

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAR 29 2004

JEAN A. MATHISON AND)
ROCKFORD STOP-N-GO, INC.,)
)
Petitioners,)
)
vs.)
)
ILLINOIS OFFICE OF STATE)
FIRE MARSHAL,)
)
Respondent.)

STATE OF ILLINOIS
Pollution Control Board

PCB No. 04-146
(UST Fund Appeal)

NOTICE OF MOTION AND MOTION TO VOLUNTARILY
DISMISS APPEAL PCB NO. 04-146

TO: Ms. Jennifer A. Tomas
Mr. Mitchell L. Cohen
Assistant Attorneys General
188 West Randolph, Suite 2001
Chicago, IL 60601

And

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

And

Ms. Carol Sudman
Administrative Law Judge
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, IL 62794

PLEASE TAKE NOTICE that the Petitioners, JEAN A. MATHISON and ROCKFORD STOP-N-GO, INC., by their attorneys, Reinhart Boerner Van Deuren s.c. and Raymond M. Roder, will and hereby do move for the voluntary dismissal of their appeal in the above-entitled action. The grounds for the Motion are as follows:

1. The Petitioners since filing their Petition for Hearing and Review ("Petition") have obtained documentation that indicates that registration of the first underground storage tanks ("USTs") (five in number) to be registered with the Office of the State Fire Marshal ("OSFM") for the Jean A. Mathison Property at the corner of Routes 76 and 173, Poplar Grove, Boone County, Illinois occurred on December 29, 1989, not January 29, 1989 as Petitioners believed.

2. As a consequence no UST present on the Mathison Property was registered before July 28, 1989, the deadline established in 415 Ill. Comp. Stat. 5/57.9(b)(1)-2002.

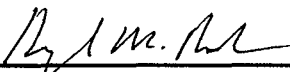
3. The ground for Petitioners' Petition was the belief that at least one of the USTs on the Mathison Property had been registered before the deadline in 415 Ill. Comp. Stat. 5/57.9(b)(1)-2002.

WHEREFORE, the Petitioners move for voluntarily dismissal of their appeal in PCB No. 04-146.

Dated at Madison, Wisconsin, this 26th day of March, 2004.

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