BEFORE THE 04432-0001 ILLINOIS POLLUTION CONTROL BOARD MORGAN SOUTHERN COMPANY, Petitioner, PCB 06-17 VS. (UST Fund Appeal) ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent.

NOTICE OF FILING

To: James G. Richardson Illinois Environmental Protection Agency Division of Legal Counsel 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276

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

PLEASE TAKE NOTICE that on this 18th day of July 2011, the following was filed electronically with the Illinois Pollution Control Board: Petitioner's Unopposed Motion to Voluntarily Dismiss, which is attached and herewith served upon you.

MORGAN SOUTHERN COMPANY

By: s/Elizabeth S. Harvey One of its attorneys

Elizabeth S. Harvey John P. Arranz SWANSON, MARTIN & BELL, LLP 330 North Wabash Avenue, Suite 3300 Chicago, Illinois 60611

Telephone: (312) 321-9100

CERTIFICATE OF SERVICE

I, the undersigned non-attorney, state that I served a copy of the foregoing to counsel of record via U.S. Mail at 330 North Wabash Avenue, Chicago, IL 60611, at or before 5:00 p.m. on July 18, 2011.

Janette M. Podlin

Under penalties as provided by law [x] pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

04432-0001

BEFORE THE

ILLINOIS POLLUTION CONTROL BOARD

MORGAN SOUTHERN COMPANY,)
Petitioner,	(
VS.	PCB 06-17 (UST Fund Appeal)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.	'

UNOPPOSED MOTION TO VOLUNTARILY DISMISS

Petitioner MORGAN SOUTHERN COMPANY ("petitioner"), through its attorneys Swanson, Martin & Bell, LLP, moves to voluntarily dismiss its appeal.

- Petitioner filed this appeal of respondent the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY's ("I EPA") decision denying petitioner's requested reimbursement from the Leaking Underground Storage Tank fund.
- 2. Petitioner no longer wishes to pursue its appeal, and moves to voluntarily dismiss the appeal.
- Counsel for IEPA has no objection to petitioner's motion to voluntarily dismiss, and has authorized petitioner's counsel to so state.

WHEREFORE, petitioner MORGAN SOUTHERN COMPANY moves the Board to voluntarily dismiss petitioner's appeal, and for such other relief as the Board deems appropriate.

MORGAN SOUTHERN COMPANY

By: <u>s/Elizabeth S. Harvey</u> One of its attorneys

Date: July 18, 2011.

Elizabeth S. Harvey John P. Arranz Swanson, Martin & Bell, LLP 330 North Wabash Avenue Suite 3300 Chicago, Illinois 60611 312/321-9100