

ILLINOIS POLLUTION CONTROL BOARD

July 18, 1996

T & H MACHINE, INC.,)	
)	
Petitioner,)	
)	
v.)	
)	PCB 97-3
ILLINOIS ENVIRONMENTAL)	(UST - Appeal
PROTECTION AGENCY,)	Ninety-Day Extension)
)	
Respondent.)	

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

On July 9, 1996 the Illinois Environmental Protection Agency (Agency) and T & H Machine, Inc. (petitioner) filed a joint notice of extension of the 35-day appeal period pursuant to Section 40 of the Environmental Protection Act, relating to the June 6, 1996 Agency determination. The Agency requested the extension "to September 4, 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.

As the Board maintains its files by docket number only, the Board will reserve docket PCB 97-3 for any appeal which may be filed by petitioner; petitioner is directed to use this docket number in any future filing concerning this appeal. In the event that petitioner fails to file an appeal on or before September 4, 1996 (the 90th day after June 6, 1996), the Board will dismiss the docket as unnecessary. A \$75 filing fee will, of course, be required at such time as petitioner files such petition.

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 _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board