ILLINOIS POLLUTION CONTROL BOARD
August 3, 1995

RICHARD KURTZ (45-Day Report),	)	
Petitioner,	)	
v.	)	PCB 96-16 (UST Appeal Ninety-Day Extension)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
Respondent.	)	

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

On July 27, 1995, the Illinois Environmental Protection Agency (Agency) and Richard Kurtz (Kurtz) filed a notice of extension of the 35-day appeal period pursuant to Section 40 of the Act, relating to a June 23, 1995 Agency rejection of Kurtz's 45-day Report.

P.A. 88-690 (SB1724) effective January 24, 1995, amends Section 40(c), which governs the 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 96-16 for any appeal which may be filed by Kurtz. In the event that Kurtz fails to file an appeal on or before October 25, 1995 (the 125th day after June 23, 1995), the Board will dismiss the docket as unnecessary. A $75.00 filing fee will, of course, be required at such time as Kurtz 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 3rd day of August, 1995, by a vote of 5-0.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board