

ILLINOIS POLLUTION CONTROL BOARD
May 2, 1996

NORFOLK SOUTHERN)	
CORPORATION,)	
)	
Petitioner,)	PCB 96-190
)	(UST - Appeal)
v.)	
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On March 6, 1996, the Illinois Environmental Protection Agency (Agency) and Norfolk Southern Corporation (Norfolk) filed a joint notice of extension of the 35-day appeal period pursuant to Section 40 of the Act, relating to a January 22, 1996 Agency determination regarding Norfolk's Site Classification Completion Report.

By order of March 7, 1996, the Board reserved Docket PCB 96-190 for any petition which might be filed by Norfolk. The order stated " In the event that Norfolk fails to file an appeal on or before April 21, 1996 (the 90th day after January 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