

ILLINOIS POLLUTION CONTROL BOARD  
January 26, 2007

AUBURN REALTY COMPANY, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 07-54
	)	(UST Appeal)
ILLINOIS ENVIRONMENTAL	)	(90-Day Extension)
PROTECTION AGENCY,	)	
	)	
Respondent.	)	
	)	

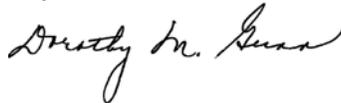
ORDER OF THE BOARD (by G.T. Girard):

On January 3, 2007, the parties timely filed a joint notice to extend the 35-day period within which Auburn Realty Company, Inc. (Auburn Realty) may appeal a November 16, 2006 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2004); 35 Ill. Adm. Code 105.402, 105.406. Because the postmark date of the joint request is within the time for filing based on the petitioner's receipt of the determination on November 30, 2006 as the parties assert, the joint request was timely filed. 35 Ill. Adm. Code 101.300(b)(2), 105.404. The Agency accepted petitioner's corrective action plan for Auburn Realty's leaking underground petroleum storage tank facility located at Highway 48 and 5th Street, Palmer, Christian County. But, the Agency modified the associated budget.

The Board extends the appeal period until April 4, 2007, as the parties request, based on the November 30, 2006 receipt date. *See* 415 ILCS 5/40(a)(1) (2004); 35 Ill. Adm. Code 105.406. If Auburn Realty 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 January 26, 2007, by a vote of 4-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board