Electronic Filing - Received, Clerk's Office, 01/20/2012

BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

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KNAPP OIL COMPANY,

Petitioner,

v.

PCB 11-69 (LUST Permit Appeal)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent.

NOTICE OF FILING AND PROOF OF SERVICE

To: Carol Webb, Hearing Officer Illinois Pollution Control Board 1021 North Grand Avenue East P.O. Box 19274 Springfield, IL 62794-9274

> John T. Therriault, Clerk Illinois Pollution Control Board 100 West Randolph Street State of Illinois Building, Suite 11-500 Chicago, IL 60601

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), PETITIONER'S MOTION TO DISMISS, a copy of which is herewith served 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 counsel of record of all parties to this cause by enclosing same in envelopes addressed to such attorneys with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mailbox in Springfield, Illinois on the 20th day of January, 2012.

Respectfully submitted, KNAPP OIL COMPANY, Petitioner

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY: /s/ Patrick D. Shaw

Patrick D. Shaw MOHAN, ALEWEI T, PRILLAMAN & ADAMI 1 North Old Capitol Plaza, Suite 325 Springfield, IL 62701-1323 Telephone: 217/528-2517 Facsimile: 217/528-2553

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KNAPP OIL COMPANY,

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v.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent. PCB 11-69 (LUST Permit Appeal)

PETITIONER'S MOTION TO DISMISS

NOW COMES Petitioner, Knapp Oil Company, 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 docker.

KNAPP OIL COMPANY, Petitioner

By its attorneys, MOHAN, ALEWELT, PRILLAMAN & ADAMI

By: /s/ Patrick D. Shaw

Patrick D. Shaw MOHAN, ALEWELT, PRILLAMAN & ADAMI 1 N. Old Capitol Plaza, Ste. 325 Springfield, IL 62701 Telephone: 217/528-2517 Facsimile: 217/528-2553

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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