

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

HANNEL OIL COMPANY,)
)
Petitioner,)
)
v.) PCB 03-24, PCB 03-25
) (UST Appeal)
ILLINOIS ENVIRONMENTAL) (Consolidated)
PROTECTION AGENCY,)
)
Respondent.)

RECEIVED
CLERK'S OFFICE
JUL 30 2004
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

TO: John Kim Carol Sudman
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 July 30, 2004, filed with the Clerk of the Illinois Pollution Control Board of the State of Illinois an original, executed copy of a Motion to Dismiss PCB Nos. 03-24 and PCB 03-25.

Dated: July 30, 2004

Respectfully submitted,

Hannel Oil Company

By:

Carolyn S Hesse

One of Its Attorneys

Carolyn S. Hesse
Barnes & Thornburg
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
(312) 357-1313
230066v1


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 Sudman
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 30th Day of July, 2004.



Carolyn S. Hesse

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MOTION TO DISMISS

Now comes Petitioner, Hannel Oil Company, and respectfully requests that the Illinois Pollution Control Board dismiss its appeals in PCB 03-24 and PCB 03-25. The Respondent, Illinois Environmental Protection Agency, paid to Petitioner the amounts that were in dispute in PCB 03-24 and PCB 03-25. Petitioner believes that PCB 04-158 likely will be resolved soon and will move to dismiss that appeal after settlement has been reached.

Wherefore, Petitioner respectfully requests that the Board dismiss PCB 03-24 and PCB 03-25.

Respectfully submitted,

Hannel Oil Company

By: Carolyn S. Hesse
One of Its Attorneys

Carolyn S. Hesse, Esq.
Barnes & Thornburg LLP
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Suite 4400
Chicago, Illinois 60606
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