

5405-002

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

McHENRY STORAGE,)	
)	
Petitioner,)	
)	
vs.)	PCB 01-122
)	(UST-FRD)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

To: James G. Richardson	Bradley P. Halloran, Hearing Officer
Illinois Environmental Protection Agency	Illinois Pollution Control Board
Division of Legal Counsel	James R. Thompson Center
1021 North Grand Avenue East	100 West Randolph Street
P.O. Box 19276	Suite 11-500
Springfield, IL 62794-9276	Chicago, IL 60601

PLEASE TAKE NOTICE that on this 16th day of September 2011, the following was filed electronically with the Illinois Pollution Control Board: **Petitioner's Unopposed Motion to Voluntarily Dismiss Appeal**, which is attached and herewith served upon you.

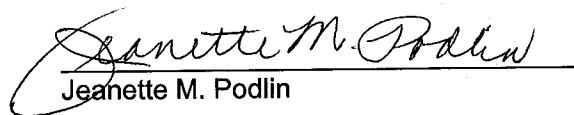
McHENRY STORAGE

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

Michael J. Maher
Elizabeth S. Harvey
SWANSON, MARTIN & BELL, LLP
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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 September 16, 2011.


Jeanette M. Podlin

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

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UNOPPOSED MOTION TO VOLUNTARILY DISMISS APPEAL

Petitioner McHENRY STORAGE, by its attorneys Swanson, Martin & Bell, LLP, moves to voluntarily dismiss its appeal.

1. Petitioner filed this appeal of respondent the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY's ("IEPA") decision denying petitioner's requested reimbursement from the Leaking Underground Storage Tank fund.
2. Petitioner and IEPA have reached a settlement of the dispute. Both petitioner and IEPA have now exchanged the paperwork necessary to implement the settlement.
3. Because the dispute has been resolved, petitioner moves to voluntarily dismiss this appeal.
4. Counsel for IEPA has no objection to petitioner's motion to voluntarily dismiss, and has authorized petitioner's counsel to so state.

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

McHENRY STORAGE

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

Dated: September 16, 2011

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