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BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

SEP 17 2004

STATE OF ILLINOIS  
Pollution Control Board

GLEN'S 66, )  
)  
Petitioner, )  
)  
v. ) PCB 04-198  
) (UST Appeal)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)  
Respondent. )

NOTICE OF FILING

TO: John Kim Carol Sudman  
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, IL 62794-9274

PLEASE TAKE NOTICE that on September 17, 2004, we 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: September 17, 2004

Respectfully submitted,

Glen's 66

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  
220318v1

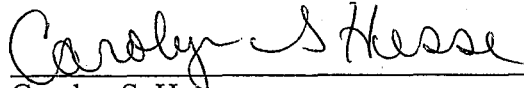
**CERTIFICATE OF SERVICE**

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

John Kim  
Special Assistant Attorney General  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

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

from One North Wacker Drive, Suite 4400, Chicago, Illinois, before the hour of 5:00 p.m., on this 17<sup>th</sup> Day of September, 2004.

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

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**MOTION TO DISMISS**

Now comes Petitioner, Glen's 66, 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 that were in dispute.

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

Dated: September 17, 2004

Respectfully submitted,

Glen's 66

By:

Carolyn S Hesse  
One of Its Attorneys

Carolyn S. Hesse, Esq.  
Barnes & Thornburg LLP  
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