

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUL 27 2011

STATE OF ILLINOIS
Pollution Control Board

In the Matter of)
)
GHB 630, LLC)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB 10-66

ORIGINAL

NOTICE OF FILING

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

PLEASE TAKE NOTICE that we today have filed the attached Motion to Voluntarily Dismiss Without Prejudice with the Office of the Clerk, Illinois Pollution Control Board.



Daniel Swartzman

DiVincenzo Schoenfield Swartzman
Attorney for Petitioner
33 North LaSalle, Suite 2900
Chicago, IL 60602
312/334-4800

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Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|------------------------|---|--------------|
| In the Matter of |) | |
| |) | |
| GHB 630, LLC |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 10-66 |
| |) | (UST Appeal) |
| |) | |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

ORIGINAL

MOTION TO VOLUNTARILY DISMISS WITHOUT PREJUDICE

Now comes the Petitioner, GHS 630 LLC, by its attorneys, DiVincenzo Schoenfield Swartzman, and moves to voluntarily dismiss this action without prejudice. In support of which, Petitioner states as follows:

1. At the time Petitioner filed this action, Respondent had made a final decision denying Petitioner's claim for participation in the LUST Fund.
2. Subsequent to the filing of this action, Respondent reconsidered its decision and determined in writing that Petitioner's tanks and contamination were subject to the LUST Fund.
3. Work is proceeding under the applicable state laws.
4. There are no further matters left for adjudication.

WHEREFORE, Petitioner requests that this matter be voluntarily dismissed without prejudice

Respectfully submitted,



Daniel Swartzman
Attorney for Petitioner

DiVincenzo Schoenfield Swartzman
Attorneys for Petitioner
33 North LaSalle, Suite 2900
Chicago, IL 60602
312/334-4800

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STATE OF ILLINOIS
Pollution Control Board

CERTIFICATE OF SERVICE

I, Daniel Swartzman, on oath or affirmation, state that on July 26, 2011, I served (1) the attached Motion to Voluntarily Dismiss Without Prejudice and (2) the attached Notice of Filing on the Respondent by depositing same in the U.S. Mail, postage prepaid, before 5 pm, addressed to:

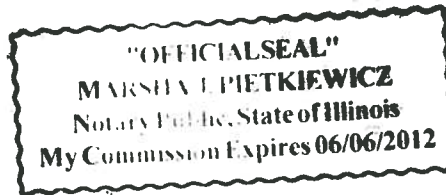
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave, East
P.O. Box 19276
Springfield, IL 62794-9276


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Daniel Swartzman

Subscribed to and sworn before me
this 26th day of
July, 2011.





Notary Public

My commission expires: June 6, 2012

DiVincenzo Schoenfield Swartzman

Attorneys at Law
33 North LaSalle Street, 29th Floor
Chicago, Illinois 60602

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JUL 27 2011

STATE OF ILLINOIS
Pollution Control Board

Anthony S. DiVincenzo
Rick M. Schoenfield
Daniel Swartzman

Tel: 312/334-4800
Fax: 312/551-0322

July 26, 2011

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John T. Terrault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601

Re: GHB 630 LLC v. ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, PCB 10-66

Dear Sir:

Please find enclosed:

1. Petitioner's Motion to Voluntarily Dismiss Without Prejudice
2. Notice of Filing
3. Certificate of Service

Thank you.

Sincerely,



Daniel Swartzman
Attorney for Petitioner

cc: B. Halloran
Counsel for Respondent