

ILLINOIS POLLUTION CONTROL BOARD
June 6, 2024

PAV2, LLC,)	
)	
Petitioner,)	
)	
v.)	PCB 24-75
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M. Gibson):

On May 21, 2024, PAV2, LLC (PAV2) filed a petition asking the Board to review a January 19, 2024 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2022); 35 Ill. Adm. Code 101.300(b), 105.402, 105.404. The Agency’s determination concerns PAV2’s leaking underground storage tank (UST) site located at 5901 South Pulaski Road in Chicago, Cook County.

Under Section 40(a)(1) of the Environmental Protection Act “the applicant may, within 35 days after the date on which the Agency served its decision on the applicant, petition for a hearing before the Board to contest the decision of the Agency. However, the 35-day period for petitioning for a hearing may be extended for an additional 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) (2022); *see* 35 Ill. Adm. Code 105.406. The Board’s procedural rules continue by requiring that “[t]he applicant and the Agency must jointly file a request for extension with the Board within 35 days after the date of service of the Agency’s final decision.” 35 Ill. Adm. Code 105.406.

During the initial 35-day appeal period, PAV2 did not file a petition, and PAV2 and the Agency did not jointly file a written request to extend that deadline. Because PAV2 failed to timely file an appeal, the Board lacks jurisdiction to hear the appeal. The Board cannot accept the petition filed on May 21, 2024, and closes the docket.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 6, 2024, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board