

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ESTATE OF SLIGHTOM,)	
)	
Petitioner,)	
)	
v.)	PCB 2014-124
)	(UST Fund Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

JOINT MOTION TO DISMISS

NOW COMES Petitioner, ESTATE OF SLIGHTOM, by its undersigned attorney, 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 course of a related matter, Estate of Slightom v. IEPA, PCB 2011-025, the Illinois EPA caused to be issued a check for \$83,908.73 to Petitioner and moved to dismiss the appeal as moot.

2. When the Pollution Control Board denied the motion, the Illinois EPA issued a letter, stating that the \$83,908.73 was an “excess payment” due to “the Illinois Pollution Control Board’s decision on November 7, 2013, in PCB 2011-025.”

3. Pursuant to 35 Ill. Adm. Code § 734.660(a)(3), the excess payment determination was appealed herein.

4. Subsequently, all of the issues raised in PCB 2011-025 were resolved. See Estate of Slightom v. Pollution Control Bd., 44 N.E.3d 1096 (4th Dist. 2015) (judgment); Estate of Slightom v. Illinois EPA, PCB 2011-025 (Nov. 5, 2015) (legal defense costs).

5. Consequently, the parties are in agreement that all issues raised in PCB 2011-025 and PCB 2014-124 have been resolved, there is no “excess payment,” and this case can be dismissed.

6. An advance copy of this motion has been reviewed by counsel for the Illinois EPA, who agrees with its substance, as well as agreed to its characterization as a joint motion.

WHEREFORE, Petitioner, with the agreement of Respondent, prays for an Order from the Board dismissing this matter and closing the docket.

Respectfully submitted,

ESTATE OF SLIGHTOM
Petitioner,

By its attorney,
LAW OFFICE OF PATRICK D. SHAW

By: /s/ Patrick D. Shaw

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