### Electronic Filing - Received, Clerk's Office, January 30, 2008

# BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

GALLAHER'S SHELL,	)	
Petitioner,	)	
	)	
V.	) PCB No. 07	-130
	) (LUST Appe	al)
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 Gallaher's Shell ("Gallaher's"), by its attorneys in this regard, The Sharp Law Firm, P.C., moves for dismissal of the above-captioned appeal.

In support, Gallaher's states that it and the Illinois Environmental Protection Agency have resolved the matter, which constitutes other grounds that bar the petitioner from proceeding under Rule 105.108(e).

January 30, 2008

**GALLAHER'S SHELL** 

By: Many January One of its Attorneys

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Counsel for Petitioner Gallaher's Shell.

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#### **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 United States Post Office mailbox at 14th and Main Streets, Mt. Vernon, IL, before 6:00 p.m. this date, in envelopes with proper first- class postage affixed, addressed as follows:

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

James G. Richardson, Esq.
Illinois Environmental Protection Agency
1021 N. Grand Ave. East
Springfield, IL 62702

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

January 30, 2008

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