

ILLINOIS POLLUTION CONTROL BOARD
January 26, 1995

MONTGOMERY WARD & CO.,)
INCORPORATED,)
)
Petitioner,)
)
v.) PCB 94-289
) (UST Fund)
ILLINOIS ENVIRONMENTAL,)
PROTECTION AGENCY,)
)
Respondent.)

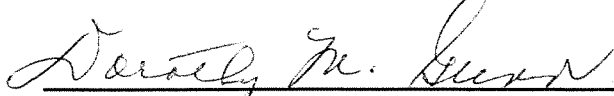
ORDER OF THE BOARD (by C. A. Manning):

On October 11, 1994, Montgomery Ward & Co., Incorporated (Montgomery Ward) filed by personal delivery a petition for review of an Illinois Environmental Protection Agency (Agency) final reimbursement determination from the Underground Storage Tank Fund (UST). The Board on October 20, 1994 dismissed this matter for lack of jurisdiction, finding that Montgomery Ward failed to appeal the Agency determination within the 35-day statutory period to appeal pursuant to Section 40 of the Environmental Protection Act (Act). (415 ILCS 5/40 (1992).) On November 9, 1994 Montgomery Ward filed a motion for reconsideration of that order.

On January 11, 1995 the Board granted Montgomery Ward's motion for reconsideration and accepted this matter for hearing. In doing so the Board calculated the statutory decision deadline to be July 14, 1995 noting that "Montgomery Ward provided the Board with a 120-day extension of the decision deadline, which was March 16, 1995, now making the decision deadline July 14, 1995. The decision due date for this case will be the regularly scheduled Board meeting preceding July 14, 1995." (Montgomery Ward v. Illinois Environmental Protection Agency, (January 11, 1995), PCB 94-289, at page 4.) However, the Board erred in calculating the 120-day waiver from March 16, 1995. The correct statutory decision deadline should have been stated as 120 days from the date the Board granted the motion for reconsideration and accepted the matter for hearing, January 11, 1995. Thus the statutory decision deadline is May 11, 1995 and the decision deadline in this case, as a result of the 120-day waiver, is September 8, 1995.

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 26th day of January, 1995, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board