

ILLINOIS POLLUTION CONTROL BOARD  
October 6, 1994

ILLICO INDEPENDENT OIL COMPANY, )  
 )  
Petitioner, )  
 ) PCB 94-107  
v. ) (UST Fund)  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by J. Theodore Meyer):

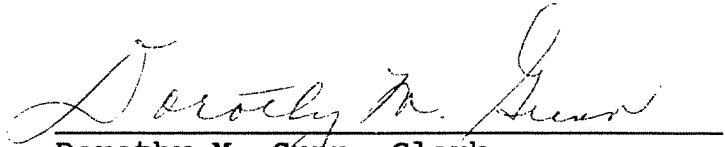
On September 28, 1994, the petitioner filed a motion to voluntarily dismiss this matter without prejudice. Under Section 40 of the Act (415 ILCS 5/40 (1992)) an appeal must be filed within 35 days of the date of Illinois Environmental Protection Agency's decision. Therefore, a subsequent petition would be time barred, and the Board cannot dismiss this appeal without prejudice.

The motion for voluntary dismissal is granted. This matter is hereby dismissed and the docket is closed.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1992)) provides for appeal of final orders of the Board within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246, Motion for Reconsideration.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 6<sup>th</sup> day of October, 1994, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board