

BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

MAR 23 2009

STATE OF ILLINOIS  
Pollution Control Board

INTERMART, INC. )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

PCB 09-34  
(UST Appeal)

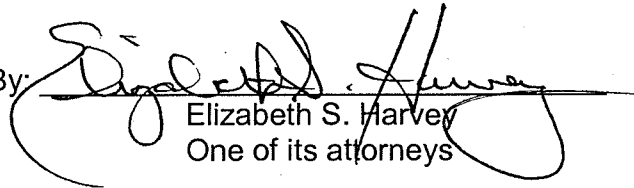
**NOTICE OF FILING**

To: Counsel of Record (*See attached Service List.*)

PLEASE TAKE NOTICE that on this 23th day of March 2009, the following was filed with the Illinois Pollution Control Board: **Petitioner Intermart, Inc.'s Motion to Voluntarily Dismiss Appeal**, which is attached and herewith served upon you.

INTERMART, INC.

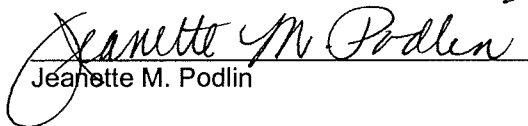
By:

  
Elizabeth S. Harvey  
One of its attorneys

Michael J. Maher  
Elizabeth S. Harvey  
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**CERTIFICATE OF SERVICE**

I, the undersigned non-attorney, state that I served a copy of the above-described document to counsel of record in the above-captioned matter via U.S. Mail on or before 5:00 p.m. on March 23, 2009.

  
Jeanette M. Podlin

[x] Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

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Petitioner,	)	
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	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
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**MOTION TO VOLUNTARILY DISMISS APPEAL**

Petitioner INTERMART, INC. ("Intermart"), by its attorneys Swanson, Martin & Bell, LLP, hereby moves to voluntarily dismiss its appeal. In support, Intermart states:

1. On November 24, 2008, Intermart filed this appeal of the Illinois Environmental Protection Agency's ("Agency") October 20, 2008 denial of Intermart's proposed corrective action plan ("CAP") and budget.

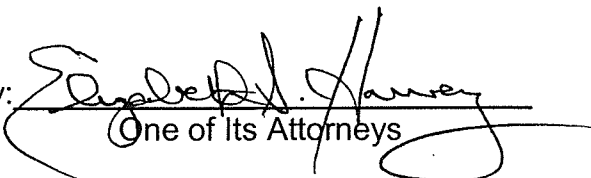
2. The Board accepted the appeal on December 4, 2008.

3. The Agency and Intermart subsequently met and negotiated a full resolution of this matter. On March 9, 2009, the Agency issued its written approval of Intermart's CAP and budget. Intermart received that approval on or about March 13, 2009.

4. Because the Agency has now approved the CAP and budget, there are no issues of dispute remaining between the parties, and this appeal can be dismissed.

WHEREFORE, Intermart, Inc. moves the Board for voluntary dismissal of Intermart's appeal of the Agency's October 20, 2008 decision, and for such other relief as the Board deems appropriate.

INTERMART, INC.

By:   
One of Its Attorneys

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4392-001

**SERVICE LIST**

**Intermart, Inc. v. Illinois Environmental Protection Agency**  
**PCB 09-34 (UST Appeal)**

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