

ILLINOIS POLLUTION CONTROL BOARD
June 4, 2009

FIRST NATIONAL BANK OF BARRY,)
)
 Petitioner,)
)
 v.) PCB 09-113
) (UST Appeal – 90-day Extension)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by G.T. Girard):

On May 22, 2009, the Board received a joint notice to extend the 35-day period for First National Bank of Barry (First National) to appeal an April 22, 2009, determination of the Illinois Environmental Protection Agency (Agency). The determination concerns First National's leaking underground storage tank site at the Southeast Corner of IL Rt. 125 & 78, Virginia, Cass County. *See* 415 ILCS 5/40(a)(1) (2006); 35 Ill. Adm. Code 101.300(b), 105.208(a). The Agency issued a voucher to First National for \$34,494.66, in response to First National's application for \$195,676.16 in payment from the Underground Storage Tank Fund for the above-referenced Leaking UST incident. Pursuant to 35 Ill. Adm. Code 734.630(c), the Agency denied approval for \$161,168.90 in requested costs for field purchases, finding the costs inelligible for payment from the Fund due to a lack of supporting documentation in First National's application. Pursuant to 35 Ill. Adm. Code 734.630(dd), the Agency also denied \$12.60 in site investigation or corrective action costs for mileage, finding the costs unreasonable as submitted. According to the joint notice, First National received the Agency determination on April 27, 2009. Therefore, the deadline to file an appeal is June 1, 2009, which is the 35th day after the petitioner received the Agency decision. *See* 35 Ill. Adm. Code 105.404.

The Board extends the appeal period until August 30, 2009, which is the 90th day after the original deadline. ILCS 415 5/40(a)(1) (2006); *See* 35 Ill. Adm. Code 105.406. If First National fails to file an appeal on or before that date, the Board will dismiss this case and close the docket. 35 Ill. Adm. Code 105.404 (2006).

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 4, 2009, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John Therriault, Assistant Clerk
Illinois Pollution Control Board