## Electronic Filing - Received, Clerk's Office, November 16, 2010

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

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)	
)	PCB 11-05
)	(LUST Permit Appeal)
)	
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	) ) ) ) )

#### **NOTICE OF FILING AND PROOF OF SERVICE**

TO: John T. Therriault, 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 N. 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 to Dismiss, 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 16<sup>th</sup> day of November, 2010.

Respectfully submitted, MOTHER HUBBARD'S CUPBOARD, Petitioner

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY: <u>/s/ Patrick D. Shaw</u>

MOHAN, ALEWELT, PRILLAMAN & ADAMI 1 North Old Capitol Plaza, Suite 325 Springfield, IL 62701-1323 Telephone: 217/528-2517 Facsimile: 217/528-2553

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

MOTHER HUBBARD'S CUPBOARD,	)	
Petitioner,	)	
V.	)	PCB 11-05
	)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Respondent.	)	

### **MOTION TO DISMISS**

NOW COMES Petitioner, MOTHER HUBBARD'S CUPBOARD, by its undersigned

attorneys, and moves to dismiss the pending petition for review, without concession or admission as to any issue raised by any party to this case, for the reason that the matters at issue have been settled by and between the parties. Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, has no objection to the granting of this Motion.

Respectfully submitted,

MOTHER HUBBARD'S CUPBOARD, Petitioner

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY: <u>/s/ Patrick D. Shaw</u>

MOHAN, ALEWELT, PRILLAMAN & ADAMI 1 North Old Capitol Plaza, Suite 325 Springfield, IL 62701-1323 Telephone: 217/528-2517 Facsimile: 217/528-2553

C:\Mapa\Mother Hubbard\Motion to Dismiss.wpd/crk 11/16/10 3:29 pm

### THIS FILING SUBMITTED ON RECYCLED PAPER