

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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STATE OF ILLINOIS
Pollution Control Board

BIG TONY'S LOUNGE,)
)
Petitioner,)
)
v.) PCB No. 07-142
) (UST Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

NOTICE OF FILING

TO: 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

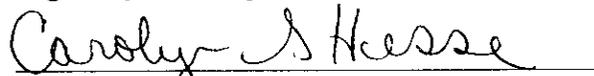
PLEASE TAKE NOTICE that on November 13, 2007, filed with the Clerk of the Illinois Pollution Control Board of the State of Illinois an original, executed copy of a Motion to Dismiss.

Dated: November 13, 2007

Respectfully submitted,

Big Tony's Lounge

By:


One of Its Attorneys

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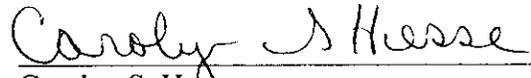
CERTIFICATE OF SERVICE

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 13th Day of November, 2007.



Carolyn S. Hesse

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MOTION TO DISMISS

Now comes Petitioner, Big Tony's Lounge, 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: November 13, 2007

Respectfully submitted,

Big Tony's Lounge

By: Carolyn S Hesse
One of Its Attorneys

Carolyn S. Hesse, Esq.
Barnes & Thornburg LLP
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Chicago, Illinois 60606
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