

ILLINOIS POLLUTION CONTROL BOARD
September 21, 1995

KEAN BROTHERS, INC.,)
)
 Petitioner,)
)
 v.) PCB 96-52
) (UST Fund Ninety-Day
) Extension)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

On September 8, 1995, the Board received a notice of extension of the 35-day appeal period pursuant to Section 40 of the Act, relating to the August 4, 1995 Illinois Environmental Protection Agency (Agency) UST decision, submitted by the Agency and Kean Brothers, Inc. (Kean).

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 96-52 for any appeal which may be filed by Kean. In the event that Kean fails to file an appeal on or before December 7, 1995 (the 125th day after August 4, 1995), the Board will dismiss the docket as unnecessary. A \$75.00 filing fee will, of course, be required at such time as Kean 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 21st day of September, 1995, by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board