

ILLINOIS POLLUTION CONTROL BOARD

June 5, 2014

L. KELLER OIL PROPERTIES/FARINA,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 06-189, 06-190
	)	(LUST Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	(cons.)
PROTECTION AGENCY,	)	
	)	
Respondents.	)	

ORDER OF THE BOARD (by J.D. O'Leary):

On June 23, 2006, L. Keller Oil Properties, Inc. (Keller) timely filed two petitions asking the Board to review two separate May 22, 2006 determinations of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2012); 35 Ill. Adm. Code 105.402. With each petition, Keller included a motion to consolidate the two appeals, docketed as PCB 06-189 and PCB 06-190. In an order dated July 6, 2006, the Board accepted Keller's petitions and granted its motion to consolidate. L. Keller Oil Properties v. IEPA, PCB 06-189, 06-190 (cons.) (July 6, 2006).

Both appeals involve leaking petroleum underground storage tanks (USTs) at a former gasoline service station located at 1003 West Washington Avenue in Farina, Fayette County. Keller owns the site in question. The Agency determination in PCB 06-189 concerns leaking UST Incident No. 20060153, and the determination in PCB 06-190 addresses Incident No. 20051539. In the May 22, 2006 determinations, the Agency rejected Keller's 45-Day reports, concluding that the two incidents were ineligible for coverage under the Leaking UST Program.

On May 15, 2014, Petitioner filed a motion (Mot.) to voluntarily dismiss these consolidated appeals. In the motion, Keller states that, after filing the appeals, the parties entered into a settlement agreement in which Keller received the Agency decisions originally requested. Mot. at 1. On July 25, 2013, the Board denied Keller's motion to authorize a settlement and award attorney fees to Keller. L. Keller Oil Properties v. IEPA, PCB 06-189, 06-190 (cons.) (July 25, 2013). In its motion to voluntarily dismiss, Keller states that it does not desire to go to hearing under these circumstances and no longer seeks to appeal the Agency decisions at issue. Mot. at 1. The Board grants the motion, dismisses the appeals, and closes the dockets.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on June 5, 2014, by a vote of 4-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is fluid and cursive, with a long horizontal stroke at the end.

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John T. Therriault, Clerk  
Illinois Pollution Control Board