

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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DEC 23 2004

JOHNSON OIL COMPANY, LLC,)
)
Petitioner,)
)
vs.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

STATE OF ILLINOIS
Pollution Control Board
PCB No. 04-183
(LUST Appeal)

NOTICE OF FILING

To:

John Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

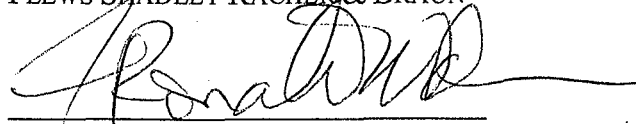
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

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

PLEASE TAKE NOTICE that I have today, December 16, 2004, filed with the Clerk of the Illinois Pollution Control Board JOHNSON OIL's UNOPPOSED MOTION TO DISMISS PETITION WITHOUT PREJUDICE, a copy of which is herewith served upon you through United States Mail return receipt requested.

Respectfully Submitted,

PLEWS SHADLEY RACHER & BRAUN



F. Ronalds Walker, Atty No. 2922223
PLEWS SHADLEY RACHER & BRAUN
1346 N. Delaware Street
Indianapolis, Indiana 46202
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OF THE STATE OF ILLINOIS

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Pollution Control Board

JOHNSON OIL COMPANY, LLC,)
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Petitioner,)
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vs.) PCB No. 04-183
) (LUST Appeal)
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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

**JOHNSON OIL's UNOPPOSED MOTION TO DISMISS
PETITION WITHOUT PREJUDICE**

Petitioner, Johnson Oil Company, LLC ("Johnson Oil"), files its unopposed motion to dismiss the above captioned petition, PCB No. 04-183, without prejudice, and in support thereof states:

1. Johnson Oil and the Illinois Environmental Protection Agency ("IEPA") have reached settlement with respect to the above petition, PCB No. 04-183. The parties desire that this petition be dismissed without prejudice.
2. Counsel for Johnson Oil has discussed this motion with John Kim, counsel for the IEPA, and the IEPA is not opposed to this motion.
3. By this motion, Johnson Oil does not move to dismiss a related petition under case number PCB No. 04-190. Johnson Oil will file a separate motion to dismiss PCB No. 04-190 once the terms of its settlement agreement are complete.

WHEREFORE, Petitioner, Johnson Oil Company, LLC, requests that the Illinois Pollution Control Board grant its Unopposed Motion to Dismiss Petition, PCB No. 04-183, Without Prejudice.

Respectfully Submitted,

PLEWS SHADLEY RACHER & BRAUN



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CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on December 16, 2004, I served true and correct copies of Johnson Oil's Unopposed Motion to Dismiss Petition Without Prejudice, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail box with sufficient postage affixed thereto, upon the following named persons:

John Kim
Assistant Counsel
Special Assistant Attorney General
Division of legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

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