BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

RECEIVED CLERK'S OFFICE

KELLER OIL COMPANY /)	DEC 1 2 2007
SULLIVAN SUPER K,)	STATE OF ILLINOIS
Petitioner,)	Sildton Control Boaic
V.) PCB 04-133) (UST Appeal)	
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,		
Respondent.)	

NOTICE OF FILING

TO: Melanie Jarvis

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 19274

Springfield, Illinois 62794-9274

PLEASE TAKE NOTICE that on December 12, 2007, 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: December 12, 2007

Respectfully submitted,

Keller Oil Company / Sullivan Super K,

By:

One of Its Attornays

Carolyn S. Hesse **Barnes & Thornburg** One North Wacker Drive Suite 4400 Chicago, Illinois 60606 (312) 357-1313 438258v1

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:

Melanie Jarvis 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 19274 Springfield, Illinois 62794-9274

from One North Wacker Drive, Suite 4400, Chicago, Illinois, before the hour of 5:00 p.m., on this 12th Day of December, 2007.

Carolyn S. Hesse

BEFORE THE POLLUTION CONTROL BOARD OF THE STATE OF ILLINOIS

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) PCB 04-133	
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)))) PCB 04-133

MOTION TO DISMISS

Now comes Petitioner, Keller Oil Company / Sullivan Super K, and respectfully requests that the Illinois Pollution Control Board dismiss the above-captioned matter.

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

Dated: December 12, 2007

Respectfully submitted,

Keller Oil Company / Sullivan Super K

One of Its Astorneys

Carolyn S. Hesse, Esq. Barnes & Thornburg LLP One North Wacker Drive Suite 4400 Chicago, Illinois 60606 (312) 357-1313 438256v1