

ILLINOIS POLLUTION CONTROL BOARD
January 24, 2002

MIDWEST ILLINOIS AUTO/TRUCK)	
PLAZA, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 02-97
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	(90-Day Extension)
PROTECTION AGENCY,)	
)	
Respondent.)	

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

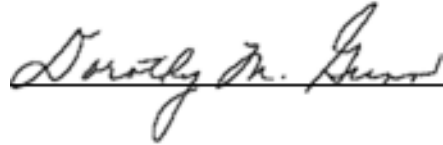
On January 18, 2002, the parties filed a joint notice to extend the 35-day period within which Midwest Illinois Auto/Truck Plaza Inc. (Midwest) may appeal a December 10, 2001 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000); 35 Ill. Adm. Code 105.206(c), 105.208(a), (c). The Agency denied certain costs for corrective action regarding a Linking Underground Storage Tank Incident 913653 located at Route 127 and I-70 in Greenville, Bond County.

Section 40(a)(1) provides that the parties must file the notice of extension “within the initial appeal period.” Based on the materials before it, the Board cannot determine whether this filing is timely. While the Agency issued its determination on December 10, 2001, the filing does not specify the date on which Midwest was served with the determination. If the service date was December 10, 2001, then the deadline for filing the request for a 90-day extension of the appeal period expired on January 14, 2002. The parties’ request is dated January 16, 2002.

The Board grants the parties an additional 14 days to clarify the date of service on Midwest of the Agency determination dated December 10, 2001.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 24, 2002, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board