

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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DEC 12 2007

STATE OF ILLINOIS
Pollution Control Board

DOWNTOWN SHELL / GREENVILLE,)
)
Petitioner,)
)
v.) PCB 06-38
) (UST Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

NOTICE OF FILING

TO: Melanie Jarvis	Carol Webb
Illinois Environmental Protection Agency	Hearing Officer
1021 North Grand Avenue East	Illinois Pollution Control Board
P.O. Box 19276	1021 North Grand Avenue East
Springfield, Illinois 62794-9276	P.O. Box 19276
	Springfield, Illinois 62794-9276

PLEASE TAKE NOTICE that on December 12, 2007 there was 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: December 12, 2007

Respectfully submitted,

Downtown Shell / Greenville,

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
438262v1

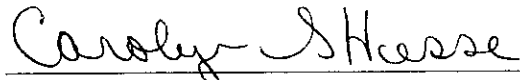
CERTIFICATE OF SERVICE

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

Melanie Jarvis
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 12th day of December, 2007.



Carolyn S. Hesse

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MOTION TO DISMISS

Now comes Petitioner, Downtown Shell / Greenville, and respectfully requests that the Illinois Pollution Control Board dismiss the above-captioned matter.

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

Dated: December 12, 2007

Respectfully submitted,

Downtown Shell / Greenville

By: Carolyn S. Hesse
One of Its Attorneys

Carolyn S. Hesse, Esq.
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