

ILLINOIS POLLUTION CONTROL BOARD

July 18, 1996

|                                  |   |                       |
|----------------------------------|---|-----------------------|
| HERB TREDER                      | ) |                       |
| (High Priority Corrective Action | ) |                       |
| Completion Report),              | ) |                       |
|                                  | ) |                       |
| Petitioner,                      | ) |                       |
|                                  | ) |                       |
| v.                               | ) | PCB 97-7              |
|                                  | ) | (UST - Appeal         |
|                                  | ) | Ninety-Day Extension) |
| ILLINOIS ENVIRONMENTAL           | ) |                       |
| PROTECTION AGENCY,               | ) |                       |
|                                  | ) |                       |
| Respondent.                      | ) |                       |

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

On July 9, 1996 the Illinois Environmental Protection Agency (Agency) and Herb Treder (petitioner) filed a joint notice of extension of the 35-day appeal period pursuant to Section 40 of the Environmental Protection Act, relating to three separate June 4, 1996 Agency determinations. The final determinations concern petitioner's site located at 1168 Route 41, Gurnee, Lake County, Illinois. The Agency requested the extension "to September 2, 1996, or any other date not more than a total of 90 days from the date of the Agency's final determination."

P.A. 88-690 (SB1724) effective January 24, 1995 amends Section 40(a), which governs the permit appeal process, to provide:

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.

Because there are three different Agency determinations, the Board will handle the July 9 filing as three separate requests for extension. As the Board maintains its files by docket number only, the Board will reserve the following dockets for any appeals which may be filed by petitioner; the Site Classification and Completion Report as PCB 97-5, the High Priority Corrective Action Plan and 45-Day Report as PCB 97-6, and the High Priority Corrective Action Completion Report as PCB 97-7. Petitioner is directed to use these docket numbers for any future filings concerning these appeals. In the event that petitioner fails to file an appeal in any or all of these dockets on or before September 2, 1996 (the 90th day after June 4, 1996), the Board will dismiss the docket(s) as unnecessary. A \$75 filing fee will, of course, be required for each appeal at such time as petitioner files any petition(s).

IT IS SO ORDERED.

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 \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board