

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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STATE OF ILLINOIS
Pollution Control Board

VILLAGE OF ROBBINS and ALLIED
WASTE TRANSPORTATION, INC.

Petitioners,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

No. PCB No. 04-48

APPEARANCE

Odelson & Sterk, Ltd. on behalf of the Village of Robbins, Illinois, and hereby
enters its appearance in the above-captioned matter.

Village of Robbins

By:

Mark H. Sterk

One of its attorneys

Mark H. Sterk
Michael R. Gibson
ODELSON & STERK, LTD.
3318 West 95th Street
Evergreen Park, IL 60805
(708) 424-5678

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NOTICE OF FILING

TO: All Counsel of Record (see attached service list)

PLEASE TAKE NOTICE that on November 3, 2005, the undersigned filed with the Illinois Pollution Control Board, 100 West Randolph Street, Chicago, Illinois 60601, an original and nine copies of the Motion to Dismiss, copies of which are attached hereto.

Village of Robbins

By:

Mark H. Sterk

One of its attorneys

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Michael R. Gibson
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Pollution Control Board

MOTION TO DISMISS

NOW COMES Village of Robbins, Petitioner in the above-captioned matter, and respectfully moves to dismiss its pending appeal in the above-captioned matter with prejudice, and, in support thereof, states as follows:

1. That this appeal rises out of denial by the Illinois Environmental Protection Agency an application for issuance of a significant modification permit for the Robbins Incineration facility.

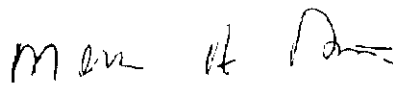
2. That as of the present date, all matters in issue in this appeal have been resolved and the Petition has in fact received permit approval.

3. As such, this pending appeal may be dismissed with prejudice.

WHEREFORE, the Petitioner, Village of Robbins, respectfully request that this Honorable Board enter an Order granting this Motion, and dismissing this appeal with prejudice.

Village of Robbins

By:



One of its attorneys

Mark H. Sterk
Michael R. Gibson
O DELSON & STERK, LTD.
3318 West 95th Street
Evergreen Park, IL 60805
(708) 424-5678

AFFIDAVIT OF SERVICE

The undersigned, pursuant to the provisions of Section 1-109 of the Illinois Code of Civil Procedure, hereby under penalty of perjury under the laws of the United States of America, certifies that on November 3, 2005, a copy of the foregoing was served upon:

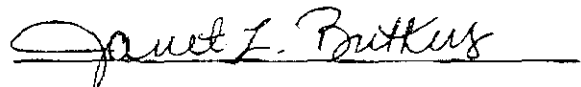
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

John J. Kim
Special Assistant Attorney General
Division of Legal Counsel
1021 N. Grand Avenue, East
Springfield, IL 62794-9276

Mr. Brad Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph, 11th Floor
Chicago, IL 60601

Mr. Charles F. Helston
Hinshaw & Culbertson LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389

By depositing a copy thereof, enclosed in an envelope in the United States Mail at Chicago, Illinois, proper postage prepaid, before the hour of 5:00 p.m., addressed as above.



Mark H. Sterk
Michael R. Gibson
O DELSON & STERK, LTD.
3318 West 95th Street
Evergreen Park, IL 60805
(708) 424-5678



ORIGINAL

BURTON S. ODELSON
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TIMOTHY A. GORDON
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TIFFANY A. NELSON
SARAA ZARBOUR
OF COUNSEL
RANDOLPH C. GREUNE

November 3, 2005

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STATE OF ILLINOIS
Pollution Control Board

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Re: *Village of Robbins, et al. v. Illinois Environmental Protection Agency*
PCB No. 04-48

Dear Ms. Gunn:

Enclosed are the original and twelve (12) copies of Notice of Filing and Motion to Dismiss as well as the original and twelve (12) copies of our Appearance. Please return three (3) copies of each in the enclosed envelope after they have been filed with the Pollution Control Board.

Very truly yours,

ODELSON & STERK, LTD.

Mark H. Sterk

MHS/jlb
Enclosures
S:\Janet\Robbins\IEPA\Gunn.001.wpd

Odelson

ATTORNEYS AT LAW

Sterk, Ltd.

3318 West 95th Street
Evergreen Park, IL 60805

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STATE OF ILLINOIS
Pollution Control Board
(708) 424-5678
(708) 424-5829 - fax

FAX COVER SHEET

To:	Brad Halloran	From:	Janet Butkus
Fax No.:	(312) 814-3669	Pages:	6
Date:	November 3, 2005	cc:	
Re:			
Comments:			

Important: this message is intended only for the use of individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agency responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the united states mail. Thank you.