

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

SMOOT OIL COMPANY, INC.,)	
Petitioner,)	
v.)	PCB 10-45
)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

NOTICE OF FILING AND PROOF OF SERVICE

TO: John T. Therriault, Acting Clerk	Carol Webb
Illinois Pollution Control Board	Hearing Officer
100 West Randolph Street	Illinois Pollution Control Board
State of Illinois Building, Suite 11-500	1021 North Grand Avenue East
Chicago, IL 60601	P.O. Box 19274
	Springfield, IL 62794-9274
Melanie Jarvis	
Illinois Environmental Protection Agency	
1021 North Grand Avenue East	
P.O. Box 19276	
Springfield, IL 62794-9276	

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, pursuant to Board Procedural Rule 101.302 (d), a MOTION FOR VOLUNTARY DISMISSAL, a copy of which is herewith served upon the hearing officer and upon the attorneys of record in this cause.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the document described above, were today served upon the hearing officer and counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys and to said hearing officer with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mailbox in Springfield, Illinois on the 16th day of April, 2010.

Respectfully submitted,
SMOOT OIL COMPANY, INC., Petitioner

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY: /s/ Patrick D. Shaw
Patrick D. Shaw

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THIS FILING SUBMITTED ON RECYCLED PAPER

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MOTION FOR VOLUNTARY DISMISSAL

NOW COMES Petitioner, Smoot Oil Company, Inc., by its undersigned attorneys, pursuant to Section 101.500 of the Board's Procedural Rules and asks the Board to dismiss this UST appeal, stating as follows:

1. During the pendency of this UST appeal, the parties have been able to resolve their disagreements.
2. Accordingly, Petitioner no longer seeks to appeal the Respondent's UST decision.

WHEREFORE, Petitioner prays for an Order from the Board dismissing this matter and closing the docket.

Respectfully submitted,
SMOOT OIL COMPANY, INC., Petitioner

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