq.
McGuire Woods LLP
77 West Wacker Drive
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Telephone: 312/849-8100