

ILLINOIS POLLUTION CONTROL BOARD
October 3, 1996

T & H MACHINE, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 97-3
)	(UST - Appeal)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On July 9, 1996 the Illinois Environmental Protection Agency (Agency) and T & H Machine, Inc. (petitioner) filed a joint notice of extension of the 35-day appeal period pursuant to Section 40 of the Environmental Protection Act, relating to the June 6, 1996 Agency determination.

By order of July 18, 1996 the Board reserved docket PCB 97-3 for any petition which might be filed by petitioner. The order stated, "In the event that petitioner fails to file an appeal on or before September 4, 1996 (the 90th day after June 6, 1996), the Board will dismiss the docket as unnecessary."

No petition has been filed. This matter is dismissed and the docket is closed as unnecessary.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. 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 ____ day of _____, 1996, by a vote of

_____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board