

ILLINOIS POLLUTION CONTROL BOARD
February 21, 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):

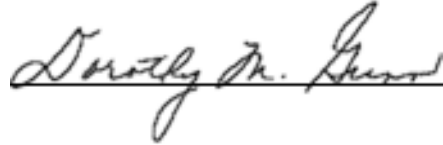
On January 18, 2002, the parties filed a joint notice to extend the 35-day period within which Midwest Illinois Auto/Truck Plaza Inc. (Midwest) may appeal a December 10, 2001 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000); 35 Ill. Adm. Code 105.206(c),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

At its January 24, 2002 meeting, the Board issued an order granting the parties an additional 14 days to clarify the date of service on Midwest to determine if the parties' request was timely filed. On February 11, 2002, the parties filed a supplement to the request with proof that the Agency determination was served on Midwest on December 12, 2001. With application of the mailbox rule, the Board finds that the request for an extension of the appeal period was timely filed.

The Board extends the appeal period until April 16, 2002, as the parties request. *See* 415 ILCS 5/40(a)(1) (2000); 35 Ill. Adm. Code 105.208(a). If Midwest 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, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 21, 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