

ILLINOIS POLLUTION CONTROL BOARD
September 21, 2000

SPARTA AIRPORT AUTHORITY,)
)
 Petitioner,)
)
 v.) PCB 01-10
) (UST - FRD)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)
)

ORDER OF THE BOARD (by N.J. Melas):

On July 19, 2000, the parties filed a joint request for an extension of the 35-day appeal period of an Illinois Environmental Protection Agency determination regarding petitioner's application for reimbursement for a portion of the underground storage tank remediation expenses which petitioner incurred for its facility located at 1800 North Main Street, Sparta, Randolph County, Illinois. By its order of July 27, 2000, the Board granted the extension "until September 10, 2000, pursuant to section 40(a)(1) of the Environmental Protection Act (Act) [(415 ILCS 5/40(a)(1) (1998))]."

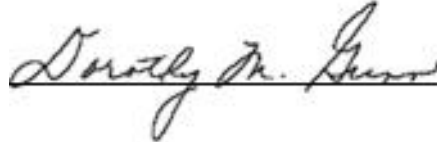
On September 12, 2000, the Clerk received the petitioner's filing. The certificate of service states that the petition was mailed on September 8, 2000. The mailbox rule provides that if the Clerk receives any filing "after any due date, the time of mailing shall be deemed the time of filing." 35 Ill. Adm. Code 101.102(d). Since the petition was mailed two days before the end of the extension period specified in the Board's July 27, 2000 order, the Board accepts this matter for hearing.

The Board's rules require that the Agency file the entire Agency record of the corrective action plan 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 January 10, 2001 (120 days from September 12, 2000); the Board meeting immediately preceding the decision deadline is scheduled for January 4, 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 September 2000 by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board