

ILLINOIS POLLUTION CONTROL BOARD
June 5, 1997

SKY-VIEW WHOLESALE NURSERY)	
SALES COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 97-206
)	(UST Appeal
ILLINOIS ENVIRONMENTAL)	90-Day Extension)
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On May 19 , 1997 Sky-View Wholesale Nursery Company (petitioner) filed a request for extension of the 35-day appeal period pursuant to Section 40 of the Environmental Protection Act (415 ILCS 5/40(a)(1)(Supp.1997)), relating to an April 23, 1997 Illinois Environmental Protection Agency (Agency) determination. On May 27, 1997, the Agency filed its concurrence and a joint notice. The Agency requested the extension "to July 22, 1997, or any other date not more than a total of 90 days from the date of the Agency's final determination."

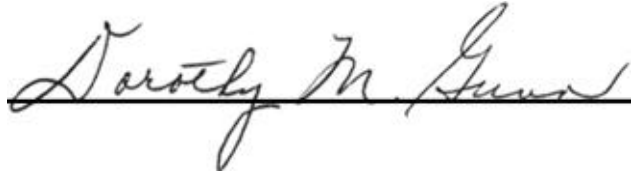
Section 40(a)(1), which governs the appeal process, provides:

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. (415 ILCS 5/40(a)(1)(Supp.1997).)

As the Board maintains its files by docket number only, the Board will reserve docket PCB 97-206 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 July 22, 1997 (the 90th day after April 23, 1997), the Board will dismiss the docket. A \$75 filing fee will be required if 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 5th day of June 1997, 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