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JAN 30 2007

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)  
Complainant, ) AC 07-0004  
) (IEPA No. 139-06-AC)  
vs. ) (Administrative Citation)  
)  
FRANK WILHELM, )  
)  
Respondent. )

**NOTICE OF FILING**

TO: Ms. Dorothy M. Gunn Carol Webb, Esq.  
Clerk of the Board Hearing Officer  
Illinois Pollution Control Board Illinois Pollution Control Board  
100 West Randolph Street 1021 North Grand Avenue East  
Suite 11-500 Post Office Box 19274  
Chicago, Illinois 60601 Springfield, Illinois 62794-9274  
(VIA FIRST CLASS MAIL) (VIA FIRST CLASS MAIL)

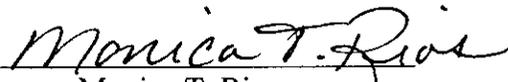
(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies each of **RESPONDENT'S MOTION TO WITHDRAW WILHELM'S MOTION TO DISMISS**, copies of which are hereby served upon you.

Respectfully submitted,

FRANK WILHELM,  
Respondent,

Dated: January 25, 2007

By:   
Monica T. Rios

Christine G. Zeman  
Monica T. Rios  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

WILH:001/Fil/NOF US Mail - Respondent's Motion to Withdraw Wilhelm's Motion to Dismiss

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

CERTIFICATE OF SERVICE

I, Monica T. Rios, the undersigned, hereby certify that I have served the attached  
RESPONDENT'S MOTION TO WITHDRAW WILHELM'S MOTION TO DISMISS  
upon:

Ms. Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Michelle M. Ryan, Esq.  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

Carol Webb, Esq.  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Post Office Box 19274  
Springfield, Illinois 62794-9274

by depositing said documents in the United States Mail, postage prepaid, in Springfield,  
Illinois on January 25, 2007.

  
Monica T. Rios

JAN 30 2007

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
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**RESPONDENT'S MOTION TO WITHDRAW  
WILHELM'S MOTION TO DISMISS**

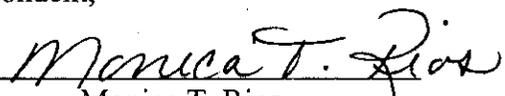
NOW COMES Respondent, FRANK WILHELM, by the undersigned, and moves to presently withdraw its Motion to Dismiss, or in the alternative Motion for Summary Judgment, in light of the subsequent Motion to Withdraw Administrative Citation filed by the Complainant, the Illinois Environmental Protection Agency ("Illinois EPA"). In support hereof, Respondent states:

1. On July 28, 2006, the Illinois EPA filed an Administrative Citation ("AC") against Respondent Frank Wilhelm.
2. A petition contesting the AC on the basis that Respondent was not the owner of the subject property was filed on September 1, 2006.
3. On January 19, 2007, Respondent filed a Motion to Dismiss, or in the alternative Motion for Summary Judgment with the Illinois Pollution Control Board.
4. Shortly thereafter, on January 22, 2007, the Illinois EPA filed a Motion to Withdraw Administrative Citation based on "facts and circumstances discovered since the filing" of the AC. *See* Motion to Withdraw Administrative Citation.

5. In light of the Illinois EPA's Motion to Withdraw, Respondent respectively withdraws its January 19, 2007 Motion to Dismiss, or in the alternative Motion for Summary Judgment, but moves the Illinois Pollution Control Board to grant Complainant's Motion and dismiss the pending action against Frank Wilhelm.

Respectfully submitted,

FRANK WILHELM,  
Respondent,

By:   
Monica T. Rios

Dated: January 25, 2007

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