

ILLINOIS POLLUTION CONTROL BOARD
June 18, 2009

OSCO/HENRY SERVICE COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 09-122
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	(90-day Extension)
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On June 8, 2009, the parties timely filed a joint notice to extend the 35-day period for Osco/Henry Service Company (Henry) to appeal a May 12, 2009 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2006); 35 Ill. Adm. Code 101.300(b), 105.406. The determination concerns Henry's leaking underground storage tank (UST) site at East Main Street in Osco, Henry County. In the determination, the Agency denied \$282,083.57 in requested reimbursement from the UST Fund. According to the joint notice, Henry received the Agency determination on May 14, 2009. Therefore, absent an extension, the deadline to file an appeal is June 18, 2009, which is the 35th day after Henry received the Agency determination. *See* 35 Ill. Adm. Code 105.404.

The Board extends the appeal period until September 16, 2009, as the parties request. 415 ILCS 5/40(a)(1) (2006); *See* 35 Ill. Adm. Code 105.406. If Henry 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 Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 18, 2009, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board