

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

BAILEY ENTERPRISES, INC.)
Petitioner,)
v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 09-57
(LUST Permit Appeal)

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STATE OF ILLINOIS
Pollution Control Board

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NOTICE OF FILING AND PROOF OF SERVICE

TO: John T. Therriault, Acting Clerk
Illinois Pollution Control Board
100 West Randolph Street
State of Illinois Building, Suite 11-500
Chicago, IL 60601

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
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 8th day of September, 2010.

Respectfully submitted,
BAILEY ENTERPRISES, INC., Petitioner

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY: /s/ Patrick D. Shaw

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MOTION FOR VOLUNTARY DISMISSAL

NOW COMES Petitioner, Bailey Enterprises, Inc., 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,
BAILEY ENTERPRISES, INC., Petitioner

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY: /s/ Patrick D. Shaw

Patrick D. Shaw

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