

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

JIM'S SHELL & MARINE,)
)
Petitioner,)
)
v.) PCB 03-193
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,) (UST Appeal)
)
Respondent.)

RECEIVED
CLERK'S OFFICE

AUG 01 2005

STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

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 19276 Springfield, Illinois 62794-9276
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PLEASE TAKE NOTICE that on the August 2, 2005, 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: August 2, 2005

Respectfully submitted,

Jim's Shell & Marine

By:

Carolyn S. Hesse
One of Its Attorneys

Carolyn S. Hesse
Barnes & Thornburg
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
(312) 357-1313
283614v1

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MOTION TO DISMISS

Now comes Petitioner, Jim's Shell & Marine, 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: August 2, 2005

Respectfully submitted,

Jim's Shell & Marine

By: Carolyn S. Hesse
One of Its Attorneys

Carolyn S. Hesse, Esq.
Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
(312) 357-1313
283350v1

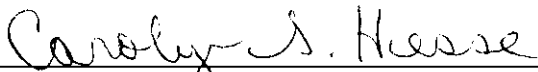
CERTIFICATE OF SERVICE

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 19276
Springfield, Illinois 62794-9276

from One North Wacker Drive, Suite 4400, Chicago, Illinois, before the hour of 5:00 p.m., on this 2nd Day of August, 2005.



Carolyn S. Hesse