

CERTIFICATE OF SERVICE

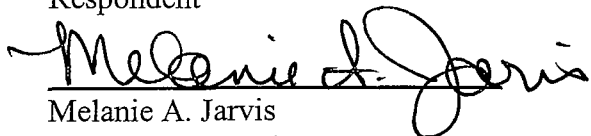
I, the undersigned attorney at law, hereby certify that on January 15, 2008, I served true and correct copies of an APPEARANCE and MOTION TO DISMISS by placing true and correct copies thereof in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. Mail drop box located within Springfield, Illinois, with sufficient First Class postage affixed thereto, upon the following named persons:

John Therriault, Acting Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

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

Kara Magyar
Project Assistant
Gabriel Environmental Services
1421 N. Elston Avenue
Chicago, IL 60622

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



Melanie A. Jarvis
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

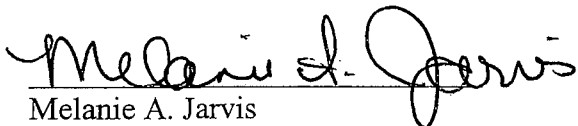
ESTATE OF WILLIAM EGGERT,)	
Petitioner,)	
v.)	PCB No. 08-35
ILLINOIS ENVIRONMENTAL)	(UST Appeal)
PROTECTION AGENCY,)	
Respondent.)	

APPEARANCE

The undersigned, as one of its attorneys, hereby enters her Appearance on behalf of the Respondent, the Illinois Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



Melanie A. Jarvis
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
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P.O. Box 19276
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Dated: January 15, 2008

This filing submitted on recycled paper.

**BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS**

ESTATE OF WILLIAM EGGERT,)	
Petitioner,)	
v.)	PCB No. 08-35
ILLINOIS ENVIRONMENTAL)	(UST Appeal)
PROTECTION AGENCY,)	
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MOTION TO DISMISS

NOW COMES the Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, Melanie A. Jarvis, Assistant Counsel and Special Assistant Attorney General, and, pursuant to 35 Ill. Adm. Code 101.500, hereby respectfully moves the Illinois Pollution Control Board ("Board") to dismiss the above action and in support of said motion, the Illinois EPA states as follows:

1. On November 13, 2007, Kara Magyar, Project Assistant with Gabriel Environmental Services filed a Petition on behalf of the Estate of Eggert.
2. The website for the Attorney Registration and Disciplinary Commission does not show a Kara Magyar registered as an attorney.
3. On December 6, 2007, the Board issued an order directing the Petitioner to file an amended petition for review accompanied by the appearance of an attorney.
4. As of today's date, the Petitioner has not filed the amended petition as directed.
5. Further, Board rules clearly state that the petition for review must be filed by an attorney. 35 Ill. Adm. Code 101.400(a)(2). This is not the first appeal filed on behalf of the Estate of Eggert and in the past an attorney has represented them, so they clearly are aware of the rule. See, PCB 07-22.
6. Any judgment in a case initiated by a non-attorney is void, even if subsequent appearances are

made by an attorney. See, Housing Authority of Cook County v. Tonsul, 115 Ill. App. 3d 739, 450 N.E.2d 1248 (1st Dist. 1983); Midwest Home Savings & Loan v. Ridgewood, 123 Ill. App. 3d 1001, 463 N.E.2d 909 (5th Dist. 1984); Marken Real Estate & Management Corporation v. Adams, 56 Ill. App. 3d 426, 371 N.E.2d 1192 (1st Dist. 1977); Leonard v. Walsh, 73 Ill. App. 2d 45, 220 N.E.2d 57 (4th Dist. 1966).

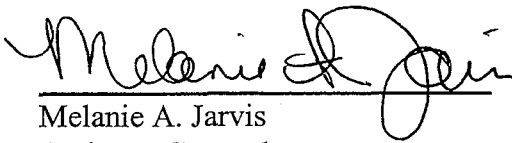
CONCLUSION

For the reasons stated herein, the Illinois EPA respectfully requests that the Board grant the Illinois EPA's Motion to Dismiss.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent



Melanie A. Jarvis
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Special Assistant Attorney General
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