

ILLINOIS POLLUTION CONTROL BOARD
August 4, 2011

GHB 630, LLC,)	
)	
Petitioner,)	
)	
v.)	PCB 10-66
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On July 27, 2011, GHB 630, LLC (GHB 630), filed a motion to voluntarily dismiss this appeal without prejudice. The appeal concerns an application for payment from the leaking Underground Storage Tank (UST) Fund for GHB 630's leaking underground storage tank site at 630 North McClurg Court, Chicago, Cook County. GHB 630 had filed a petition for review of a January 21, 2010 determination by the Illinois Environmental Protection Agency denying GHB 630's participation in the UST Fund program. The Board notes that GHB 630 seeks dismissal without prejudice; however pursuant to Section 40(a)(1) of the Environmental Protection Act (415 ILCS 5/40(a)(1) (2010)) any appeal of an IEPA decision must be filed within 35 days of the decision being made. Therefore, as the statutory timeframe to appeal the IEPA's original decision has passed, dismissal of this appeal with prejudice is necessary. *See Joliet v. IEPA*, PCB 11-8 (July 7, 2011). The Board grants GHB 630's motion for voluntary dismissal, dismisses the appeal, and closes the docket.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk for the Illinois Pollution Control Board, certify that the Board adopted the above order on August 4, 2011, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board