

ILLINOIS POLLUTION CONTROL BOARD
November 2, 1995

RICHARD KURTZ (Site)
Classification Plan),)
)
Petitioner,)
)
v.) PCB 96-17
) (UST Appeal Ninety-Day
) Extension)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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

On July 27, 1995, the Illinois Environmental Protection Agency (Agency) and Richard Kurtz (Kurtz) filed a notice of extension of the 35-day appeal period pursuant to Section 40 of the Act, relating to a June 23, 1995 Agency rejection of Kurtz's Site Classification Plan.

By order of August 3, 1995, the Board reserved Docket PCB 96-17 for any petition which might be filed by Kurtz. The order stated "In the event that Kurtz fails to file an appeal on or before October 25, 1995 (the 125th day after June 23, 1995), 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 appeal of final orders of the Board within 35 days. 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 _____, 1995, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board