

**RECEIVED**  
CLERK'S OFFICE

JUN 20 2007

STATE OF ILLINOIS  
Pollution Control Board

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

HARLEY FREY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No. 07-105
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

<b>TO:</b>	Melanie Jarvis	Carol Webb
	Illinois Environmental Protection Agency	Hearing Officer
	1021 North Grand Avenue East	Illinois Pollution Control Board
	P.O. Box 19276	1021 North Grand Avenue East
	Springfield, Illinois 62794-9276	P.O. Box 19274
		Springfield, Illinois 62794-9274

**PLEASE TAKE NOTICE** that on June 20, 2007, 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 20, 2007

Respectfully submitted,

**Harley Frey**

By: Carolyn S Hesse  
One of Its Attorneys

Carolyn S. Hesse  
**Barnes & Thornburg LLP**  
One North Wacker Drive  
Suite 4400  
Chicago, Illinois 60606  
(312) 357-1313  
403864v1

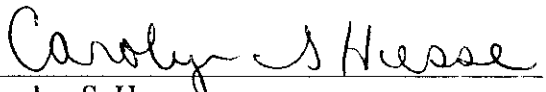
**CERTIFICATE OF SERVICE**

I, on oath state that I have served the attached Motion to Dismiss by placing a copy in an envelope addressed to:

Melanie Jarvis  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

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

from One North Wacker Drive, Suite 4400, Chicago, Illinois, before the hour of 5:00 p.m., on this 20<sup>th</sup> Day of June, 2007.

  
\_\_\_\_\_  
Carolyn S. Hesse

**RECEIVED**  
CLERK'S OFFICE

JUN 20 2007

STATE OF ILLINOIS  
Pollution Control Board

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

HARLEY FREY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No. 07-105
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**MOTION TO DISMISS**

Now comes Petitioner, Harley Frey, and respectfully requests that the Illinois Pollution Control Board dismiss the above-captioned matter. The Respondent, Illinois Environmental Protection Agency and Petitioner resolved the issues in dispute.

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

Dated: June 20, 2007

Respectfully submitted,

**Harley Frey**

By: Carolyn S Hesse  
One of Its Attorneys

Carolyn S. Hesse, Esq.  
Barnes & Thornburg LLP  
One North Wacker Drive  
Suite 4400  
Chicago, Illinois 60606  
(312) 357-1313  
403833v1