

ILLINOIS POLLUTION CONTROL BOARD
February 6, 1997

HERB TREDER (Physical Soil Classification),)	
)	
)	
Petitioner,)	
)	
v.)	PCB 97-125
)	(UST Appeal
)	Ninety-Day Extension)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
)	
Respondent.)	

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

On January 16, 1997 Herb Treder (petitioner) filed a notice of extension of the 35-day appeal period pursuant to Section 40(a)(1) of the Environmental Protection Act (Act). (415 ILCS 5/40(a)(1).) On February 4, 1997 the Illinois Environmental Protection Agency (Agency) filed a joint notice of extension of the 35-day appeal period pursuant to Section 40(a)(1) of the Act. The petitioner and the Agency requested an extension from 35 days to 90 days, or until March 24, 1997 in which it may petition the Board for a hearing with regard to Agency's determination concerning a Physical Soil Classification and Groundwater Investigation Work Plan.

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 97-125 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 March 24, 1997, the Board will dismiss the docket as unnecessary. A \$75 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 _____, 1997, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board