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FEB 24 2010

STATE OF ILLINOIS  
Pollution Control Board

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

GATEWAY FS, INC., )  
)  
Petitioner, )  
)  
vs. )  
)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)  
Respondent. )

PCB No. 07-59  
PCB No. 07-61  
(Permit Appeal - Land)  
(Consolidated)

ORIGINAL

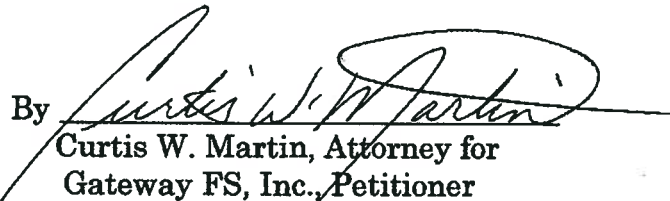
**NOTICE**

John T. Therriault, Asst. Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Assistant Counsel  
Special Assistant Attorney General  
Division of Legal Counsel  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, IL 62794-9276

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, IL 62796-9274

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board a Motion for Voluntary Dismissal, a copy of which is herewith served upon you.

By   
Curtis W. Martin, Attorney for  
Gateway FS, Inc., Petitioner

Curtis W. Martin  
IL ARDC No. 06201592  
SHAW & MARTIN, P.C.  
Attorneys at Law  
117 N. 10<sup>th</sup> Street, Suite 200  
P.O. Box 1789  
Mt. Vernon, Illinois 62864  
Telephone (618) 244-1788

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OF THE STATE OF ILLINOIS

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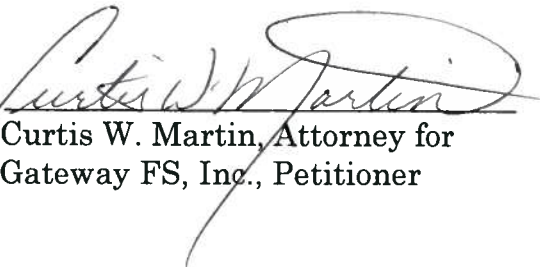
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MOTION FOR VOLUNTARY DISMISSAL

NOW COMES the Petitioner, Gateway FS, Inc., by one of its attorneys,  
Curtis W. Martin of Shaw & Martin, P.C., and moves to voluntarily dismiss its  
Petition for Review of Final Agency Leaking Underground Storage Tank Decision.

WHEREFORE, Petitioner, Gateway FS, Inc., prays that the Petition for  
Review of Final Agency Leaking Underground Storage Tank Decision be dismissed  
with prejudice.

SHAW & MARTIN, P.C.

By   
Curtis W. Martin, Attorney for  
Gateway FS, Inc., Petitioner

Curtis W. Martin  
IL ARDC No. 06201592  
SHAW & MARTIN, P.C.  
Attorneys at Law  
117 N. 10<sup>th</sup> Street, Suite 200  
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CERTIFICATE OF SERVICE

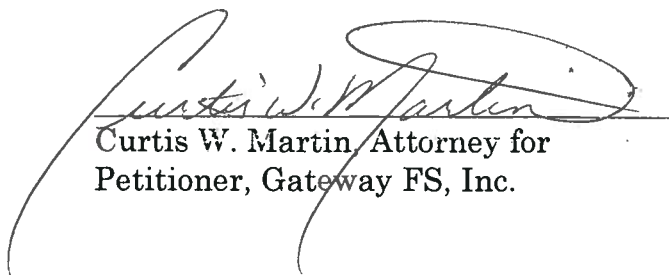
I, the undersigned attorney at law, hereby certify that on February 22, 2010, I served true and correct copies of a Motion for Voluntary Dismissal, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Mt. Vernon, Illinois, with sufficient Certified Mail postage affixed thereto, upon the following named persons:

John T. Therriault, Asst. Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Melanie A. Jarvis  
IEPA  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, IL 62794-9276

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

ORIGINAL

  
Curtis W. Martin, Attorney for  
Petitioner, Gateway FS, Inc.

SHAW & MARTIN, P.C.

ATTORNEYS

Robert E. Shaw

117 NORTH TENTH STREET - SUITE 200  
P.O. BOX 1789  
MT. VERNON, ILLINOIS 62864  
TELEPHONE: 618/244-1788  
FAX: 618/244-2588  
e-mail: shawmartin@mvn.net

Curtis W. Martin

February 22, 2010

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STATE OF ILLINOIS  
Pollution Control Board

Mr. John T. Therriault  
Clerk of Illinois Pollution Control Board  
State of Illinois Center  
100 W. Randolph, Suite 11-500  
Chicago, IL 60601

RE: *Gateway FS, Inc. vs. Illinois Environmental Protection Agency  
PCB Consolidated Nos. 07-59 and 07-61*

Dear Mr. Therriault:

Enclosed are the original and one copy of a Motion for Voluntary Dismissal and Notice for filing in the above matter. Please return a file-marked copy to me in the enclosed self-addressed, stamped envelope. Thank you for your assistance in this matter.

Very truly yours,

  
Curtis W. Martin

CWM/cm

Enclosures

cc: Melanie A. Jarvis  
Carol Webb  
Kenneth D. Olson