

**BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS**

BUGAIESKI OIL COMPANY,                     )  
                                                          Petitioner,                     )  
                                                          )  
                                                          v.                                     )  
                                                          )  
ILLINOIS ENVIRONMENTAL                    )  
PROTECTION AGENCY,                        )  
                                                          Respondent.                    )

PCB No. 09-49  
(LUST Permit Appeal)

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STATE OF ILLINOIS  
Pollution Control Board

**ORIGINAL**

**NOTICE OF FILING AND PROOF OF SERVICE**

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

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

Melanie Jarvis  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

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), a MOTION FOR VOLUNTARY DISMISSAL, a copy of which is herewith served upon the hearing officer and 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 the hearing officer and counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys and to said hearing officer with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mailbox in Springfield, Illinois on the 8<sup>th</sup> day of September, 2010.

Respectfully submitted,  
BUGAIESKI OIL COMPANY, Petitioner

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY: /s/ Patrick D. Shaw

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BUGAIESKI OIL COMPANY, )  
Petitioner, )  
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) PCB No. 09-49  
) (LUST Permit Appeal)  
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PROTECTION AGENCY, )  
Respondent. )

**MOTION FOR VOLUNTARY DISMISSAL**

NOW COMES Petitioner, Bugaieski Oil Company, 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. During the pendency of this UST appeal, the parties have been able to resolve their disagreements.
2. Accordingly, 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.

Respectfully submitted,  
BUGAIESKI OIL COMPANY, Petitioner

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BY: /s/ Patrick D. Shaw

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\\Terry\Mapa\CW3M\Huffman's Service\Mot for Voluntary Dismissal.wpd\crk 9/9/10 9:28 AM

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