

ILLINOIS POLLUTION CONTROL BOARD  
May 21, 2009

Mertz Motor Co., )  
)  
Petitioner, )  
)  
v. ) PCB 09-109  
) (LUST Appeal – 90-day Extension)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)  
Respondent. )

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

On May 15, 2009, the Board received a joint notice to extend the 35-day period for Mertz Motor Company (Mertz) to appeal an April 16, 2009, determination of the Illinois Environmental Protection Agency (Agency). The determination concerns Mertz's leaking underground storage tank site at 4 East Washington, Millstadt, Illinois 62260, in Saint Clair County. See 415 ILCS 5/40(a)(1) (2006); 35 Ill. Adm. Code 101.300(b), 105.208(a). The Agency issued a voucher to Mertz for \$36,325.50, in response to Mertz's application for \$434,045.50 in payment from the Underground Storage Tank Fund for the above-referenced Leaking UST incident. Pursuant to 35 Ill. Adm. Code 734.630(c), the Agency denied approval for \$397,720.00 in requested remediation and disposal costs and demolition costs, finding the costs ineligible for payment from the Fund due to a lack of supporting documentation in Mertz's application. According to the joint notice, Mertz received the Agency determination on April 18, 2009. Therefore, the deadline to file an appeal is May 23, 2009, which is the 35th day after the petitioner received the Agency decision. See 35 Ill. Adm. Code 105.404.

The Board extends the appeal period until August 21, 2009, which is the 90th day after the original deadline. ILCS 415 5/40(a)(1) (2006); See 35 Ill. Adm. Code 105.406. If Mertz fails to file an appeal on or before that date, the Board will dismiss this case and close the docket. 35 Ill. Adm. Code 105.404 (2006).

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 21, 2009, by a vote of 5-0.



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John Therriault, Assistant Clerk  
Illinois Pollution Control Board

