

ILLINOIS POLLUTION CONTROL BOARD
January 9, 2003

REZMAR CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 02-116
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

This matter is before the Board on a December 8, 2003 request to withdraw the petition in PCB 02-116 filed by Rezmar Corporation (Rezmar). On April 8, 2002, Rezmar filed a petition for review of an Illinois Environmental Protection Agency (Agency) decision dated December 3, 2001. The Agency decision concerns corrective action costs relating to underground storage tanks (USTs) located at 850 North Ogden Avenue, Chicago, Cook County. The Board accepted the petition for hearing on April 18, 2002, and docketed the matter as PCB 02-91.

On May 21, 2002, Rezmar filed a petition for review of a separate Agency decision dated January 16, 2002. The second Agency decision also involves corrective action costs relating to the USTs located at 850 North Ogden Avenue. On June 6, 2002, the Board accepted the second petition for hearing, and docketed the matter as PCB 02-116.

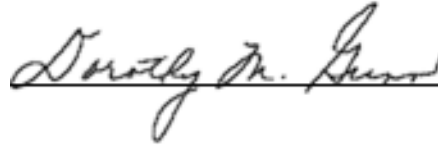
On July 11, 2002, the Board granted Rezmar's motion to consolidate the two proceedings. In that order, the Board made no determination as to whether these cases will be consolidated for purposes of final decision. On December 18, 2002, a hearing was held in this matter. At the hearing, Rezmar filed with the hearing officer a withdrawal of the petition in PCB 02-116. A hearing was held on PCB 02-91.

In its request, Rezmar asserts that the Agency consents to the withdrawal. The Agency did not object to the withdrawal at hearing. As reflected in the caption, the withdrawal of the petition in PCB 02-116 is granted, and the docket is closed. A decision in PCB 02-91 will be reached once the matter is fully briefed.

IT IS SO ORDERED.

Board Member N.J. Melas abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 9, 2003, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board