BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

Of THE STA		RECEIVED CLERK'S OFFICE
DALEE OIL COMPANY, Petitioner, v.)))) PCB No. 06-40) (LUST Appeal)	OCT 1 9 2006 STATE OF ILLINOIS Pollution Control Board
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent.)	

PETITIONER'S MOTION TO DISMISS THE APPEAL

Pursuant to Board Rule 105.108(e), 35 ILL. ADM. CODE § 105.108(e), and to the agreement of counsel, petitioner DaLee Oil Co. ("DaLee"), by its attorneys in this regard, The Sharp Law Firm, P.C., moves for dismissal of the above-captioned appeal.

In support, DaLee states that the issues raised in this appeal have been compromised and settled, which settlement constitutes other grounds that bar the petitioner from proceeding under Rule 105.108(e).

October 17, 2006

DALEE OIL CO.

One of its Attorney

John T. Hundley THE SHARP LAW FIRM, P.C. P.O. Box 906 – 1115 Harrison Mt. Vernon, IL 62864 618-242-0246

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that I served the foregoing document upon all persons entitled to same by causing copies to be deposited in the U.S. Mail box at 14th and Main Streets, Mt. Vernon, IL 62864, in sealed envelopes with proper first class postage prepaid addressed as follows:

Upon the Clerk by Mail to:

Dorothy M. Gunn, Clerk Illinois Pollution Control Board James R. Thompson Center 100 West Randolph Street Suite 11-500 Chicago, IL 60601

Upon the Agency by Mail to:

James R. Richardson Assistant Counsel Illinois Environmental Protection Agency 1021 N. Grand Ave. East Springfield, IL 62702

Upon the Hearing Officer by Mail to:

Hon. Carol Webb Illinois Pollution Control Board 1021 N. Grand Ave. East P.O. Box 19274 Springfield, IL 62794

October 17, 2006

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