

Board has ruled, to proceed to decision on the Appeal as filed by the City of Taylorville, Illinois.

Respectfully submitted,

Petitioner, CITY OF TAYLORVILLE,
ILLINOIS/TAYLORVILLE MUNICIPAL
AIRPORT, by and through its attorneys,
DAVID R. FINES, P.C.

BY: David R. Fines
DAVID R. FINES

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true (735 ILCS 1/109).

Dated: December 12, 2011

By: David R. Fines
DAVID R. FINES

David R. Fines
Reg. No.: 06196440
David R. Fines, P.C.
Attorneys for Petitioner
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Taylorville, Illinois 62568
Phone: (217) 824-8883 Fax: (217) 824-8884

CERTIFICATE OF SERVICE

Now comes DAVID R. FINES of the law firm of DAVID R. FINES, P.C., of Taylorville, Illinois, and hereby certifies that he caused to be served upon the following named persons, a copy of the **RESPONSE TO MOTION TO DISMISS FILED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**, which this certificate of service is attached, said service being made by depositing a copy of the same in the United States Post Office Box in envelopes plainly addressed to them with postage prepaid, this 12th day of December, 2011.

RECEIVED
CLERK'S OFFICE

DEC 13 2011

STATE OF ILLINOIS
Pollution Control Board

TO:

John Therriault, Acting Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Melanie A. Jarvis
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276

ORIGINAL

By: *David R. Fines*
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CLERK'S OFFICE

DEC 13 2011

STATE OF ILLINOIS
Pollution Control Board

DAVID R. FINES
MICHELLE M. COADY
JARRED J. RAHAR

December 12, 2011

ORIGINAL

SENT VIA OVERNIGHT MAIL

EG584599457US

John Therriault, Acting Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

**Re: City of Taylorville/Taylorville, Municipal Airport vs. Illinois
Environmental Protection Agency, Case No. PCB No. 12-57
(UST Appeal)**

Dear Mr. Therriault:

I recently received a call from Carol Webb who, I believe, is with the Illinois Pollution Control Board. She inquired on or about December 6, 2011, as to whether or not the City of Taylorville would respond to the Motion to Dismiss filed by the Illinois Environmental Protection Agency. I informed her that I would respond to the Motion to Dismiss within seven days. I enclose an original and ten copies of the Response to the Motion to Dismiss which I would ask that you file at your convenience. I would also ask that you return a file-stamped copy to me in the self-addressed, stamped envelope. I have sent this to you by overnight mail. Therefore, you should receive the same on December 13, 2011.

Should you have any questions, please do not hesitate to call. Otherwise, I thank you for your attention to this matter.

Very truly yours,
DAVID R. FINES, P.C.



DAVID R. FINES

DRF/sd
Enclosures