### Electronic Filing: Received, Clerk's Office 3/10/2017

# BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

ESTATE OF SLIGHTOM,	)	
Petitioner,	)	
v.	)	PCB 2014-124
	)	(UST Fund Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Respondent.	)	

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

To: Carol Webb, Hearing Officer
Illinois Pollution Control Board
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Don Brown , 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 filed with the Office of the Clerk of the Pollution Control Board, JOINT MOTION TO DISMISS, a copy of which is herewith served upon you.

The undersigned hereby certifies that a true and correct copy of this Notice and attached document were served upon the above counsel of record to this cause by electronic mail on March 10th, 2017, before 5:00 p.m. The total number of pages in the transmission is 3.

Respectfully submitted,

ESTATE OF SLIGHTOM, Petitioner

BY: LAW OFFICE OF PATRICK D. SHAW

BY: /s/ Patrick D. Shaw

Patrick D. Shaw LAW OFFICE OF PATRICK D. SHAW 80 Bellerive Road Springfield, IL 62704 Telephone: 217/299-8484

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#### BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ESTATE OF SLIGHTOM,	)	
Petitioner,	)	
	)	DGD 2014 124
V.	)	PCB 2014-124 (UST Fund Appeal)
ILLINOIS ENVIRONMENTAL	)	(OST Fund Appeal)
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

#### **JOINT MOTION TO DISMISS**

NOW COMES Petitioner, ESTATE OF SLIGHTOM, by its undersigned attorney, pursuant to Section 101.500 of the Board's Procedural Rules and asks the Board to dismiss this UST appeal, stating as follows:

- 1. During the course of a related matter, <u>Estate of Slightom v. IEPA</u>, PCB 2011-025, the Illinois EPA caused to be issued a check for \$83,908.73 to Petitioner and moved to dismiss the appeal as moot.
- 2. When the Pollution Control Board denied the motion, the Illinois EPA issued a letter, stating that the \$83,908.73 was an "excess payment" due to "the Illinois Pollution Control Board's decision on November 7, 2013, in PCB 2011-025."
- 3. Pursuant to 35 Ill. Adm. Code § 734.660(a)(3), the excess payment determination was appealed herein.
- 4. Subsequently, all of the issues raised in PCB 2011-025 were resolved. <u>See Estate of Slightom v. Pollution Control Bd.</u>, 44 N.E.3d 1096 (4<sup>th</sup> Dist. 2015) (judgment); <u>Estate of Slightom v. Illinois EPA</u>, PCB 2011-025 (Nov. 5, 2015) (legal defense costs).
- 5. Consequently, the parties are in agreement that all issues raised in PCB 2011-025 and PCB 2014-124 have been resolved, there is no "excess payment," and this case can be dismissed.

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6. An advance copy of this motion has been reviewed by counsel for the Illinois EPA, who agrees with its substance, as well as agreed to it characterization as a joint motion.

WHEREFORE, Petitioner, with the agreement of Respondent, prays for an Order from the Board dismissing this matter and closing the docket.

Respectfully submitted,

ESTATE OF SLIGHTOM Petitioner,

By its attorney, LAW OFFICE OF PATRICK D. SHAW

By: /s/ Patrick D. Shaw

Patrick D. Shaw LAW OFFICE OF PATRICK D. SHAW 80 Bellerive Road Springfield, IL 62704 Telephone: 217/299-8484

THIS FILING IS SUBMITTED ON RECYCLED PAPER