

ILLINOIS POLLUTION CONTROL BOARD

September 2, 2004

BROADUS OIL,)	
)	
Petitioner,)	
)	
v.)	PCB 04-31
)	PCB 05-43
ILLINOIS ENVIRONMENTAL)	(UST Appeal)
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On August 2, 2004, the petitioner, Broadus Oil, filed a motion for leave to clarify. The Board grants the motion to clarify. The motion responds to a March 18, 2004 hearing officer inquiry. Broadus Oil seeks to clarify that it is appealing two decisions by the Illinois Environmental Agency (Agency). In two prior Board orders, the Board referenced only one decision by the Agency, that of August 6, 2003. *See Broadus Oil v. IEPA*, PCB 04-31 (Sept. 18, 2003) and *Broadus Oil v. IEPA*, PCB 04-31 (Dec. 18, 2003). However, Broadus Oil states that the record establishes that Broadus Oil was seeking a 90-day extension and then an appeal concerning Agency decisions of both August 6, 2003 and September 8, 2003. Mot. at 1.

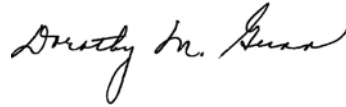
The Board docketed the 90-day extension requests for the two decisions as one case. When a petition for review is filed challenging two Agency decisions, the Board customarily opens two separate dockets, as it is required to collect payment of the statutory filing fee for each appeal. 415 ILCS 5/7.2 (2002).

Therefore, the Board directs the Clerk to open a new docket (PCB 05-43) for review of the September 8, 2003 decision. The Board incorporates the entire record of PCB 04-31 into PCB 05-43. The decision deadline for PCB 05-43 is December 19, 2004, the same as for PCB 04-31. Broadus Oil is directed to submit a filing fee for the new docket by October 4, 2004. If Broadus Oil fails to timely submit the filing fee, the new docket may be subject to dismissal.

Existing docket PCB 04-31 remains open for review of the August 6, 2003 decision. But, in the interest of administrative economy, the Board also consolidates the two dockets for purposes of hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 2, 2004, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board