

ILLINOIS POLLUTION CONTROL BOARD
April 6, 1995

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|------------------------|---|-------------------|
| C&S RECYCLING, INC., |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 95-100 |
| |) | (Permit Appeal - |
| |) | 90-day extension) |
| |) | |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

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

On March 16, 1995, the Board issued an order concerning the notice of extension of the 35 day permit appeal period pursuant to Section 40(a)(1) of the Act, as amended by P.A. 88-690,¹ filed by C&S Recycling, Inc. (C&S). Noting that it was the first such request filed, the Board stated that it would dismiss the docket if an appeal was not filed "on or before May 11, 1995, the 90th day after February 10, 1995". In so stating, the Board had construed the somewhat ambiguous language of P.A. 88-690 to allow an extension of the appeal period for a total of 90 days.

Today, in PCB 95-105, Saline County Landfill v. IEPA, the Board granted an extension totaling 125 days (35 days plus a 90-day extension), based on petitioner's interpretation of the statutory language, with which the Agency did not disagree.

In the interests of consistency, the Board on its own motion reconsiders its order of March 16, 1995 and modifies its order as follows. The extension will continue for a full 125 days, so that in the event C&S fails to file an appeal on or before June 15, 1995, the Board will dismiss this docket.

IT IS SO ORDERED.

¹ P.A. 88-690 amends Section 40(a)(1) to provide, in pertinent part, 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.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 6th day of April, 1995, by a vote of 7-0.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board