

ILLINOIS POLLUTION CONTROL BOARD
June 20, 1996

WHITE & BREWER TRUCKING INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 96-250
)	(Permit Appeal - Land
)	Ninety-Day Extension)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On June 7, 1996 the Illinois Environmental Protection Agency (Agency) and White & Brewer Trucking, Inc. (petitioner) filed a joint notice of extension of the 35-day appeal period pursuant to Section 40 of the Environmental Protection Act, relating to an May 2, 1996 Agency determination. The Agency requested the extension "to July 31, 1996, or any other date not more than a total of 90 days from the date of the Agency's final determination."

P.A. 88-690 (SB1724) effective January 24, 1995 amends Section 40(a), which governs the permit appeal process, to provide:

the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Agency within the initial appeal period.

As the Board maintains its files by docket number only, the Board will reserve docket PCB 96-250 for any appeal which may be filed by petitioner; petitioner is directed to use this docket number in any future filing concerning this appeal. In the event that petitioner fails to file an appeal on or before July 31, 1996 (the 90th day after May 2, 1996), the Board will dismiss the docket as unnecessary. A \$75.00 filing fee will, of course, be required at such time as petitioner files such petition.

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