

ILLINOIS POLLUTION CONTROL BOARD
March 16, 1995

C&S RECYCLING, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 95-100
)	(Permit Appeal-Land)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On March 14, 1995, C&S Recycling, Inc. (C&S) filed a petition concerning Agency denial on February 10, 1995 of an application to develop and operate a waste transfer station in Cook County. The petition requests, first, extension to 90 days of the 35 day appeal period, and only alternatively a hearing on the denial.

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

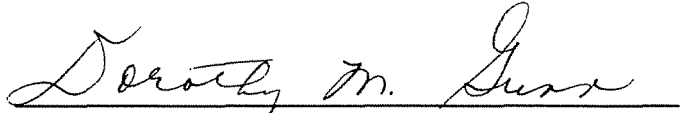
the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Agency within the initial appeal period.

In this case, C&S recites that it sent a copy of the petition to the Agency and requested that it join in the notice of extension. On March 16, 1995 the Agency telefaxed the Board a copy of its agreement to the extension, dated March 15, 1995.

This is the first such extension request filed with the Board pursuant to P.A. 88-690. Having received notice of agreement by the Agency, the Board will treat C&S March 14 filing as a notice of extension, rather than as a petition for review. As the Board maintains its files by docket number only, the Board will reserve Docket PCB 95-100 for any appeal which may be filed by C&S. In the event that C&S fails to file an appeal on or before May 11, 1995 (the 90th day after February 10, 1995), the Board will dismiss this docket as unnecessary. Finally, as the Board is not presently considering C&S filing to be a permit appeal petition, the Clerk's Office is directed to return C&S \$75.00 filing fee. The fee will, of course be required at such time as C&S files a 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 16th day of March, 1995, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board