

ILLINOIS POLLUTION CONTROL BOARD
October 2, 2014

HAMILTON & GROVE)	
PROPERTIES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 15-71
)	(Permit Appeal - Land)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by D. Glosser):

On September 12, 2014, Hamilton & Grove (petitioner) filed a request asking the Board to grant a 90-day extension within which the petitioner may appeal an August 15, 2014, determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2012); 35 Ill. Adm. Code 101.300(b), 105.402, 105.404, 105.406. The Agency's determination concerns petitioner's site located at 7705 Cottage Grove Avenue, Chicago, Cook County. The request was not filed jointly by the petitioner and the Agency. Therefore, on September 18, 2014, the Board accepted petitioner's filing as a petition to contest the permit denial, and directed petitioner to file an amended petition to cure deficiencies identified in that order. The Board on its own motion reconsiders the September 18, 2014 order construing the request as a petition for review.

On September 22, 2014, the Agency timely filed a request for a 90-day extension. The notice was timely filed because it was postmarked on or before the filing deadline. *See* 415 ILCS 5/40(a)(1) (2012); 35 Ill. Adm. Code 101.300(b), 105.206(c), 105.208(a), (c).

As the Agency now joins in the request for a 90-day extension, the Board finds that there is new evidence to conclude that the Board's September 18, 2014 order was in error. *See* 35 Ill. Adm. Code 101.902. Therefore, the Board vacates the September 18, 2014 order and grants a 90-day extension of the appeal period. The Board extends the appeal period until December 18, 2014, as the parties request. *See* 415 ILCS 5/40(a)(1) (2012); 35 Ill. Adm. Code 105.208(a). If petitioner 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, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 18, 2014, by a vote of 4-0.

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

John T. Therriault, Clerk
Illinois Pollution Control Board