

SEP 03 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD, STATE OF ILLINOIS  
Pollution Control Board

COPY

WEBB & SONS, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No. 04-105
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: Ms. Dorothy M. Gunn	Carol Sudman, Esq.
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	1021 North Grand Avenue East
Suite 11-500	Post Office Box 19274
Chicago, Illinois 60601	Springfield, Illinois 62794-9274
(VIA FIRST CLASS MAIL)	(VIA FIRST CLASS MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies of a **MOTION FOR VOLUNTARY DISMISSAL**, copies of which are herewith served upon you.

Respectfully submitted,

WEBB & SONS, INC.  
Petitioner,

By: *J. Randle Schick*  
J. Randle Schick

Dated: September 1, 2004

J. Randle Schick  
Of Counsel  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

**CERTIFICATE OF SERVICE**

I, J. Randle Schick, the undersigned, certify that I have served the attached

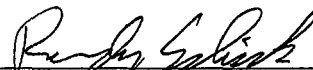
NOTICE OF FILING and MOTION FOR VOLUNTARY DISMISSAL upon:

Ms. Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Carol Sudman  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Post Office Box 19274  
Springfield, Illinois 62794-9274

Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

by depositing said documents in the United States Mail in Springfield, Illinois, postage prepaid, on September 1, 2004.

  
\_\_\_\_\_  
J. Randle Schick

RECEIVED  
CLERK'S OFFICE

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STATE OF ILLINOIS  
Pollution Control Board

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v.	)	PCB No. 04-105
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**MOTION FOR VOLUNTARY DISMISSAL**

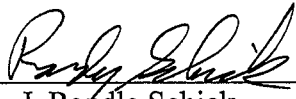
NOW COMES Petitioner, WEBB & SON, INC. ("Petitioner"), by and through its attorneys, HODGE DWYER ZEMAN, and pursuant to 35 Ill. Admin. Code 101 Subpart E, moves the Illinois Pollution Control Board ("Board") to voluntarily dismiss these actions. In support of this Motion, Petitioner states as follows:

1. On March 23, 2004, Petitioner filed a Petition for Review of the Illinois Environmental Protection Agency's ("Illinois EPA") determination dated November 24, 2003, regarding the denial of Petitioner's request for reimbursement for Webb & Sons, Inc.
2. Upon further consideration, Petitioner has decided to withdraw its Petition for Review of Illinois EPA's determination.

WHEREFORE, Petitioner respectfully requests that the Board enter an Order granting this Motion for Voluntary Dismissal, and dismiss these actions.

Respectfully submitted,

WEBB & SONS, INC.  
Petitioner,

By:   
J. Randle Schick

Dated: September 1, 2004

J. Randle Schick  
Of Counsel  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
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HDCE:001/Fil/Motion for Voluntary Dismissal