

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

MAY 10 2005

STATE OF ILLINOIS
Pollution Control Board

OPHELIA NIEMANN f/d/b/a)
BARNEY'S GARAGE, INC.,)
)
Petitioner,)
)
v.) PCB 00-117
) (UST Fund)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)

NOTICE OF FILING

TO: John Kim Carol Webb
Special Assistant Attorney General Hearing Officer
Illinois Environmental Protection Agency Illinois Pollution Control Board
1021 North Grand Avenue East 1021 North Grand Avenue East
P.O. Box 19276 P.O. Box 19276
Springfield, Illinois 62794-9276 Springfield, Illinois 62794-9276

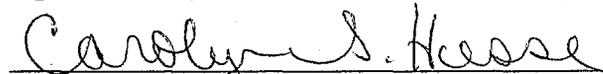
PLEASE TAKE NOTICE that on the May 10, 2005, filed with the Clerk of the Illinois Pollution Control Board of the State of Illinois an original, executed copy of a Motion to Dismiss.

Dated: May 10, 2005

Respectfully submitted,

Ophelia Niemann f/d/b/a Barney's Garage, Inc.

By:


One of Its Attorneys

Carolyn S. Hesse
Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
(312) 357-1313
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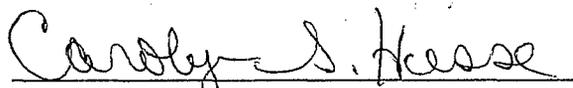
CERTIFICATE OF SERVICE

I, on oath state that I have served the attached Motion to Dismiss by placing a copy in an envelope addressed to:

John Kim
Special Assistant Attorney General
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

from One North Wacker Drive, Suite 4400, Chicago, Illinois, before the hour of 5:00 p.m., on this 10th Day of May, 2005.



Carolyn S. Hesse

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PROTECTION AGENCY,)
)
Respondent.)

MOTION TO DISMISS

Now comes Petitioner, Ophelia Niemann f/d/b/a Barney's Garage, Inc., and respectfully requests that the Illinois Pollution Control Board dismiss the above-captioned matter. The Respondent, Illinois Environmental Protection Agency and Petitioner resolved the issues in dispute.

Wherefore, Petitioner respectfully requests that the Board dismiss this matter.

Dated: May 10, 2005

Respectfully submitted,

Ophelia Niemann f/d/b/a Barney's Garage

By: Carolyn S. Hesse
One of Its Attorneys

Carolyn S. Hesse, Esq.
Barnes & Thornburg LLP
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