

ILLINOIS POLLUTION CONTROL BOARD

February 17, 2005

HAROLD HART SERVICE,)	
)	
Petitioner,)	
)	
v.)	PCB 05-61
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

This matter is before the Board on a petition filed by Harold Hart Service’s (HHS) asking the Board to review an August 19, 2004 determination of the Illinois Environmental Protection Agency (Agency). The petition was filed in regards to the Agency’s denial of certain costs for corrective action for HHS’ leaking underground petroleum storage tank facility located at 2605 College Avenue, Alton, Madison County.

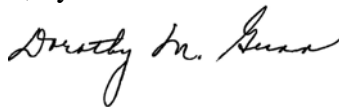
On January 6, 2005, the Board issued an order accepting the petition as timely, but finding that it did not specify the grounds for appeal, as required by 35 Ill. Adm. Code 105.408(b) and (c). The Board directed HHS to amend its petition for review to include grounds for appeal within 30 days from the date of this order, or face dismissal.

On February 14, 2005, HHS filed a motion to voluntarily dismiss the appeal. In the motion, HHS asserts that it supplied the Agency with additional information and wishes to continue to work with the Agency with respect to the issues of the appeal. HHS asserts that the Agency has no objection to the motion to dismiss.

In the January 6, 2005 Board order, HHS was directed to file an amended petition within 30 days – on or before February 7, 2005. HHS failed to amend the petition within that timeframe. Accordingly, HHS’ petition for review is dismissed. The motion for voluntary dismissal filed on February 14, 2005 is moot and will not be addressed. The Board hereby dismisses the petition, and closes the 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 February 17, 2005, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board