JUN 2 3 2004

STATE OF ILLINOIS Pollution Control Board

#### BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

THREE SQUARE FEEDS,	)
Petitioner,	)
v.	) ) PCB 04-176
ILLINOIS ENVIRONMENTAL	) UST Fund Appeal )
PROTECTION AGENCY,	)
Respondent.	)

#### **NOTICE OF FILING**

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 Sudman

Hearing Officer

Illinois Pollution Control Board 1021 North Grand Avenue East

P.O. Box 19274

Springfield, IL 62794-9274

PLEASE TAKE NOTICE that on June 23, 2004, 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: June 23, 2004

Respectfully submitted,

**Three Square Feeds** 

By:

Carolyn S. Hesse

Barnes & Thornburg LLP One North Wacker Drive **Suite 4400** Chicago, Illinois 60606 (312) 357-1313

224637v1



## JUN 2 3 2004

#### **CERTIFICATE OF SERVICE**

STATE OF ILLINOIS Pollution Control Board

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 Sudman Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue East P.O. Box 19274 Springfield, IL 62794-9274

from One North Wacker Drive, Suite 4400, Chicago, Illinois, before the hour of 5:00 p.m., on this 23<sup>rd</sup> Day of June, 2004.

Carolyn S. Hesse

# BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

RECEIVED CLERK'S OFFICE

JUN 2 3 2004

THREE SQUARE FEEDS,  Petitioner,	)	STATE OF ILLINOIS Pollution Control Board
v. ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	) PCB 04-176 ) UST Fund Appeal )	
Respondent.	)	

### **MOTION TO DISMISS**

Now comes Petitioner, Three Square Feeds, and respectfully requests that the Illinois Pollution Control Board dismiss the above-captioned matter. The Respondent, Illinois Environmental Protection Agency, paid to Petitioner the amount that was in dispute.

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

Respectfully submitted,

**Three Square Feeds** 

3y:

One of Its Attorneys

Carolyn S. Hesse, Esq. Barnes & Thornburg LLP One North Wacker Drive Suite 4400 Chicago, Illinois 60606 (312) 357-1313 224633v1