

ILLINOIS POLLUTION CONTROL BOARD
September 21, 1995

NATIONAL SUPERMARKETS,)
)
 Petitioner,)
)
 v.) PCB 96-54
) (UST Appeal Ninety-Day
) Extension)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

On September 8, 1995, the Illinois Environmental Protection Agency (Agency) and National Supermarkets (National) filed a notice of extension of the 35-day appeal period pursuant to Section 40 of the Act, relating to a July 31, 1995 Agency rejection of National's Site Classification Plan.

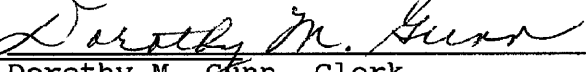
P.A. 88-690 (SB1724) effective January 24, 1995, amends Section 40(c), which governs the appeal process to provide:

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 96-54 for any appeal which may be filed by National. In the event that National fails to file an appeal on or before December 3, 1995 (the 125th day after July 31, 1995), the Board will dismiss the docket as unnecessary. A \$75.00 filing fee will, of course, be required at such time as National 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, Clerk
Illinois Pollution Control Board