

ILLINOIS POLLUTION CONTROL BOARD

October 7, 2004

WAYNE SWANSON and DENNIS	)	
SWANSON,	)	
	)	
Petitioners,	)	
	)	
v.	)	PCB 05-57
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	(90-Day Extension)
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

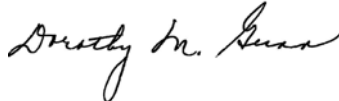
ORDER OF THE BOARD (by J.P. Novak):

On September 24, 2004, the parties timely filed a joint notice to extend the 35-day period within which Wayne Swanson and Dennis Swanson (petitioners) may appeal an August 18, 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 rejected petitioners' corrective action completion report for the leaking underground petroleum storage tank facility located at 122 West Wilson Street, Batavia, Kane County.

The Board extends the appeal period until December 22, 2004, as the parties request. See 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406. If the petitioners fail 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 October 7, 2004, by a vote of 4-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board