

ILLINOIS POLLUTION CONTROL BOARD
November 15, 2012

EVERGREEN FS, INC.,)
)
Petitioner,)
)
v.) PCB 12-127
) (UST Appeal)
OFFICE OF OF THE STATE FIRE)
MARSHAL,)
)
Respondents.)

ORDER OF THE BOARD (by D. Glosser):

On May 3, 2012, Evergreen FS, Inc. (Evergreen) timely filed a petition (Pet.) asking the Board to review a March 29, 2012 determination of the Office of the State Fire Marshal (OSFM). *See* 415 ILCS 5/57.9(c)(2) (2000); 35 Ill. Adm. Code 105.504(b). The OSFM determined on January 10, 2012, that a tank was ineligible for reimbursement from the Underground Storage Tank Fund and determined on March 29, 2012, that Evergreen's submission of additional information was a request for reconsideration that OSFM lacked authority to review. Evergreen's request concerned an underground storage tank site at a service station located in Dwight, Livingston County, Illinois.

On October 31, 2012, Evergreen filed a motion to dismiss the appeal, indicating that a companion case had been settled and Evergreen no longer wished to appeal. The Board grants the motion, dismisses the appeal, and closes the docket.

IT IS SO ORDERED.

Board Member J. O'Leary abstains.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 15, 2012, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board