

ILLINOIS POLLUTION CONTROL BOARD  
January 6, 2005

JOHNSON OIL COMPANY, LLC,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 04-183
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

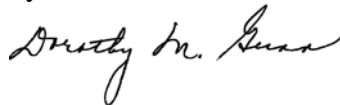
ORDER OF THE BOARD (by A.S. Moore):

On December 23, 2004, Johnson Oil Company, LLC (Johnson Oil) filed a motion to voluntarily dismiss this underground storage tank (UST) appeal without prejudice. In this appeal, Johnson Oil asked the Board to review a March 12, 2004 determination of the Illinois Environmental Protection Agency (Agency). The Agency's determination concerns Johnson Oil's former gasoline service station located at 901 North Vermilion Street in Danville, Vermilion County.

In the motion to voluntarily dismiss, Johnson Oil states that it has reached a settlement with the Agency, that the Agency does not oppose the motion, and that Johnson Oil, by this motion, is not moving to dismiss its related UST appeal, docketed as PCB 04-190. The Board grants Johnson Oil's motion to voluntarily dismiss this UST appeal, docketed as PCB 04-183. The Board, however, necessarily grants the motion *with* prejudice because the statutory time period for Johnson Oil to file an appeal of the Agency determination at issue in PCB 04-183 has already expired. *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.402, 105.406. Granting this motion to dismiss renders moot Johnson Oil's pending motion to consolidate and the Agency's pending motion to reconsider and dismiss. The Board closes this docket.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 6, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board