

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

L. KELLER OIL PROPERTIES/FARINA,)	
Petitioner,)	
v.)	PCB 06-189 & PCB 06-190
)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

NOTICE OF FILING AND PROOF OF SERVICE

To:	Carol Webb, Hearing Officer	Melanie Jarvis
	Illinois Pollution Control Board	Illinois Environmental Protection Agency
	1021 North Grand Avenue East	1021 North Grand Avenue East
	P.O. Box 19274	P.O. Box 19276
	Springfield, IL 62794-9274	Springfield, IL 62794-9276

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

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 15th day of May 2014.

Respectfully submitted,
L. KeLLER OIL PROPERTIES/FARINA,
Petitioner

BY: MOHAN, ALEWELT, PRILLAMAN & ADAMI

BY: /s/ Patrick D. Shaw

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PETITIONER'S MOTION TO DISMISS

NOW COMES Petitioner, L. KELLER OIL PROPERTIES/FARINA, 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. Subsequent to filing this appeal, the parties entered into a settlement agreement in which Petitioner received the Agency decision originally requested, and the Agency agreed to jointly move for an award of attorney's fees.
2. On July 25, 2013, the Board entered an order determining that it could not enter an award of fees under these circumstances.
3. Petitioner does not desire to go to hearing under these circumstances, and no longer seeks to appeal the Respondent's UST decision to the Board.

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

L. KELLER OIL PROPERTIES/FARINA,
Petitioner

By its attorneys,
MOHAN, ALEWELT, PRILLAMAN & ADAMI

By: /s/ Patrick D. Shaw

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THIS FILING IS SUBMITTED ON RECYCLED PAPER