

ILLINOIS POLLUTION CONTROL BOARD
December 2, 1993

TWOMEY COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 92-199
	)	(UST Fund)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	

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

On November 30, 1993, Twomey Company (Twomey) filed a motion to file a status report instanter accompanied by a status report. The Board hereby grants the motion to file instanter and accepts the status report.

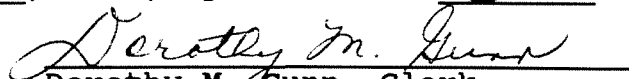
The status report indicates that Twomey and the Illinois Environmental Protection Agency (Agency) have been negotiating and anticipate entering into a settlement agreement sometime before the end of the year. The status report further states that once a settlement has been reached, Twomey will file a motion to dismiss the appeal subject to "reopener" in the event that the Agency fails to reimburse Twomey.

The Board directs Twomey's attention to Legg and Sons Oil Company v. IEPA, (PCB 92-214) and DJM Oil Company, Inc. v. IEPA, (PCB 92-163) in which today, the Board is issuing two orders accepting status reports. The status reports filed by the parties in Legg and Sons and DJM Oil indicate that the petitions for review of the Agency's UST reimbursement determination will be voluntarily withdrawn upon receipt of the agreed-upon payment from the Agency pursuant to settlement agreements executed in those cases. (See Israel-Gerrold's v. IEPA (April 9, 1992), PCB 91-108 (a voluntarily dismissal of an appeal would bar petitioner's right to further challenge the subject of that appeal) and see also Grand Soo, Inc. v. IEPA (December 6, 1991), PCB 91-191.)

Accordingly, the Board directs the parties to file an additional status report on or before January 3, 1994, if this matter is not dismissed.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 2nd day of December, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board