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SEP 22 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
-vs-)
)
4832 S. VINCENNES, L.P., an Illinois)
limited partnership, and)
BATTEAST CONSTRUCTION COMPANY OF)
ILLINOIS, INC., an Illinois corporation,)
)
Respondents.)
)

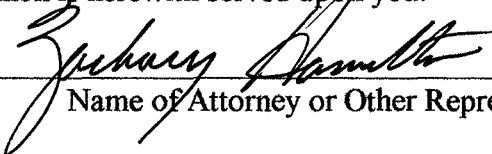
STATE OF ILLINOIS
Pollution Control Board

No. 04-7
(Enforcement - Air)

NOTICE OF FILING

To: See Attached SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board **BATTEAST CONSTRUCTION'S COMPANY OF ILLINOS Motion to Dismiss** and Appearance of **ZACHARY HAMILTON**, a copy of which is herewith served upon you.



Name of Attorney or Other Representative

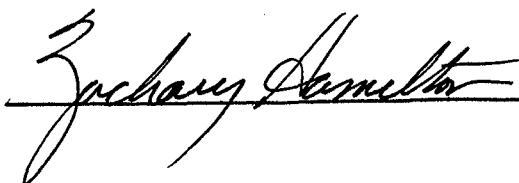
Date: 9/22/2003

Name: Zachary Hamilton
Address: 3340 E. Forestview Trail
Crete, IL 60417
Telephone Number: (708) 672-3190

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached **BATTEAST CONSTRUCTION'S COMPANY OF ILLINOS Motion to Dismiss** and Appearance of **ZACHARY HAMILTON**, by personal service upon B. Halloran and Paula Becker Wheeler and U.S. Mail upon Gregory V. Miller with postage prepaid, upon the following persons:

See Attached SERVICE LIST



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MOTION TO DISMISS

NOW COME the Respondent, BATTEAST CONSTRUCTION COMPANY OF ILLINOIS, INC. (“BATTEAST”) by and through its attorney, Zachary Hamilton, and hereby moves this Honorable Board to dismiss Complainant’s Complaint pursuant to 35 Ill. Adm. Code 101. Subpart E and in support thereof Respondent state as follows:

1. On July 14, 2003, the Complainant file a complaint against respondent BATTEAST, complaining, *inter alia*, that BATTEAST that was “the operator and manager of the renovation of the site.”
2. The site is located at 4832 South Vincennes Avenue, Chicago, IL.
3. BATTEAST was not the operator and manager of said site.

WHEREFORE, Respondent, BATTEAST CONSTRUCTION COMPANY OF ILLINOIS, INC., respectfully asks this Honorable Board to dismiss Complainant’s Complaint with prejudice and also grant such other legal or equitable relief as the Board deems appropriate.

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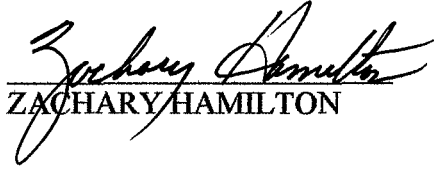
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APPEARANCE

The undersigned Attorney hereby enters his appearance as counsel for the Respondent, **BATTEAST CONSTRUCTION COMPANY OF ILLINOIS**, in the above referenced cause.

Respectfully Submitted,


ZACHARY HAMILTON

Zachary Hamilton
Attorney for Batteast
Construction Company of Illinois
Atty No.: 33232
3340 E. Forestview Trail
Crete, IL 60417
(708) 672-3190

SERVICE LIST

B. Halloran, Hearing Officer
Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, Illinois 60601-3218

Paula Becker Wheeler, Assistant State's Attorney
188 West Randolph, 20th Floor
Chicago, IL 60606

Gregory V. Miller, Esq.
Miller and Ferguson
9415 South State Street
Chicago, IL 60619