

ILLINOIS POLLUTION CONTROL BOARD
April 21, 1994

GRAYSLAKE FEED SALES, Inc./)
OUTDOOR POWER EQUIPMENT,)
)
Petitioner,)
)
v.) PCB 94-126
) (UST Fund)
ILLINOIS ENVIRONMENTAL,)
PROTECTION AGENCY,)
)
Respondent.)

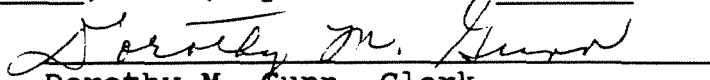
ORDER OF THE BOARD:

On April 19, 1994, Grayslake Feed Sales, Inc./Outdoor Power Equipment (Grayslake Feed Sales), filed a petition for review of an Illinois Environmental Protection Agency (Agency) final Underground Storage Tank Fund reimbursement decision. In order for the Board to review an Agency final determination pursuant to Sections 22.18(b)(g) and 40 of the Environmental Protection Act (Act), a petition for review must be filed within thirty-five (35) days of the date of the final determination. (415 ILCS 5/22.18b(g), 5/40 (1992).) Grayslake Feed Sales' petition indicates the Agency issued an invoice voucher on March 4, 1994, which contains in Attachment A, the following notice: "You have 35 calendar days from the date the comptroller mails the accompanying check to file a petition for a hearing with the Board (35 Ill. Adm. Code 105.102(a)(2))." The invoice voucher constitutes the Agency's final decision for purposes of appeal. Based upon the invoice voucher date of March 4, 1994, the thirty-five (35) day appeal period expired April 8, 1994. Thus a question remains whether this appeal is timely filed.

Grayslake Feed Sales is directed to amend its petition, within forty-five (45) days of the date of this order, to include information to allow the Board to determine whether this petition is properly before the Board pursuant to Sections 22.18(b)(g) and 40 of the Act. Failure to do so will subject this matter to dismissal.

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 21st day of April, 1994, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board