# Electronic Filing: Received, Clerk's Office 1/15/2019

# BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

TRI-COUNTY ELECTRIC COOP	·., )	
Petitioner,	)	
v.	)	PCB 2017-021
	)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Respondent.	)	

#### NOTICE OF FILING AND PROOF OF SERVICE

TO:	Carol Webb, Hearing Officer	Melanie Jarvis
10.	Illinois Pollution Control Board	Division of Legal Counsel
	1021 N. Grand Avenue East	1021 North Grand Avenue East
	P.O. Box 19274	P.O. Box 19276
	Springfield, IL 62794-9274	Springfield, IL 62794-9276
		<u> </u>
	(carol.webb@illinois.gov)	(melanie.jarvis@illinois.gov)

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, PETITIONER'S MOTION TO DISMISS, copies of which are herewith served upon the above persons.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the documents described above, were today served upon the Hearing Officer and Division of Legal Counsel by electronic-mail, this 14<sup>th</sup> day of January, 2019.

## TRI-COUNTY ELECTRIC COOPERATIVE

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 217-299-8484

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TRI-COUNTY ELECTRIC COOP	P., )	
Petitioner,	)	
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	)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	(Consolidated)
PROTECTION AGENCY,	)	
Respondent.	)	

#### PETITIONER'S MOTION TO DISMISS

NOW COMES Petitioner, TRI-COUNTY ELECTRIC COOPERATIVE, by its undersigned counsel, pursuant to Section 101.500 of the Board's Procedural Rules and asks the Board to dismiss this UST appeal, stating as follows:

1. As a result of the Board's ruling in <u>Benton Fire Department v. IEPA</u>, PCB 2017-001, Petitioner no longer seeks to appeal the Respondent's UST decision herein.

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

## TRI-COUNTY ELECTRIC COOPERATIVE

BY: LAW OFFICE OF PATRICK D. SHAW

BY: /s/ Patrick D. Shaw

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THIS FILING IS SUBMITTED ON RECYCLED PAPER