

ILLINOIS POLLUTION CONTROL BOARD
December 2, 2004

| | | |
|------------------------|---|--------------------|
| APS PROPERTIES, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 05-94 |
| |) | (UST Appeal) |
| ILLINOIS ENVIRONMENTAL |) | (90-Day Extension) |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

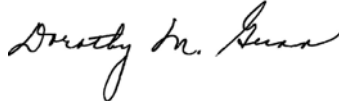
ORDER OF THE BOARD (by J.P. Novak):

On November 16, 2004, the parties timely filed a joint notice to extend the 35-day period within which APS Properties may appeal an October 6, 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 petitioner's high priority corrective action completion report for APS Properties' leaking underground petroleum storage tank facility located at 3055 North Brett Avenue, Decatur, Macon County.

The Board extends the appeal period until February 9, 2005, as the parties request. *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406. If APS Properties 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 December 2, 2004, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board