

ILLINOIS POLLUTION CONTROL BOARD
September 18, 1997

WHEELABRATOR WATER)	
TECHNOLOGIES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 98-3
)	(UST - Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On July 3, 1997, the Illinois Environmental Protection Agency (Agency) and Wheelabrator Water Technologies, Inc. (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 a May 29, 1997 Agency determination. The Agency requested the extension “to August 27, 1997, or any other date not more than a total of 90 days from the date of the Agency’s final determination.”

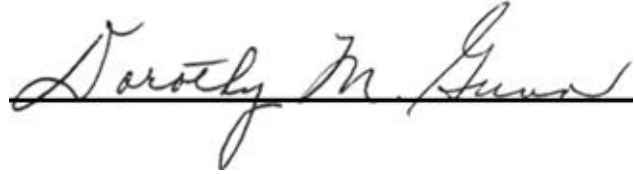
By order of July 10, 1997, the Board reserved docket PCB 98-3 for any petition which might be filed by petitioner in this matter. The order stated, “[i]n the event that petitioner fails to file an appeal on or before August 27, 1997 (the 90th day after May 29, 1997), the Board will dismiss the docket 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 18th day of September 1997, by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board