

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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SEP 27 2004

STATE OF ILLINOIS
Pollution Control Board

FREEDOM OIL COMPANY,)
)
 Petitioner,)
)
 v.) PCB 03-121
) (UST Appeal)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

NOTICE OF FILING AND PROOF OF SERVICE

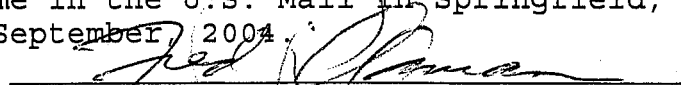
TO: Dorothy Gunn, Clerk
 Illinois Pollution Control Board
 100 West Randolph Street
 State of Illinois Building, Suite 11-500
 Chicago, IL 60601

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

John Kim
 Division of Legal Counsel
 Illinois Environmental
 Protection Agency
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, IL 62794-9276

PLEASE BE ADVISED THAT we are today filing with the Pollution Control Board the original and nine copies of Motion to Dismiss, a copy of which is attached hereto.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the document described above, were today served upon the hearing officer via facsimile transmission and upon the hearing officer and counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys at their business addresses as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing same in the U.S. Mail in Springfield, Illinois on the 24 day of September, 2004.


 Fred C. Prillaman

MOHAN, ALEWELT, PRILLAMAN & ADAMI
 1 North Old Capitol Plaza, Suite 325
 Springfield, IL 62701

(217) 528-2517 c:\MAPA\CDAVIS\Freedom Oil\Motion to Dismiss.wpd sew 9/16/04

THIS FILING SUBMITTED ON RECYCLED PAPER

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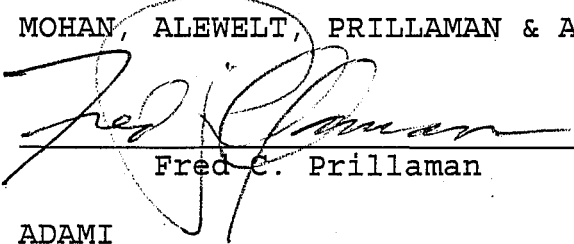
MOTION TO DISMISS

NOW COMES Petitioner, FREEDOM OIL COMPANY, by its undersigned attorneys, and moves to dismiss the pending petition for review, for the reason that the matters at issue have been settled by and between the parties. Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, has no objection to the granting of this motion.

Respectfully submitted,

FREEDOM OIL COMPANY,
Petitioner

By MOHAN, ALEWELT, PRILLAMAN & ADAMI

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