

ILLINOIS POLLUTION CONTROL BOARD
April 6, 1995

WEST SUBURBAN RECYCLING)
and ENERGY CENTER,)
)
Petitioner,)
)
v.) PCB 95-119
) (Permit Appeal-Land
) Ninety-Day Extension)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

WEST SUBURBAN RECYCLING)
and ENERGY CENTER,)
)
Petitioner,)
)
v.) PCB 95-125
) (Permit Appeal-Air
) Ninety-Day Extension)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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

On April 2, 1995, West Suburban Recycling and Energy Center (West Suburban) and the Agency filed a notice of extension of the 35-day appeal period pursuant to Section 40 of the Act, relating to a February 27, 1995 Agency determination that West Suburban's land permit application to develop a solid waste management site was denied.

On April 6, 1995, the Agency filed a clarification of its April 2, 1995 letter. It stated that the notice of extension was also intended to cover its February 27, 1995 denial of an air permit, as well as the land permit.

P.A. 88-690 (SB1724) effective January 24, 1995, amends Section 40(a)(1), which governs the permit appeal process, to provide:

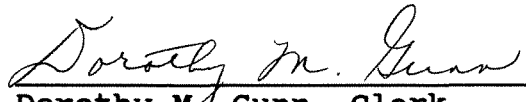
the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant

and the Agency within the initial appeal period.

As the Board maintains its files by docket number only and requires separate petitions for the appeal of each separate permit, the Board will reserve Docket PCB 95-119 for any appeal of the land permit application, and PCB 95-125 for any appeal of the air permit application which may be filed by West Suburban. In the event that West Suburban fails to file an appeal in PCB 95-119 or PCB 95-125 on or before July 2, 1995 (the 125th day after February 27, 1995), the Board will dismiss the docket as unnecessary. A \$75.00 filing fee will, of course, be required at such time as West Suburban files each 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 6th day of April, 1995, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board