

ILLINOIS POLLUTION CONTROL BOARD
February 20, 1997

| | | |
|-------------------------|---|-----------------------|
| LAND AND LAKES COMPANY, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 97-126 |
| |) | (Permit Appeal-Land |
| ILLINOIS ENVIRONMENTAL |) | Ninety-Day Extension) |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

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

On January 27, 1997 Land and Lakes Company (petitioner) filed a notice of extension of the 35-day appeal period pursuant to Section 40(a)(1) of the Environmental Protection Act. 415 ILCS 5/40(a)(1)(1994). Petitioner requested an extension from 35 days to 90 days, or until April 14, 1997, in which it may petition the Board for a hearing regarding Supplemental Permit No. 1996-344-SP. On February 6, 1997, the Illinois Environmental Protection Agency filed a request that petitioner be granted a 90-day extension.

P.A. 88-690 (SB1724) effective January 24, 1995 amended Section 40(a), which governs the permit appeal process, to provide:

the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Agency within the initial appeal period.

As the Board maintains its files by docket number only, the Board will reserve docket PCB 97-126 for any appeal which may be filed by petitioner; petitioner is directed to use this docket number in any future filing concerning this appeal. In the event that petitioner fails to file an appeal on or before April 14, 1997, the Board will dismiss the docket as unnecessary. A \$75 filing fee will, of course, be required at such time as petitioner files such petition.

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 _____ day of _____, 1997, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board