

ILLINOIS POLLUTION CONTROL BOARD
June 6, 1996

DAILY SOUTHTOWN, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 96-205
)	(Permit Appeal - Air)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

On March 27, 1996 Daily Southtown, Inc. (Southtown) filed a notice of extension of the 35-day appeal period pursuant to Section 40 of the Environmental Protection Act, relating to a February 23, 1996 Illinois Environmental Protection Agency (Agency) final determination. The Agency, on April 1, 1996, filed its agreement to the extension.

By order of April 4, 1996 the Board reserved docket PCB 96-205 for any petition which might be filed by Southtown. The order stated, "In the event that Southtown fails to file an appeal on or before May 23, 1996 (the 90th day after February 23, 1996), the Board will dismiss the docket as unnecessary."

No petition has been filed. This matter is dismissed and the docket is closed as unnecessary.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration.")

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the ____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board