

ILLINOIS POLLUTION CONTROL BOARD
January 26, 2007

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|-----------------------------|---|--------------------|
| SIEMENS ENEGY & AUTOMATION, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 07-69 |
| |) | (UST Appeal) |
| ILLINOIS ENVIRONMENTAL |) | (90-Day Extension) |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

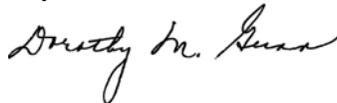
ORDER OF THE BOARD (by G.T. Girard):

On January 22, 2007, the parties timely filed a joint notice to extend the 35-day period within which Siemens Energy & Automation (Siemens) may appeal a December 14, 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 December 18, 2006, as the parties assert, the joint request was timely filed. 35 Ill. Adm. Code 101.300(b)(2), 105.404. The Agency approved, but with conditions and modifications, Siemens' request to modify various previously-approved Site Remediation Program documents (Comprehensive Site Investigation Report, Remediation Objective Report and Remediation Action Plan). These documents concern Siemens' leaking underground petroleum storage tank facility located at 100 McKee Street, Batavia, Kane County.

The Board extends the appeal period until April 19, 2007, as the parties request, based on the December 18, 2006 receipt date. *See* 415 ILCS 5/40(a)(1) (2004); 35 Ill. Adm. Code 105.406. If Siemens 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