

ILLINOIS POLLUTION CONTROL BOARD

December 21, 2000

| | | |
|--------------------------------|---|------------------------|
| TERMINAL RAILROAD ASSOCIATION, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 01-69 |
| |) | (Permit Appeal - Land) |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

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

On October 19, 2000, the parties filed a joint notice of extension of the 35-day period to appeal a decision of the Illinois Environmental Protection Agency (Agency). On November 2, 2000, the Board granted petitioner an extension of the time period for filing an appeal in the matter until December 11, 2000. On December 13, 2000, the Board received Terminal Railroad Association's petition for review.

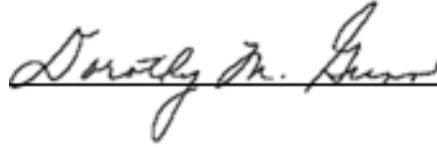
The certificate of service states that the petition was mailed on December 11, 2000. The mailbox rule provides that if the Clerk receives any filing "after any due date, the time of mailing shall be deemed the time of filing." 35 Ill. Adm. Code 101.102(d). Since the petition was mailed prior to the end of the extension period specified in the Board's November 2, 2000 order, the Board accepts this matter for hearing.

The Board's rules require that the Agency file the entire Agency record of its decision within 14 days of notice of the petition. See 35 Ill. Adm. Code 105.102. Hearing must be scheduled and completed in a timely manner, pursuant to the applicable statutory decision deadline, or the deadline as extended by waiver. See 35 Ill. Adm. Code. 101.105.

Absent any future waivers of the decision deadline, the statutory decision deadline is now April 12, 2001 (120 days from December 13, 2000); the Board meeting immediately preceding the decision deadline is scheduled for April 5, 2001.

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 December 2000 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board