

ILLINOIS POLLUTION CONTROL BOARD
November 6, 1997

EXOLON ESK COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 98-63
)	(Permit Appeal - Water)
ILLINOIS ENVIRONMENTAL)	(90-Day Extension)
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On October 27, 1997, the Illinois Environmental Protection Agency (Agency) and Exolon ESK Company (petitioner) filed a request for extension of the 35-day appeal period pursuant to Section 40 of the Environmental Protection Act (Act) (415 ILCS 5/40(a)(1) (1996)), relating to a September 26, 1997, Agency determination. The parties have agreed to extend the 35-day appeal period for a total of 90 days from the Agency's determination (December 26, 1997).

Section 40(a)(1) of the Act, which governs the appeal process, provides:

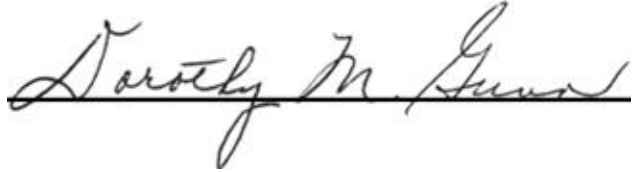
the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Agency within the initial appeal period. 415 ILCS 5/40(a)(1) (1996).

As the Board maintains its files by docket number only, the Board will reserve docket PCB 98-63 for any appeal which may be filed by petitioner. Petitioner is directed to use this docket number in any future filing concerning this appeal. In the event that petitioner fails to file an appeal on or before December 26, 1997 (the 90th day after September 26, 1997), the Board will dismiss the docket. A \$75 filing fee will be required if petitioner files such petition.

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 6th day of 1997, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board