

ILLINOIS POLLUTION CONTROL BOARD
September 19, 1996

DALEE OIL COMPANY, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 96-225
)	(UST - Reimbursement)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On September 12, 1996 the petitioner filed a motion to dismiss without prejudice. However, under Section 40 of the Environmental Protection Act (415 ILCS 5/40), an appeal must be filed within 35 days of the issuance of the Agency determination. Since the Agency's final decision was issued March 26, 1996, a subsequent petition for review would now be time barred.

The motion for voluntary dismissal is hereby granted and this docket is 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 _____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board