

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CARROLL SCIENTIFIC, INC. )  
(Operating Permit), )  
 )  
Petitioner, )  
 )  
v. )  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )  
\_\_\_\_\_ )

PCB 06-29  
(Air Permit Appeal)  
(90-Day Extension)

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OCT 12 2005  
STATE OF ILLINOIS  
Pollution Control Board

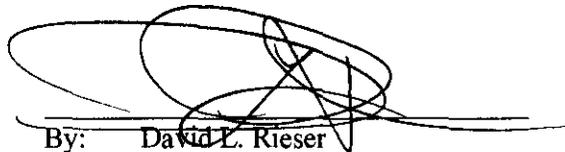
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PCB 06-31  
(Air Permit Appeal)  
(90-Day Extension)

NOTICE OF FILING

To: Ms. Sally Carter  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East, Mail Code #21  
Post Office Box 19276  
Springfield, IL 62794-9276

Please take notice that on October 12, 2005, the undersigned caused to be filed with the Clerk of the Illinois Pollution Control Board, Petitioner's Motion to Dismiss, a copy of which is herewith served upon you.

  
By: David L. Rieser

McGuireWoods LLP  
77 West Wacker, Suite 4100  
Chicago, IL 60601  
Telephone: 312/849-8100

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**MOTION TO DISMISS**

Petitioner, Carroll Scientific, Inc. ("CSI"), by and through its attorneys, McGuireWoods LLP, and the Respondent, Illinois Environmental Protection Agency ("IEPA"), pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS5/40(a)(1)), respectfully requests the Illinois Pollution Control Board ("Board") to dismiss the above proceedings. Per the continued discussions between the parties, the IEPA issued a revised construction permit on September 14, 2005 and a revised operating permit on September 8, 2005. Based on the issuance of these permits, CSI believes there

is no basis to continue these appeals. The IEPA has no objection to dismissing these appeals.

WHEREFORE, for the reasons stated in this motion, the parties respectfully request the Board to dismiss these appeals.

CARROLL SCIENTIFIC, INC.

By:  One of its Attorneys

Dated: October 12, 2005

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