

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAY 31 2007  
STATE OF ILLINOIS  
Pollution Control Board

THE VILLAGE OF LOMBARD, )  
ILLINOIS, an Illinois )  
municipality corporation, )  
Complainant, )  
v. )  
BILL'S AUTO CENTER, )  
BILL'S STANDARD SERVICE )  
and WILLIAM KOVAR, )  
Respondents. )

PCB No. 04-213  
(LUSTS - Cost Recovery)

**NOTICE OF FILING TO RESPONDENTS**

To: Michael J. Maher  
Elizabeth S. Harvey  
Swanson, Martin & Bell  
One IBM Plaza, Suite 3300  
Chicago, Illinois 60611

PLEASE TAKE NOTICE that on May 31, 2007, I caused to be filed with the Clerk of the Illinois Pollution Control Board the STATUS REPORT AND AGREED AND VOLUNTARY MOTION TO DISMISS PETITION, a true and accurate copy of which is served on you along with this notice.

  
One of Complainant's Attorneys

Dennis G. Walsh  
Lance C. Malina  
Jacob Karaca  
KLEIN, THORPE AND JENKINS, LTD.  
20 North Wacker Drive, Suite 1660  
Chicago, Illinois 60606  
(312) 984-6400  
Atty. No. 90446

**PROOF OF SERVICE**

I, Jacob Karaca, an attorney, certify that I served this Notice of Filing and attachments, by mailing to persons on the Service List above, placed in envelopes, with proper postage pre-paid, addressed to said persons, and depositing the same in the U.S. Mail-chute at 20 North Wacker Drive, Chicago, Illinois 60606-2903, at or before 5:00 p.m. on May 31, 2007.

  
Jacob Karaca

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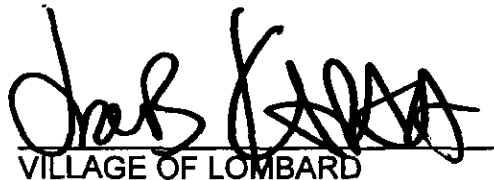
**STATUS REPORT AND AGREED AND VOLUNTARY MOTION TO DISMISS PETITION**

NOW COMES the Claimant, the VILLAGE OF LOMBARD, by and through its attorneys KLEIN THORPE and JENKINS, Ltd., and pursuant to the provisions of the Illinois Pollution Control Board General Provisions, Section 105.514(b), hereby requests that the Board end the stay on this cause of action (currently effective until **June 27, 2007**) and grant the Claimant's voluntary and agreed motion to dismiss its Petition before the Board. In support of this agreed motion, the Petitioner states:

1. The Village of Lombard, (the "Village") brought this cost-recovery action against the Defendants for reimbursement of costs related to soil remediation on Village property adjacent to the Respondents' property in the Village.
2. After discovery and lengthy negotiations, the parties have reached an agreement and terms of full settlement of the matters related to the Village's case for cost recovery.
3. As a part of their consideration to the Village in this agreement, the Respondents have completed the agreed payment installments to the Village over a six month schedule from the date of the execution of the settlement for full release of the claims in their Petition.

4. On the Petitioner's previous agreed motion, the Board granted a stay until June 27, 2007, for the complete execution of this agreement.
5. The Respondent completed the payments on May 30, 2007.
6. The agreement between the Parties provided that the Village will voluntarily dismiss this case within 10 business days after the final payment is made.
7. There is no decision deadline pending in this case, and therefore no waiver pursuant to Section 105.514 is required.
8. Pursuant to the terms of their agreement, the Parties now have no further dispute before the Commission.
8. No prejudice will result to either party or the public in general if the stay is lifted and this case dismissed.

WHEREFORE, the Petitioner, Village of Lombard, respectfully requests, and as agreed by the Respondents, that this Board enter an order lifting the prior stay on this Case and dismissing the Petition according to the terms agreed to by the Parties in resolution of their dispute.

  
VILLAGE OF LOMBARD

Dated: May 31, 2007

Dennis G. Walsh  
Lance C. Malina  
Jacob Karaca  
KLEIN, THORPE and JENKINS, Ltd.  
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