

ILLINOIS POLLUTION CONTROL BOARD
September 21, 1995

COMPOST ENTERPRISES, INC.,)
)
 Petitioner,)
)
 v.) PCB 95-172
) (Permit Appeal-Land
) Ninety-Day Extension)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

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

On June 14, 1995, the Illinois Environmental Protection Agency (Agency) and Compost Enterprises, Inc., (Compost Enterprises) filed a notice of extension of the 35-day appeal period pursuant to Section 40 of the Act, relating to a May 16, 1995 Agency denial of Compost Enterprises application to operate a landscape waste management site.

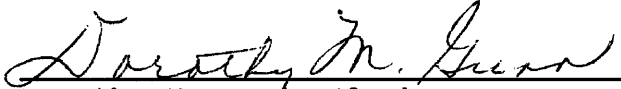
By order of June 8, 1995, the Board reserved Docket PCB 95-172 for any appeal which might be filed by the Compost Enterprises. The order stated "In the event that the Compost Enterprises fails to file an appeal on or before September 18, 1995 (the 125th day after May 16, 1995), the Board will dismiss the docket as unnecessary."

No appeal has been filed. The docket is accordingly dismissed as unnecessary.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act, (415 ILCS 5/41 (1994)), provides for appeal of final orders of the Board within 35 days. 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 21st day of September, 1995, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board