

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

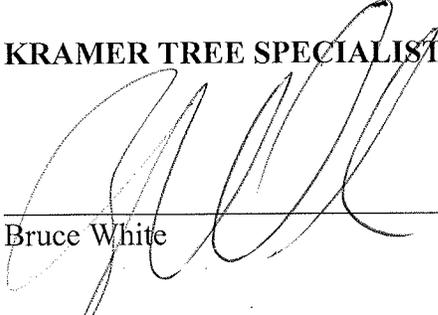
KRAMER TREE SPECIALISTS, INC.,     )  
  )  
  )     Petitioner,     )  
  )  
vs.   )  
  )     PCB 2013-003  
  )     (Adjusted Standard)  
ILLINOIS ENVIRONMENTAL     )  
PROTECTION AGENCY,     )  
  )  
  )     Respondent.     )

**NOTICE OF ELECTRONIC FILING**

**TO:**   Greg Richardson                                 Christopher J. Grant  
          Deputy General Counsel                     Assistant Atty General  
          IEPA   69 W. Washington Street  
          1021 North Grand Ave. East                 Suite 1800  
          P.O. Box 19276                               Chicago, IL 60602  
          Springfield, Illinois 62794-9276

**PLEASE TAKE NOTICE** that on the 29th day of May, 2013 on behalf of Kramer Tree Specialists, Inc., a **Motion for Voluntary Dismissal Without Prejudice** was electronically filed with the Office of the Clerk of the Illinois Pollution Control Board.

**KRAMER TREE SPECIALISTS, INC.**

  
\_\_\_\_\_  
Bruce White

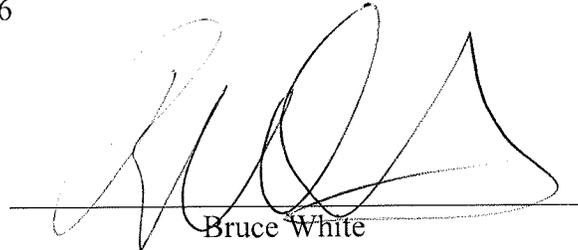
Bruce White  
Barnes & Thornburg LLP  
One North Wacker Drive  
Suite 4400  
Chicago, Illinois 60606  
(312)214-4584  
(312)759-5646 (fax)

**CERTIFICATE OF SERVICE**

I, on oath state that I have served the attached **Motion for Voluntary Dismissal Without Prejudice** electronically on this 29<sup>th</sup> day of May, 2013 to:

Greg Richardson  
Deputy General Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Christopher J. Grant  
Assistant Atty General  
69 W. Washington Street  
Suite 1800  
Chicago, IL 60602



Bruce White

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

KRAMER TREE SPECIALISTS, INC.,	)	
	)	
Petitioner,	)	
	)	
vs.	)	AS 2013-003
	)	(Adjusted Standard)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

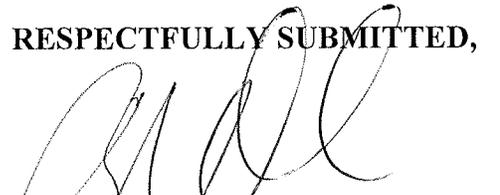
**NOW COMES** Petitioner Kramer Tree Specialists, Inc. (“Kramer”) by its attorneys, pursuant to 35 Ill. Adm. Code 104.414, to move the Illinois Pollution Control Board (the “Board”) to dismiss without prejudice the above-captioned petition for adjusted standard. The Board has authority to “dismiss a petition” “at any time” if the petition is “deficient with respect to the requirements of Section[ ] . . . 104.408 . . . of this Part.” 35 Ill. Adm. Code 104.414.

On April 30, 2013, Kramer initiated the above-captioned matter by filing a petition for adjusted standard with the Board. As a necessary predicate to Board jurisdiction over Kramer’s petition, Kramer was required to have published certain notices “by advertisement in a [geographically appropriate] newspaper of general circulation” within 14 days of filing its petition. 35 Ill. Adm. Code Part 104.408; *see also* 415 ILCS 5/28.1(d). Kramer now moves the Board to dismiss the above-captioned matter so that Kramer may re-file its petition and comply with this jurisdictional publication requirement. *See In the matter of: Terrona Farms’ Request for an Adjusted Agronomic Rate of Municipally Collected Leaves for Farmland Application*, AS 12-2, 2011 WL 5112955, at \*2 (Ill. Pol. Control Bd. Oct. 20, 2011) (“Failure to publish within 14 days deprives the Board of statutory authority to hear the petition.” (internal citation omitted)).

It is Kramer's intention that, upon dismissal of the above-captioned matter without prejudice, it will promptly re-file its petition, publish appropriate notice within 14 days, and then follow up with the required certification of publication within 30 days of filing.

**ACCORDINGLY**, Kramer requests that the Board dismiss the above-captioned matter without prejudice.

**RESPECTFULLY SUBMITTED,**



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Bruce White  
Counsel for Petitioner

Dated: May 29, 2013

Bruce White  
Barnes & Thornburg LLP  
One North Wacker Drive  
Suite 4400  
Chicago, Illinois 60606  
(312)214-4584  
(312)759-5646 (fax)