

ILLINOIS POLLUTION CONTROL BOARD
February 17, 1994

EDGEWATER BEACH APARTMENTS)	
CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 93-183
)	(UST Fund)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G. T. Girard):

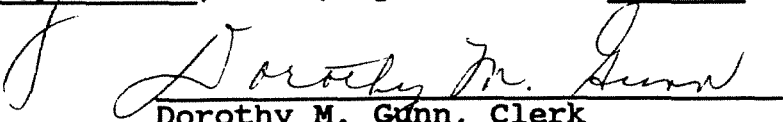
This matter is before the Board on a petition for review filed by petitioner Edgewater Beach Apartments Corporation (Edgewater) on October 6, 1993, seeking review of the Illinois Environmental Protection Agency's denial of reimbursement of costs from the Underground Storage Tank Fund. At the January 11, 1994, hearing held in this matter, the parties recited an agreement into the record and with the result that \$9,413.25 will be reimbursed to petitioner. One unresolved issue remained which the Board was to consider waived if it did not receive notice from the Agency by February 18, 1994. The Board's decision deadline in this matter is March 3, 1994.

Without any evidence offered at hearing and with no briefs filed, the record is not sufficient for the Board to decide the matter on its merits. In addition, petitioner has not filed a voluntary motion to dismiss.

Unless petitioner files, before February 25, 1994, a motion for voluntary dismissal or an open waiver of the Board's decision deadline, this case will be subject to dismissal for want of prosecution.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 17th day of February, 1994, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board