

ILLINOIS POLLUTION CONTROL BOARD
July 21, 1994

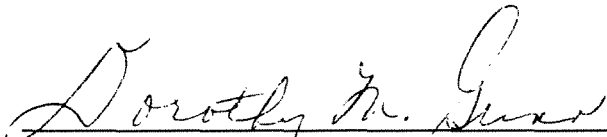
CAPITAL ASSET CORPORATION)	
AND INDUSTRIAL INVESTORS)	
LIMITED PARTNERSHIP,)	
)	
Petitioner,)	
)	
v.)	PCB 94-147
)	(UST Fund)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C. A. Manning):

On July 11, 1994, Capital Asset Corporation and Industrial Investors Limited Partnership filed a motion to dismiss without prejudice its petition for review of the Illinois Environmental Protection Agency's (Agency) Underground Storage Tank Fund reimbursement determination. The Board grants the motion. However, the request to dismiss without prejudice is denied. Appeals can only be filed within 35 days of the Agency's determination, so that any attempt to reopen this case would be jurisdictionally barred. (See Metropolitan Airport Authority of Rock Island v. Office of State Fire Marshal (March 31, 1994), PCB 94-45.) This matter is hereby dismissed and the docket closed.

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 21st day of July, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board