

ILLINOIS POLLUTION CONTROL BOARD

January 4, 2007

FREY ENTERPRISES, INC.)	
(February 1, 2006 to April 15, 2006),)	
)	
Petitioner,)	
)	
v.)	PCB 07-19
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

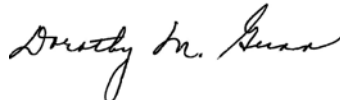
ORDER OF THE BOARD (by G.T. Girard):

On September 21, 2006, at the parties' request, the Board extended until December 21, 2006, the time period for petitioner, Frey Enterprises, Inc. (Frey), to appeal an August 16, 2006 determination of respondent, the Illinois Environmental Protection Agency (Agency). See 415 ILCS 5/40(a)(1) (2004); 35 Ill. Adm. Code 101.300(b), 105.402, 105.406. In the determination, the Agency denied Frey's request for reimbursement from the Underground Storage Tank (UST) Fund. Frey's application for payment concerns Frey's leaking UST site at 308 North Main in Dupu, St. Clair County, and covers the time period of February 1, 2006 to April 15, 2006.

Under the Environmental Protection Act (415 ILCS 5 (2004)), the Agency decides whether to approve proposed cleanup plans for leaking UST sites, as well as requests for cleanup cost reimbursement from the State's UST Fund, which consists of UST fees and motor fuel taxes. If the Agency disapproves or modifies a submittal, the UST owner or operator may appeal the decision to the Board. See 415 ILCS 5/40(a)(1), 57-57.17 (2004); 35 Ill. Adm. Code 105.Subpart D. Because Frey has failed to timely file an appeal of the Agency's August 16, 2006 determination, the Board dismisses this case and closes 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 January 4, 2007, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board