

ILLINOIS POLLUTION CONTROL BOARD
March 4, 2010

DONALD KOCH, D/B/A LLAD)	
ENTERPRISES,)	
)	
Petitioner,)	
)	
v.)	PCB 10-65
)	(LUST Appeal - 90-Day Extension)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On February 24, 2010, the parties timely filed a joint notice to extend the 35-day period within which Donald Koch, d/b/a LLAD Enterprises, (petitioner) may appeal a January 12, 2010 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2008); 35 Ill. Adm. Code 101.300(b), 105.206(c), 105.208(a), (c). According to the joint notice, petitioner received the Agency determination on January 16, 2010. Therefore, the deadline to file an appeal is February 23, 2010, which is the first business day after the 35th day after the Petitioner received the Agency decision. *See* 35 Ill. Adm. Code 105.404. The petition was timely filed because it was postmarked on or before the filing deadline. *See* 35 Ill. Adm. Code 101.300(b). The determination concerns petitioner's leaking underground storage tank site at 1180 South Main Street in Antioch, Lake County. The Agency issued a voucher to Petitioner for \$84,796.63 in payment from the Underground Storage Tank (UST) Fund for the above-referenced Leaking UST incident. Pursuant to 35 Ill. Adm. Code 734.630(c), the Agency denied approval for \$63,872.10 in requested remediation and disposal costs and demolition costs, finding the costs ineligible for payment from the UST Fund due to a variety of reasons including petitioner's failure to take early action, mathematical errors, and lack of supporting documentation.

The Board extends the appeal period until May 21, 2010, as the parties request. *See* 415 ILCS 5/40(a)(1) (2008); 35 Ill. Adm. Code 105.208(a). If petitioner fails to file an appeal on or before that date, the Board will dismiss this case and close the docket.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 4, 2010, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board