

ILLINOIS POLLUTION CONTROL BOARD
March 20, 1997

MCKAY CONTRACTORS, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 97-150
)	(UST - Appeal
ILLINOIS ENVIRONMENTAL)	Ninety-Day Extension)
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On March 3, 1997 McKay Contractors, Inc. (petitioner) filed a notice of extension of the 35-day appeal period pursuant to Section 40 of the Environmental Protection Act, relating to a January 29, 1997 Illinois Environmental Protection Agency (Agency) determination. On March 10, 1997 the Agency filed its concurrence and a joint notice. The Agency requested the extension "to April 29, 1997, or any other date not more than a total of 90 days from the date of the Agency's final determination."

P.A. 88-690 (SB1724), effective January 24, 1995, amends 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 97-150 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 29, 1997 (the 90th day after January 29, 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