

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

EVERGREEN FS, INC.,)
 Petitioner,)
 v.)
)
OFFICE OF THE STATE FIRE)
MARSHAL,)
 Respondent.)

PCB 12-127
(UST Appeal)

NOTICE OF FILING AND PROOF OF SERVICE

To: Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

Thomas Andryk
Office of the State Fire Marshal
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

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

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), PETITIONER'S MOTION TO DISMISS, a copy of which is herewith served 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 counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mailbox in Springfield, Illinois on the 31st day of October, 2012.

Respectfully submitted,
EVERGREEN FS, INC., Petitioner,

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY: /s/ Patrick D. Shaw

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PETITIONER’S MOTION TO DISMISS

NOW COMES Petitioner, EVERGREEN FS, 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. This appeal was filed as protective measure due to certain issues arising out of the companion case of Evergreen FS, Inc. v. IEPA, PCB 11-51 & 12-61.
2. As the companion case has been resolved, 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.

EVERGREEN FS, INC.,
Petitioner

By its attorneys,
MOHAN, ALEWELT, PRILLAMAN & ADAMI

By: /s/ Patrick D. Shaw

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THIS FILING IS SUBMITTED ON RECYCLED PAPER