

ILLINOIS POLLUTION CONTROL BOARD
July 18, 1996

D'ARCY OLDSMOBILE,)
)
 Petitioner,)
) PCB 96-224
 v.) (UST-FRD)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Yi):

On April 29, 1996, D'Arcy Oldsmobile (D'Arcy) filed a notice of extension of the 35-day appeal period pursuant to Section 40 of the Act, relating to a March 22, 1996, Illinois Environmental Protection Agency (Agency) final determination. The Agency on April 29, 1996 filed its agreement to the extension.

By order of May 2, 1996, the Board reserved Docket 96-224 for any petition which might be filed by D'Arcy. The order stated "In the event that D'Arcy Oldsmobile fails to file an appeal on or before June 20, 1996 (the 90th day after March 22, 1996), 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 the appeal of final Board orders within 35 days of the date of service of this order. 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 _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board