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CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JUL 24 2003

STATE OF ILLINOIS
Pollution Control Board

ESTATE OF OLIVIA TYBERENDT, Deceased,)
)
Petitioner,)
)
vs.)
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

PCB No. 03-237

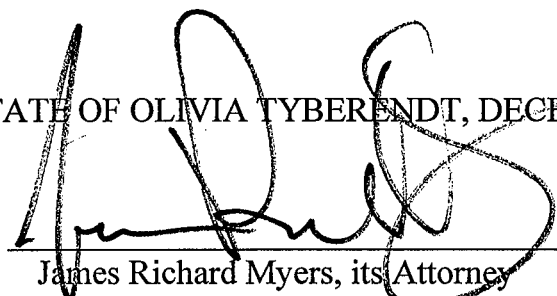
LUST Reimbursement

TO: ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on July 22, 2003, a Motion to Dismiss Petition for Review of LUST Fund Reimbursement Denial was filed with the Clerk of the Illinois Pollution Control Board, a copy of which is hereby served upon you.

ESTATE OF OLIVIA TYBERENDT, DECEASED

BY:


James Richard Myers, its Attorney

James Richard Myers
Attorney for Olivia Tyberendt Estate
LeFevre Oldfield Myers & Thoele Law Group, Ltd.
303 S. Seventh St., P.O. Box 399
Vandalia, IL 62471
Telephone: (618) 283-3034
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File #1683/0101

Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 1500
Chicago, Illinois 60601

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62702

Terracon
Attn: Mr. James Buckhahn
870 40th Avenue
Bettendorf, IA 52722

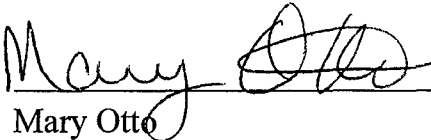
AgriPride
c/o Mr. Kevin Stine
Suite 100
720 West Main Street
Belleville, IL 62220

Hon. Carol Sudman
Hearing Officer
Pollution Control Board
600 S. Second Street, Suite 402
Springfield, IL 62704

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Notice** along with all documents referenced therein was served upon the party of record to the above cause by enclosing the same in an envelope addressed to such attorney/party as shown on the attached list by regular mail with postage fully prepaid and by depositing said envelope in a U.S. Post Office mailbox in Vandalia, Illinois, on the 22nd day of July, 2003.

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 she verily believes the same to be true.


Mary Otto

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ESTATE OF OLIVIA TYBERENDT, Deceased,

Petitioner,

vs.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

STATE OF ILLINOIS
Pollution Control Board

PCB No. 03-237

LUST Reimbursement

MOTION TO DISMISS APPEAL

NOW COMES the Petitioner, the Estate of Olivia Tyberendt, Deceased (the "Estate"), by and through its attorney, James Richard Myers of LeFevre Oldfield Myers & Thoele Law Group, Ltd., and hereby moves the Pollution Control Board for an Order dismissing this appeal of a decision of the Illinois Environmental Protection Agency (the "IEPA") denying reimbursement of certain costs from the Illinois Leaking Underground Storage Tank Fund (the "Fund"), and in support thereof states as follows:

1. The Estate originally filed this appeal due to the IEPA's determination that certain costs incurred by the Estate are not eligible for reimbursement from the Fund is erroneous.
2. The IEPA has sent the Estate a letter indicating that a portion of the costs incurred by the Estate which were subject to this appeal are in fact eligible for reimbursement from the Fund.
3. Accordingly, the Estate no longer wishes to pursue this appeal.

WHEREFORE, the Estate of Olivia Tyberendt, Deceased, respectfully requests that the Pollution Control Board enter an Order dismissing this appeal.

Dated: JULY 22, 2003

ESTATE OF OLIVIA TYBERENDT, DECEASED

BY:


James Richard Myers, its Attorney

James Richard Myers
Attorney for Estate of Olivia Tyberendt, Deceased
LeFevre Oldfield Myers & Thoele Law Group, Ltd.
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