

ILLINOIS POLLUTION CONTROL BOARD
January 18, 1996

BURLINGTON NORTHERN RAILROAD,)	
)	
Petitioner,)	
)	
v.)	PCB 96-152
)	(Permit Appeal-Land
)	Ninety-Day Extension)
)	
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

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

On January 5, 1996, the Illinois Environmental Protection Agency (Agency) and Burlington Northern Railroad (Burlington) filed a notice of extension of the 35-day appeal period pursuant to Section 40 of the Act, relating to a November 29, 1995 Agency determination regarding Burlington's permit application.

P.A. 88-690 (SB1724) effective January 24, 1995, amends Section 40(a)(1), which governs the permit 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 96-152 for any appeal which may be filed by Burlington. In the event that Burlington fails to file an appeal on or before February 27, 1996 (the 90th day after November 29, 1995), the Board will dismiss the docket as unnecessary. A \$75.00 filing fee will, of course, be required at such time as Burlington 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 18th day of January, 1996, by a vote of 7-0.

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