

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

RECEIVED  
CLERK'S OFFICE

MAY 10 2005

STATE OF ILLINOIS  
Pollution Control Board

HOME OIL COMPANY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 02-205  
 ) (UST Fund)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )

NOTICE OF FILING

TO: John Kim Carol Webb  
Special Assistant Attorney General Hearing Officer  
Illinois Environmental Protection Agency Illinois Pollution Control Board  
1021 North Grand Avenue East 1021 North Grand Avenue East  
P.O. Box 19276 P.O. Box 19276  
Springfield, Illinois 62794-9276 Springfield, Illinois 62794-9276

PLEASE TAKE NOTICE that on the May 10, 2005, 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: May 10, 2005

Respectfully submitted,

Home Oil Company

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  
270996v1

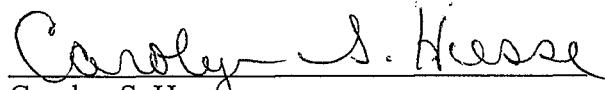
**CERTIFICATE OF SERVICE**

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

John Kim  
Special Assistant Attorney General  
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 10<sup>th</sup> Day of May, 2005.

  
\_\_\_\_\_  
Carolyn S. Hesse

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	)	(UST Fund)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**MOTION TO DISMISS**

Now comes Petitioner, Home Oil Company, and respectfully requests that the Illinois Pollution Control Board dismiss the above-captioned matter. The Respondent, Illinois Environmental Protection Agency and Petitioner resolved the issues in dispute.

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

Dated: May 10, 2005

Respectfully submitted,

**Home Oil Company**

By: Carolyn S Hesse  
One of Its Attorneys

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