

ILLINOIS POLLUTION CONTROL BOARD  
August 5, 2010

PENSKE TRUCK LEASING, LP,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 10-93
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

By letter dated and received by the Board on April 29, 2010, Penske Truck Leasing, LP (Penske) requested a 90-day extension of the 35-day time period for Penske to appeal a March 22, 2010 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2008). The Agency determination, received by Penske on March 26, 2010, concerns Penske's leaking underground storage tank (UST) site at 2100 Busse Road in Elk Grove Village, Cook County. The Agency denied Penske's request for reimbursement of costs from the UST Fund.

In its May 20, 2010 order, the Board found that because the Agency did not join in the request for a 90-day extension, the statutory condition for extending the appeal period was not met. *See* 415 ILCS 5/40(a)(1) (2008). In accordance with precedent, the Board construed Penske's letter as a timely filed petition for review so that Penske would not lose its right to appeal the Agency's determination. The Board then found the petition insufficient for several reasons and ordered that Penske file an amended petition to cure the deficiencies within 30 days of the order. The Board cautioned Penske that failure to timely file an amended petition would result in dismissal of this matter. The amended petition was due by June 21, 2010, the first business day following the 30th day after the date of the Board order. *See* 35 Ill. Adm. Code 101.300(a).

To date, the Board has not received an amended petition for review. Because Penske failed to timely file an amended petition, the Board dismisses this case and closes the docket.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 5, 2010, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

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John Therriault, Assistant Clerk  
Illinois Pollution Control Board