

ILLINOIS POLLUTION CONTROL BOARD  
March 4, 2004

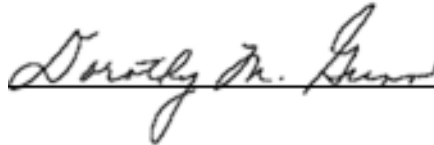
BRYANT AUTOMOTIVE,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 04-144
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	(90-Day Extension)
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J.P. Novak):

On February 23, 2004, the parties timely filed a joint notice to extend the 35-day period within which Bryant Automotive may appeal a January 8, 2004 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.402, 105.406. Because the postmark date of the joint request is within the time for filing, the joint request was timely filed. 35 Ill. Adm. Code 101.300(b)(2), 105.404. The Agency approved request for reimbursement from the Underground Storage Tank Fund, with modifications, for Bryant Automotive's leaking underground petroleum storage tank facility located at 416 Northwest Highway, Fox River Grove, McHenry County. The Board extends the appeal period until May 16, 2004. The parties requested a due date of May 17, 2004, but May 17, 2004 (the 126th day after petitioner's January 12, 2004 receipt of the Agency determination) is beyond the maximum time extension allowed by the Environmental Protection Act. *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406. If Bryant Automotive fails to file an appeal on or before that date, the Board will dismiss this case and close the docket.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 4, 2004, by a vote of 5-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board