

Electronic Filing - Received, Clerk's Office, December 23, 2009  
**BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS**

ONKEN'S, INCORPORATED, )  
Petitioner, )  
 )  
v. ) PCB No. 10-07  
 ) (UST Permit Appeal)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Respondent. )

**NOTICE OF FILING AND PROOF OF SERVICE**

TO: John T. Therriault, Acting Clerk Carol Webb  
Illinois Pollution Control Board Hearing Officer  
100 West Randolph Street Illinois Pollution Control Board  
State of Illinois Building, Suite 11-500 1021 North Grand Avenue East  
Chicago, IL 60601 P.O. Box 19274  
Springfield, IL 62794-9274

Melanie Jarvis  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, pursuant to Board Procedural Rule 101.302 (d), a MOTION FOR VOLUNTARY DISMISSAL, a copy of which is herewith served upon the hearing officer and upon the attorneys of record in this cause.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the document described above, were today served upon the hearing officer and counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys and to said hearing officer with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mailbox in Springfield, Illinois on the 23<sup>rd</sup> day of December, 2009.

ONKEN'S, INCORPORATED, Petitioner,

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI, Its attorneys

BY: /s/ Patrick D. Shaw

MOHAN, ALEWELT, PRILLAMAN & ADAMI  
1 N. Old Capitol Plaza, Suite 325  
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**MOTION FOR VOLUNTARY DISMISSAL**

NOW COMES Petitioner, Onken's Incorporated, by its undersigned attorneys, pursuant to Section 101.500 of the Board's Procedural Rules and asks the Board to dismiss this UST appeal, stating as follows:

1. During the pendency of this UST appeal, the parties have been able to resolve their disagreements.
2. Accordingly, Petitioner no longer seeks to appeal the Respondent's UST decision.

WHEREFORE, Petitioner prays for an Order from the Board dismissing this matter and closing the docket.

Respectfully submitted,

ONKEN'S, INCORPORATED, Petitioner,

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI,  
Its attorneys

BY: /s/ Patrick D. Shaw

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**THIS FILING SUBMITTED ON RECYCLED PAPER**