

ILLINOIS POLLUTION CONTROL BOARD

August 8, 2002

THE PREMCOR REFINING GROUP,)	
)	
Petitioner,)	
)	
v.)	PCB 01-116
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

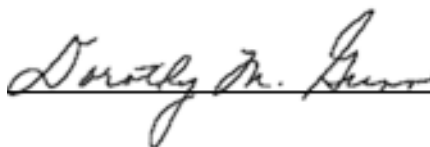
ORDER OF THE BOARD (by T.E. Johnson):

On June 28, 2002, the petitioner filed a motion to voluntarily withdraw this appeal. In the motion, the petitioner represents that the Illinois Environmental Protection Agency (Agency) approved the petitioner's corrective action plan and budget. The petitioner requests that the Board allow it to voluntarily withdraw its appeal without prejudice.

To date, the Agency has filed no response to the motion. Pursuant to Section 101.500(d) of the Board's procedural rules, if no response is filed to a motion within 14 days after service, the party will be deemed to have waived objection. *See* 35 Ill. Adm. Code 101.500(d). The Board grants the motion to dismiss, and closes this docket. However, the matter is dismissed with prejudice since further appeal is time-barred by Section 40 of the Environmental Protection Act. 415 ILCS 5/40 (2000) *amended by* P.A. 92-0574, eff. June 26, 2002.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 8, 2002, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board