

ILLINOIS POLLUTION CONTROL BOARD
November 2, 2000

LANNIS WALTERS d/b/a FAT BOY PIZZA)	
(Get & Go),)	
)	
Petitioner,)	
)	
v.)	PCB 01-39
)	(UST – FRD)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by R.C. Flemal):

On August 25, 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 2108 East Fifth Street, Metropolis, Massac County, Illinois. By its order of September 7, 2000, the Board granted the extension “until October 17, 2000, pursuant to section 40(a)(1) of the Environmental Protection Act (Act) [(415 ILCS 5/40(a)(1) (1998))].”

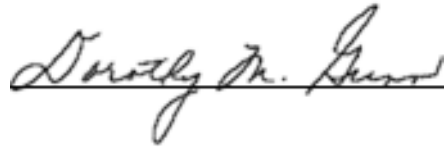
On October 20, 2000, the Clerk received the petitioner’s filing. The certificate of service states that the petition was mailed on October 17, 2000. The mailbox rule provides that if the Clerk receives any filing “after any due date, the time of mailing shall be deemed the time of filing.” 35 Ill. Adm. Code 101.102(d). Since the petition was mailed on the last day of the extension period specified in the Board’s September 7, 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 February 17, 2001 (120 days from October 20, 2000); the Board meeting immediately preceding the decision deadline is scheduled for February 15, 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 2nd day of November 2000 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board