

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

RECEIVED  
CLERK'S OFFICE

JUL 19 2007

STATE OF ILLINOIS  
Pollution Control Board

BILL CARTER, d/b/a	)	
CARTER CONVENIENCE STORE,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 05-15
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

NOTICE OF FILING

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

PLEASE TAKE NOTICE that on July 19, 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: July 19, 2007

Respectfully submitted,

**Bill Carter d/b/a Carter Convenience Store**

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  
408919v1


**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  
Special Assistant Attorney General  
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 19th Day of July, 2007.

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

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**MOTION TO DISMISS**

Now comes Petitioner, Bill Carter, d/b/a Carter Convenience Store, 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: July 19, 2007

Respectfully submitted,

**Bill Carter, d/b/a Carter Convenience Store**

By: Carolyn S Hesse  
One of Its Attorneys

Carolyn S. Hesse, Esq.  
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