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APR 25 2005

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

L. KELLER OIL PROPERTIES, INC. /	)	
EFFINGHAM / DOWNTOWN SUPER K	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 04-167
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

NOTICE OF FILING

<b>TO:</b>	John Kim	Carol Webb
	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, Illinois 62794-9274

PLEASE TAKE NOTICE that on April 25, 2005, 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: April 25, 2005

Respectfully submitted,

**L. Keller Oil Properties, Inc. / Effingham /  
Downtown Super K**

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  
268691v1


**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 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 25<sup>th</sup> Day of April, 2005.

  
Carolyn S. Hesse

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PROTECTION AGENCY, )  
 )  
Respondent. )

MOTION TO DISMISS

Now comes Petitioner, L. Keller Oil Properties, Inc. / Effingham / Downtown Super K, 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: April 25, 2005

Respectfully submitted,

**L. Keller Oil Properties, Inc. / Effingham /  
Downtown Super K**

By:

Carolyn S. Hesse  
One of Its Attorneys

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