

ILLINOIS POLLUTION CONTROL BOARD
September 16, 2004

ILLINOIS AYERS OIL COMPANY)	
(Ayerco #7),)	
)	
Petitioner,)	
)	
v.)	PCB 05-48
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	(90-Day Extension)
PROTECTION AGENCY,)	
)	
Respondent.)	

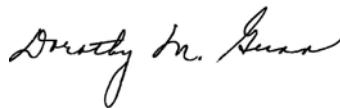
ORDER OF THE BOARD (by J.P. Novak):

On September 3, 2004, the parties timely filed a joint notice to extend the 35-day period within which Illinois Ayers Oil Company may appeal a July 28, 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 denied petitioner's request for reimbursement of certain costs claimed for corrective action for Illinois Ayers Oil Company's leaking underground petroleum storage tank facility located at 310 State Street, Beardstown, Cass County.

The Board extends the appeal period until December 1, 2004.¹ *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406. If Illinois Ayers Oil Company 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 September 16, 2004, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

¹ The parties' request recited January 5, 2005. December 1, 2004 is the 125th day after July 29, 2004. The request for extension states that July 29, 2004 is the earliest date that Illinois Ayers Oil Company could have received the Agency's July 28, 2004 determination.