

ILLINOIS POLLUTION CONTROL BOARD
August 7, 1997

SKY-VIEW WHOLESALE NURSERY)	
COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 97-206
)	(UST - Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On May 27, 1997, the Illinois Environmental Protection Agency (Agency) and Sky-View Wholesale Nursery Company (petitioner) filed a request for extension of the 35-day appeal period pursuant to Section 40 of the Environmental Protection Act (415 ILCS 5/40(a)(1) (1996)), relating to an April 23, 1997, Agency determination. The Agency requested the extension "to July 22, 1997, or any other date not more than a total of 90 days from the date of the Agency's final determination."

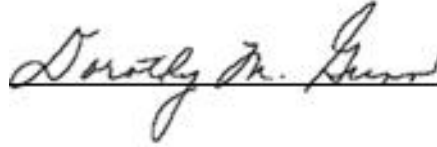
By order of June 5, 1997, the Board reserved docket PCB 97-206 for any petition which might be filed by petitioner in this matter. The order stated, "[i]n the event that petitioner fails to file an appeal on or before July 22, 1997 (the 90th day after April 23, 1997), the Board will dismiss the docket as unnecessary."

Since no petition has been filed, the Board dismisses this matter and closes the docket.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 145 Ill. 2d R. 335; 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 7th day of August 1997, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board