ILLINOIS POLLUTION CONTROL BOARD
February 8, 1990

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| THE JENNISON-WRIGHT CORP., | ) | |
| | ) | |
| Petitioner, | ) | |
| | ) | |
| v. | ) | PCB 89-189 |
| | ) | (Permit Appeal) |
| ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, | ) | |
| | ) | |
| Respondent. | ) | |

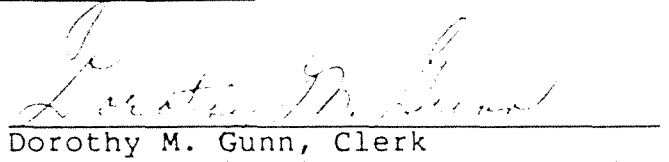
ORDER OF THE BOARD (by B. Forcade):

On December 4, 1989, the Illinois Environmental Protection Agency ("Agency") filed a motion for dismissal of permit appeal on the basis that the appeal was not timely filed pursuant to 35 Ill. Adm. Code 105.102(a)(2). On December 14, 1989, Jennison-Wright Corporation ("Jennison-Wright") filed a stipulated motion for extension of time in which to respond to respondent's motion to dismiss. The Board granted the motion for extension of time to respond at its December 20, 1989 Board meeting.

On December 28, 1989, Jennison-Wright filed its brief in opposition to respondent's motion for dismissal of permit appeal. The brief states that during the permitted time for filing an appeal, Jennison-Wright filed a voluntary petition for reorganization under Chapter 11 of the Bankruptcy Code. Under Section 108 of the Bankruptcy Code the period for filing such appeal extends to 60 days after the filing of the Bankruptcy Petition. 11 U.S.C. §108. On February 5, 1990, the Agency filed its response agreeing with the position stated in petitioner's brief in opposition to respondent's motion for dismissal of permit appeal. Based on the information before the Board, the Agency's motion to dismiss is denied.

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 8th day of February, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board