

ILLINOIS POLLUTION CONTROL BOARD  
July 7, 2005

HARVEY B. WHITTAKER, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 05-184  
 ) (UST Appeal)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

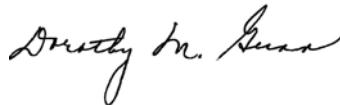
ORDER OF THE BOARD (by A.S. Moore):

On April 8, 2005, Harvey B. Whittaker (Whittaker) filed a petition asking the Board to review a March 2, 2005 underground storage tank determination of the Illinois Environmental Protection Agency (Agency). The Agency rejected a high priority corrective action plan budget concerning Whittaker's gasoline service station in Perry, Pike County. In an April 21, 2005 order, the Board found that Whittaker's petition failed to specify when he was served with the Agency determination, making it unclear whether his appeal was timely. The Board granted Whittaker 30 days to file an amended petition to correct the informational deficiency, noting that Whittaker's failure to comply would subject the appeal to dismissal. The 30 days afforded by the Board have expired without any filing from Whittaker. The Board therefore dismisses this appeal and closes the docket.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2004); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 7, 2005, by a vote of 4-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board