

ILLINOIS POLLUTION CONTROL BOARD
October 6, 2005

WILLIAM BREUER,)	
)	
Petitioner,)	
)	
v.)	PCB 06-25
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.P. Novak):

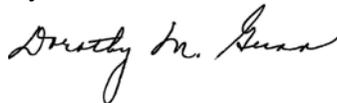
On August 12, 2005, William Breuer timely filed a petition asking the Board to review a July 6, 2005 determination of the Illinois Environmental Protection Agency (Agency). *See* 415 ILCS 5/40(a)(1) (2000); 35 Ill. Adm. Code 105.404. In an order dated August 18, 2005, the Board accepted Breuer's petition for hearing.

On September 20, 2005, Breuer filed a motion to amend his petition for review of a final Agency leaking underground storage tank decision (Mot.), to which he attached an amended petition. Breuer states that, after filing his original petition, he discovered an error regarding on-site deed restrictions in the High Priority Corrective Action Plan. *See* Mot. at 1. Breuer also states that the Agency has no objection to filing the amended petition. Mot. at 2.

The Board grants Breuer's motion to amend his petition for review of the Agency's July 6, 2005 decision and accepts the amended petition. The Board's procedural rules provide that, "[w]hen the petitioner files an amended petition, the decision period recommences when the amended petition is filed in accordance with 35 Ill. Adm. Code 101.300(b)(4)." 35 Ill. Adm. Code 105.114. Since the Clerk date-stamped Breuer's amended petition September 20, 2005, the current decision deadline is January 18, 2006, the 120th day after September 20, 2005. 415 ILCS 5/40(a)(2) (2004); *see* 35 Ill. Adm. Code 101.300(b)(4). The Board meeting date immediately preceding the decision deadline is January 5, 2006.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 6, 2005, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board