

ILLINOIS POLLUTION CONTROL BOARD
May 5, 2005

WAYNE & DENNIS SWANSON,)	
)	
Petitioner,)	
)	
v.)	PCB 05-189
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	(90-Day Extension)
PROTECTION AGENCY,)	
)	
Respondent.)	

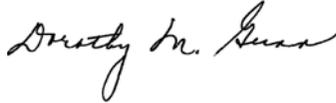
ORDER OF THE BOARD (by J.P. Novak):

On April 26, 2005, the parties timely filed a joint notice to extend the 35-day period within which Wayne & Dennis Swanson may appeal a March 15, 2005 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.402, 105.406. Because the postmark date of the joint request is within the time for filing, the joint request was timely filed. 35 Ill. Adm. Code 101.300(b)(2), 105.404. The Agency rejected the 45-day/corrective action completion report for Wayne & Dennis Swanson's leaking underground petroleum storage tank facility located at 122 West Wilson, Batavia, Kane County.

The Board extends the appeal period until July 21, 2005, as the parties request. *See* 415 ILCS 5/40(a)(1) (2002); 35 Ill. Adm. Code 105.406. If Wayne & Dennis Swanson fail to file an appeal on or before that date, the Board will dismiss this case and close the docket.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 5, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board