

ILLINOIS POLLUTION CONTROL BOARD  
January 4, 2001

STRUNK MOTOR COMPANY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 01-93  
 ) (UST - FRD)  
 OFFICE OF THE STATE FIRE MARSHAL, )  
 )  
 Respondent. )

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

On December 15, 2000, Strunk Motor Company (Strunk Motor) filed a motion requesting a 90-day extension of the 35-day period to appeal a November 15, 2000 decision of the Office of the State Fire Marshal (OSFM). On December 18, 2000, the OSFM replied that it had no authority to grant such an appeal.

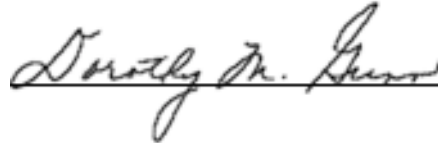
The 90-day extension clause of Section 40(a)(1) of the Environmental Protection Act (415 ILCS 5/40(a)(1) (1998)) applies only to decisions of the Illinois Environmental Protection Agency, and does not apply to the OSFM. Accordingly, the Board cannot grant a 90-day extension of the 35-day appeal period in which to file an appeal pursuant to Section 40(a)(1).

The Board will, however, consider the motion to be a timely filed petition for review. However, this petition is deficient in two ways. The Board's current procedural rules do not allow Earl Strunk, a non-attorney, to represent his company (see 35 Ill. Adm. Code 101.400(a)(2)). Accordingly, Strunk Motor must be represented by an attorney. Additionally, the petition fails to satisfy the requirements of 35 Ill. Adm. Code 105.506.

The Board grants petitioner 30 days in which to retain an attorney and for that attorney to file an amended petition for review in this case on Strunk Motor's behalf. If Strunk Motor does not file an amended petition for review on or before February 3, 2001, including proof of service of the amended petition on the OSFM, this matter will be dismissed, and the docket closed.

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 4th day of January 2001 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board